

As Reported by the Committee of Conference

127th General Assembly

Regular Session

2007-2008

Am. Sub. H. B. No. 562

Representative Hottinger

Cosponsors: Representatives Peterson, Skindell, Bacon, Bolon, Boyd, Brown, Budish, Chandler, Evans, Flowers, Garrison, Hagan, R., Hite, Jones, McGregor, R., Patton, Redfern, Schlichter, Stewart, D., Stewart, J., Strahorn, Yates, Adams, Book, Brady, Collier, Combs, Dolan, Domenick, Dyer, Gerberry, Goyal, Hagan, J., Harwood, Hughes, Koziura, Mallory, McGregor, J., Schindel, Setzer, Szollosi, Ujvagi, Webster, White, Widowfield, Beatty, Celeste, Coley, Fende, Heard, Letson, Luckie, Newcomb, Sykes, Williams, B.

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5739.213 of the Revised Code; to amend Sections 89
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of Am. Sub. H.B. 119 of the 127th General 104
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General Assembly; to repeal Section 5 of Am. Sub. 110
H.B. 24 of the 127th General Assembly and to 111

repeal Section 375.80.10 of Am. Sub. H.B. 119 of 112
the 127th General Assembly to make capital and 113
other appropriations and to provide authorization 114
and conditions for the operation of state 115
programs. 116
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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, 121
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6117.45, and 6117.49 be amended; sections 3323.31 (3323.33), 166
3323.32 (3323.34), 3323.33 (3323.35), 3353.20 (3333.81), 3353.21 167
(3333.82), 3353.22 (3333.83), 3353.26 (3333.85), 3353.27 168
(3333.86), 3353.28 (3333.87), and 3353.29 (3333.88) be amended for 169
the purposes of adopting new section numbers as indicated in 170
parentheses; and new sections 3323.31 and 3323.32 and sections 171
107.19, 125.051, 133.52, 135.101, 135.102, 135.103, 135.104, 172
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5502.68, 5533.94, 5703.82, 5705.199, 5721.371, 5721.381, 5747.082, 180
5749.17, 6121.045, and 6123.042 of the Revised Code be enacted to 181
read as follows: 182

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Sec. 9.231. (A)(1) Subject to divisions (A)(2) and (3) of 187
this section, a governmental entity shall not disburse money 188
totaling twenty-five thousand dollars or more to any person for 189
the provision of services for the primary benefit of individuals 190
or the public and not for the primary benefit of a governmental 191
entity or the employees of a governmental entity, unless the 192
contracting authority of the governmental entity first enters into 193
a written contract with the person that is signed by the person or 194
by an officer or agent of the person authorized to legally bind 195
the person and that embodies all of the requirements and 196
conditions set forth in sections 9.23 to 9.236 of the Revised 197
Code. If the disbursement of money occurs over the course of a 198
governmental entity's fiscal year, rather than in a lump sum, the 199
contracting authority of the governmental entity shall enter into 200
the written contract with the person at the point during the 201
governmental entity's fiscal year that at least seventy-five 202
thousand dollars has been disbursed by the governmental entity to 203
the person. Thereafter, the contracting authority of the 204

governmental entity shall enter into the written contract with the 205
person at the beginning of the governmental entity's fiscal year, 206
if, during the immediately preceding fiscal year, the governmental 207
entity disbursed to that person an aggregate amount totaling at 208
least seventy-five thousand dollars. 209

(2) If the money referred to in division (A)(1) of this 210
section is disbursed by or through more than one state agency to 211
the person for the provision of services to the same population, 212
the contracting authorities of those agencies shall determine 213
which one of them will enter into the written contract with the 214
person. 215

(3) The requirements and conditions set forth in divisions 216
(A), (B), (C), and (F) of section 9.232, divisions (A)(1) and (2) 217
and (B) of section 9.234, divisions (A)(2) and (B) of section 218
9.235, and sections 9.233 and 9.236 of the Revised Code do not 219
apply with respect to the following: 220

(a) Contracts to which all of the following apply: 221

(i) The amount received for the services is a set fee for 222
each time the services are provided, is determined in accordance 223
with a fixed rate per unit of time or per service, or is a 224
capitated rate, and the fee or rate is established by competitive 225
bidding or by a market rate survey of similar services provided in 226
a defined market area. The market rate survey may be one conducted 227
by or on behalf of the governmental entity or an independent 228
survey accepted by the governmental entity as statistically valid 229
and reliable. 230

(ii) The services are provided in accordance with standards 231
established by state or federal law, or by rules or regulations 232
adopted thereunder, for their delivery, which standards are 233
enforced by the federal government, a governmental entity, or an 234
accrediting organization recognized by the federal government or a 235

governmental entity.	236
(iii) Payment for the services is made after the services are delivered and upon submission to the governmental entity of an invoice or other claim for payment as required by any applicable local, state, or federal law or, if no such law applies, by the terms of the contract.	237 238 239 240 241
(b) Contracts under which the services are reimbursed through or in a manner consistent with a federal program that meets all of the following requirements:	242 243 244
(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.	245 246 247 248
(ii) The reimbursement rate is derived from a breakdown of direct and indirect costs.	249 250
(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.	251 252 253 254
(iv) The program includes a uniform cost reporting system with specific audit requirements.	255 256
(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.	257 258 259 260 261
(d) Contracts for services that are paid pursuant to the earmarking of an appropriation made by the general assembly for that purpose.	262 263 264
(B) Division (A) of this section does not apply if the money	265

is disbursed to a person pursuant to a contract with the United States or a governmental entity under any of the following circumstances:

(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.

(2) The person receives the money solely in return for the performance of one or more of the following types of services:

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

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

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

(d) Educational services provided by a school to children eligible to attend that school. For purposes of division (B)(2)(d) of this section, "school" means any school operated by a school

district board of education, any community school established 297
under Chapter 3314. of the Revised Code, or any nonpublic school 298
for which the state board of education prescribes minimum 299
education standards under section 3301.07 of the Revised Code. 300

(e) Services provided by a foster home as defined in section 301
5103.02 of the Revised Code; 302

(f) "Routine business services other than administrative or 303
management services," as that term is defined by the attorney 304
general by rule adopted in accordance with Chapter 119. of the 305
Revised Code; 306

(g) Services to protect the environment or promote 307
environmental education that are provided by a nonprofit entity or 308
services to protect the environment that are funded with federal 309
grants or revolving loan funds and administered in accordance with 310
federal law; 311

(h) Services, including administrative and management 312
services, provided under the children's buy-in program established 313
under sections 5101.5211 to 5101.5216 of the Revised Code. 314

(3) The person receives the money solely in return for the 315
performance of services intended to help preserve public health or 316
safety under circumstances requiring immediate action as a result 317
of a natural or man-made emergency. 318

(C) With respect to a nonprofit association, corporation, or 319
organization established for the purpose of providing educational, 320
technical, consulting, training, financial, or other services to 321
its members in exchange for membership dues and other fees, any of 322
the services provided to a member that is a governmental entity 323
shall, for purposes of this section, be considered services "for 324
the primary benefit of a governmental entity or the employees of a 325
governmental entity. 326

Sec. 9.24. (A) Except as may be allowed under division (F) of 327
this section, no state agency and no political subdivision shall 328
award a contract as described in division (G)(1) of this section 329
for goods, services, or construction, paid for in whole or in part 330
with state funds, to a person against whom a finding for recovery 331
has been issued by the auditor of state on and after January 1, 332
2001, if the finding for recovery is unresolved. 333

A contract is considered to be awarded when it is entered 334
into or executed, irrespective of whether the parties to the 335
contract have exchanged any money. 336

(B) For purposes of this section, a finding for recovery is 337
unresolved unless one of the following criteria applies: 338

(1) The money identified in the finding for recovery is paid 339
in full to the state agency or political subdivision to whom the 340
money was owed; 341

(2) The debtor has entered into a repayment plan that is 342
approved by the attorney general and the state agency or political 343
subdivision to whom the money identified in the finding for 344
recovery is owed. A repayment plan may include a provision 345
permitting a state agency or political subdivision to withhold 346
payment to a debtor for goods, services, or construction provided 347
to or for the state agency or political subdivision pursuant to a 348
contract that is entered into with the debtor after the date the 349
finding for recovery was issued. 350

(3) The attorney general waives a repayment plan described in 351
division (B)(2) of this section for good cause; 352

(4) The debtor and state agency or political subdivision to 353
whom the money identified in the finding for recovery is owed have 354
agreed to a payment plan established through an enforceable 355
settlement agreement. 356

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

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

(b) Awarding a contract to the debtor for the essential services described in division (B)(5)(a) of this section is in the best interest of the state;

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

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

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

(D) The auditor of state shall maintain a database, accessible to the public, listing persons against whom an unresolved finding for recovery has been issued, and the amount of the money identified in the unresolved finding for recovery. The auditor of state shall have this database operational on or before

January 1, 2004. The initial database shall contain the 388
information required under this division for calendar years 2001, 389
2002, and 2003. 390

Beginning January 15, 2004, the auditor of state shall update 391
the database by the fifteenth day of every January, April, July, 392
and October to reflect resolved findings for recovery that are 393
reported to the auditor of state by the attorney general on the 394
first day of the same month pursuant to division (C) of this 395
section. 396

(E) Before awarding a contract as described in division 397
(G)(1) of this section for goods, services, or construction, paid 398
for in whole or in part with state funds, a state agency or 399
political subdivision shall verify that the person to whom the 400
state agency or political subdivision plans to award the contract 401
has no unresolved finding for recovery issued against the person. 402
A state agency or political subdivision shall verify that the 403
person does not appear in the database described in division (D) 404
of this section or shall obtain other proof that the person has no 405
unresolved finding for recovery issued against the person. 406

(F) The prohibition of division (A) of this section and the 407
requirement of division (E) of this section do not apply with 408
respect to the companies, payments, or agreements described in 409
divisions (F)(1) and (2) of this section, or in the circumstance 410
described in division (F)(3) of this section. 411

(1) A bonding company or a company authorized to transact the 412
business of insurance in this state, a self-insurance pool, joint 413
self-insurance pool, risk management program, or joint risk 414
management program, unless a court has entered a final judgment 415
against the company and the company has not yet satisfied the 416
final judgment. 417

(2) To medicaid provider agreements under Chapter 5111. of 418

the Revised Code ~~or~~ payments or provider agreements under 419
disability assistance medical assistance established under Chapter 420
5115. of the Revised Code, or payments or provider agreements 421
under the children's buy-in program established under sections 422
5101.5211 to 5101.5216 of the Revised Code. 423

(3) When federal law dictates that a specified entity provide 424
the goods, services, or construction for which a contract is being 425
awarded, regardless of whether that entity would otherwise be 426
prohibited from entering into the contract pursuant to this 427
section. 428

(G)(1) This section applies only to contracts for goods, 429
services, or construction that satisfy the criteria in either 430
division (G)(1)(a) or (b) of this section. This section may apply 431
to contracts for goods, services, or construction that satisfy the 432
criteria in division (G)(1)(c) of this section, provided that the 433
contracts also satisfy the criteria in either division (G)(1)(a) 434
or (b) of this section. 435

(a) The cost for the goods, services, or construction 436
provided under the contract is estimated to exceed twenty-five 437
thousand dollars. 438

(b) The aggregate cost for the goods, services, or 439
construction provided under multiple contracts entered into by the 440
particular state agency and a single person or the particular 441
political subdivision and a single person within the fiscal year 442
preceding the fiscal year within which a contract is being entered 443
into by that same state agency and the same single person or the 444
same political subdivision and the same single person, exceeded 445
fifty thousand dollars. 446

(c) The contract is a renewal of a contract previously 447
entered into and renewed pursuant to that preceding contract. 448

(2) This section does not apply to employment contracts. 449

(H) As used in this section:	450
(1) "State agency" has the same meaning as in section 9.66 of the Revised Code.	451 452
(2) "Political subdivision" means a political subdivision as defined in section 9.82 of the Revised Code that has received more than fifty thousand dollars of state money in the current fiscal year or the preceding fiscal year.	453 454 455 456
(3) "Finding for recovery" means a determination issued by the auditor of state, contained in a report the auditor of state gives to the attorney general pursuant to section 117.28 of the Revised Code, that public money has been illegally expended, public money has been collected but not been accounted for, public money is due but has not been collected, or public property has been converted or misappropriated.	457 458 459 460 461 462 463
(4) "Debtor" means a person against whom a finding for recovery has been issued.	464 465
(5) "Person" means the person named in the finding for recovery.	466 467
(6) "State money" does not include funds the state receives from another source and passes through to a political subdivision.	468 469 470
Sec. 9.835. (A) As used in this section:	471
(1) "Energy price risk management contract" means a contract that mitigates <u>is intended to mitigate</u> , for the term of the contract, the price volatility of energy sources, including, but not limited to, <u>a contract or futures contract for</u> natural gas, gasoline, oil, and diesel fuel, and that is a budgetary and financial tool only and not a contract for the procurement of an energy source.	472 473 474 475 476 477 478
(2) "Political subdivision" means a county, city, village,	479

township, park district, ~~or~~ school district, or regional transit 480
authority. 481

(3) "State entity" means the general assembly, the supreme 482
court, the court of claims, the office of an elected state 483
officer, or a department, bureau, board, office, commission, 484
agency, institution, or other instrumentality of this state 485
established by the constitution or laws of this state for the 486
exercise of any function of state government, but excludes a 487
political subdivision, an institution of higher education, the 488
public employees retirement system, the Ohio police and fire 489
pension fund, the state teachers retirement system, the school 490
employees retirement system, the state highway patrol retirement 491
system, or the city of Cincinnati retirement system. 492

(4) "State official" means the elected or appointed official, 493
or that person's designee, charged with the management of a state 494
entity. 495

(B) If it determines that doing so is in the best interest of 496
the state entity or the political subdivision, and subject to, 497
respectively, state or local appropriation to pay amounts due, a 498
state official or the legislative or other governing authority of 499
a political subdivision may enter into an energy price risk 500
management contract. Money received pursuant to such a contract 501
entered into by a state official shall be deposited to the credit 502
of the general revenue fund of this state, and, unless otherwise 503
provided by ordinance or resolution enacted or adopted by the 504
legislative authority of the political subdivision authorizing any 505
such contract, money received under the contract shall be 506
deposited to the credit of the general fund of the political 507
subdivision. 508

(C) An energy price risk management contract is not an 509
investment for the purposes of section 135.14 of the Revised Code. 510

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

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

(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. 541

(B) Terms of office of each appointed member of the board 542
shall be for three years, except that members of the general 543
assembly appointed to the board shall be members of the board only 544
so long as they are members of the general assembly and the chief 545
of staff of the governor's office shall be a member of the board 546
only so long as the appointing governor remains in office. Each 547
member shall hold office from the date of the member's appointment 548
until the end of the term for which the member was appointed. In 549
case of a vacancy occurring on the board, the president of the 550
senate, the speaker of the house of representatives, or the 551
governor, as the case may be, shall in the same manner prescribed 552
for the regular appointment to the commission, fill the vacancy by 553
appointing a member. Any member appointed to fill a vacancy 554
occurring prior to the expiration of the term for which the 555
member's predecessor was appointed shall hold office for the 556
remainder of the term. Any appointed member shall continue in 557
office subsequent to the expiration date of the member's term 558
until the member's successor takes office, or until a period of 559
sixty days has elapsed, whichever occurs first. 560

(C) The board shall hold meetings in a manner and at times 561
prescribed by the rules adopted by the board. A majority of the 562
board constitutes a quorum, and no action shall be taken by the 563
board unless approved by at least six members or by at least seven 564
members if a person is appointed under division (A)(4) or (5) of 565
this section. At its first meeting, the board shall adopt rules 566
for the conduct of its business and the election of its officers, 567
and shall organize by selecting a chairperson and other officers 568
as it considers necessary. Board members shall serve without 569
compensation but shall be reimbursed for actual and necessary 570
expenses incurred in the performance of their duties. 571

(D) The board may do any of the following: 572

(1) Employ or hire on a consulting basis professional, 573
technical, and clerical employees as are necessary for the 574
performance of its duties; 575

(2) Hold public hearings at times and places as determined by 576
the board; 577

(3) Adopt, amend, or rescind rules necessary to accomplish 578
the duties of the board as set forth in this section; 579

(4) Sponsor, conduct, and support such social events as the 580
board may authorize and consider appropriate for the employees of 581
the board, employees and members of the general assembly, 582
employees of persons under contract with the board or otherwise 583
engaged to perform services on the premises of capitol square, or 584
other persons as the board may consider appropriate. Subject to 585
the requirements of Chapter 4303. of the Revised Code, the board 586
may provide beer, wine, and intoxicating liquor, with or without 587
charge, for those events and may use funds only from the sale of 588
goods and services fund to purchase the beer, wine, and 589
intoxicating liquor the board provides; 590

(5) Purchase a warehouse in which to store items of the 591
capitol collection trust and, whenever necessary, equipment or 592
other property of the board. 593

(E) The board shall do all of the following: 594

(1) Have sole authority to coordinate and approve any 595
improvements, additions, and renovations that are made to the 596
capitol square. The improvements shall include, but not be limited 597
to, the placement of monuments and sculpture on the capitol 598
grounds. 599

(2) Subject to section 3353.07 of the Revised Code, operate 600
the capitol square, and have sole authority to regulate all uses 601
of the capitol square. The uses shall include, but not be limited 602
to, the casual and recreational use of the capitol square. 603

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

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

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

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

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

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

(2) Fees, receipts, and revenues received by the board from

the state underground parking garage constitute available receipts 635
as defined in section 152.09 of the Revised Code, and may be 636
pledged to the payment of bond service charges on obligations 637
issued by the Ohio building authority pursuant to Chapter 152. of 638
the Revised Code to improve ~~or~~, finance, or purchase capital 639
facilities useful to the board. The authority may, with the 640
consent of the board, provide in the bond proceedings for a pledge 641
of all or a portion of those fees, receipts, and revenues as the 642
authority determines. The authority may provide in the bond 643
proceedings or by separate agreement with the board for the 644
transfer of those fees, receipts, and revenues to the appropriate 645
bond service fund or bond service reserve fund as required to pay 646
the bond service charges when due, and any such provision for the 647
transfer of those fees, receipts, and revenues shall be 648
controlling notwithstanding any other provision of law pertaining 649
to those fees, receipts, and revenues. 650

(3) All moneys received by the treasurer of state on account 651
of the board and required by the applicable bond proceedings or by 652
separate agreement with the board to be deposited, transferred, or 653
credited to the bond service fund or bond service reserve fund 654
established by the bond proceedings shall be transferred by the 655
treasurer of state to such fund, whether or not it is in the 656
custody of the treasurer of state, without necessity for further 657
appropriation, upon receipt of notice from the Ohio building 658
authority as prescribed in the bond proceedings. 659

(G) All fees, receipts, and revenues received by the board 660
from the state underground parking garage shall be deposited into 661
the state treasury to the credit of the underground parking garage 662
operating fund, which is hereby created, to be used for the 663
purposes specified in division (F) of this section and for the 664
operation and maintenance of the garage. All investment earnings 665
of the fund shall be credited to the fund. 666

(H) All donations received by the board shall be deposited 667
into the state treasury to the credit of the capitol square 668
renovation gift fund, which is hereby created. The fund shall be 669
used by the board as follows: 670

(1) To provide part or all of the funding related to 671
construction, goods, or services for the renovation of the capitol 672
square; 673

(2) To purchase art, antiques, and artifacts for display at 674
the capitol square; 675

(3) To award contracts or make grants to organizations for 676
educating the public regarding the historical background and 677
governmental functions of the capitol square. Chapters 125., 127., 678
and 153. and section 3517.13 of the Revised Code do not apply to 679
purchases made exclusively from the fund, notwithstanding anything 680
to the contrary in those chapters or that section. All investment 681
earnings of the fund shall be credited to the fund. 682

(I) Except as provided in divisions (G), (H), and (J) of this 683
section, all fees, receipts, and revenues received by the board 684
shall be deposited into the state treasury to the credit of the 685
sale of goods and services fund, which is hereby created. Money 686
credited to the fund shall be used solely to pay costs of the 687
board other than those specified in divisions (F) and (G) of this 688
section. All investment earnings of the fund shall be credited to 689
the fund. 690

(J) There is hereby created in the state treasury the capitol 691
square improvement fund, to be used by the board to pay 692
construction, renovation, and other costs related to the capitol 693
square for which money is not otherwise available to the board. 694
Whenever the board determines that there is a need to incur those 695
costs and that the unencumbered, unobligated balance to the credit 696
of the underground parking garage operating fund exceeds the 697

amount needed for the purposes specified in division (F) of this 698
section and for the operation and maintenance of the garage, the 699
board may request the director of budget and management to 700
transfer from the underground parking garage operating fund to the 701
capitol square improvement fund the amount needed to pay such 702
construction, renovation, or other costs. The director then shall 703
transfer the amount needed from the excess balance of the 704
underground parking garage operating fund. 705

(K) As the operation and maintenance of the capitol square 706
constitute essential government functions of a public purpose, the 707
board shall not be required to pay taxes or assessments upon the 708
square, upon any property acquired or used by the board under this 709
section, or upon any income generated by the operation of the 710
square. 711

(L) As used in this section, "capitol square" means the 712
capitol building, senate building, capitol atrium, capitol 713
grounds, ~~and~~ the state underground parking garage, and the 714
warehouse owned by the board. 715

(M) The capitol annex shall be known as the senate building. 716

Sec. 107.19. The governor shall have no power to issue any 717
executive order that has previously been issued and that the 718
federal trade commission, office of policy planning, bureau of 719
economics, and bureau of competition has opined is 720
anti-competitive and is in violation of anti-trust laws. Any such 721
executive order shall be considered invalid and unenforceable. 722

Sec. 109.71. There is hereby created in the office of the 723
attorney general the Ohio peace officer training commission. The 724
commission shall consist of nine members appointed by the governor 725
with the advice and consent of the senate and selected as follows: 726
one member representing the public; two members who are incumbent 727

sheriffs; two members who are incumbent chiefs of police; one 728
member from the bureau of criminal identification and 729
investigation; one member from the state highway patrol; one 730
member who is the special agent in charge of a field office of the 731
federal bureau of investigation in this state; and one member from 732
the department of education, trade and industrial education 733
services, law enforcement training. 734

This section does not confer any arrest authority or any 735
ability or authority to detain a person, write or issue any 736
citation, or provide any disposition alternative, as granted under 737
Chapter 2935. of the Revised Code. 738

As used in sections 109.71 to 109.801 of the Revised Code: 739

(A) "Peace officer" means: 740

(1) A deputy sheriff, marshal, deputy marshal, member of the 741
organized police department of a township or municipal 742
corporation, member of a township police district or joint 743
township police district police force, member of a police force 744
employed by a metropolitan housing authority under division (D) of 745
section 3735.31 of the Revised Code, or township constable, who is 746
commissioned and employed as a peace officer by a political 747
subdivision of this state or by a metropolitan housing authority, 748
and whose primary duties are to preserve the peace, to protect 749
life and property, and to enforce the laws of this state, 750
ordinances of a municipal corporation, resolutions of a township, 751
or regulations of a board of county commissioners or board of 752
township trustees, or any of those laws, ordinances, resolutions, 753
or regulations; 754

(2) A police officer who is employed by a railroad company 755
and appointed and commissioned by the secretary of state pursuant 756
to sections 4973.17 to 4973.22 of the Revised Code; 757

(3) Employees of the department of taxation engaged in the 758

enforcement of Chapter 5743. of the Revised Code and designated by	759
the tax commissioner for peace officer training for purposes of	760
the delegation of investigation powers under section 5743.45 of	761
the Revised Code;	762
(4) An undercover drug agent;	763
(5) Enforcement agents of the department of public safety	764
whom the director of public safety designates under section	765
5502.14 of the Revised Code;	766
(6) An employee of the department of natural resources who is	767
a natural resources law enforcement staff officer designated	768
pursuant to section 1501.013, a park officer designated pursuant	769
to section 1541.10, a forest officer designated pursuant to	770
section 1503.29, a preserve officer designated pursuant to section	771
1517.10, a wildlife officer designated pursuant to section	772
1531.13, or a state watercraft officer designated pursuant to	773
section 1547.521 of the Revised Code;	774
(7) An employee of a park district who is designated pursuant	775
to section 511.232 or 1545.13 of the Revised Code;	776
(8) An employee of a conservancy district who is designated	777
pursuant to section 6101.75 of the Revised Code;	778
(9) A police officer who is employed by a hospital that	779
employs and maintains its own proprietary police department or	780
security department, and who is appointed and commissioned by the	781
secretary of state pursuant to sections 4973.17 to 4973.22 of the	782
Revised Code;	783
(10) Veterans' homes police officers designated under section	784
5907.02 of the Revised Code;	785
(11) A police officer who is employed by a qualified	786
nonprofit corporation police department pursuant to section	787
1702.80 of the Revised Code;	788

(12) A state university law enforcement officer appointed 789
under section 3345.04 of the Revised Code or a person serving as a 790
state university law enforcement officer on a permanent basis on 791
June 19, 1978, who has been awarded a certificate by the executive 792
director of the Ohio peace officer training commission attesting 793
to the person's satisfactory completion of an approved state, 794
county, municipal, or department of natural resources peace 795
officer basic training program; 796

(13) A special police officer employed by the department of 797
mental health pursuant to section 5119.14 of the Revised Code or 798
the department of mental retardation and developmental 799
disabilities pursuant to section 5123.13 of the Revised Code; 800

(14) A member of a campus police department appointed under 801
section 1713.50 of the Revised Code; 802

(15) A member of a police force employed by a regional 803
transit authority under division (Y) of section 306.35 of the 804
Revised Code; 805

(16) Investigators appointed by the auditor of state pursuant 806
to section 117.091 of the Revised Code and engaged in the 807
enforcement of Chapter 117. of the Revised Code; 808

(17) A special police officer designated by the 809
superintendent of the state highway patrol pursuant to section 810
5503.09 of the Revised Code or a person who was serving as a 811
special police officer pursuant to that section on a permanent 812
basis on October 21, 1997, and who has been awarded a certificate 813
by the executive director of the Ohio peace officer training 814
commission attesting to the person's satisfactory completion of an 815
approved state, county, municipal, or department of natural 816
resources peace officer basic training program; 817

(18) A special police officer employed by a port authority 818
under section 4582.04 or 4582.28 of the Revised Code or a person 819

serving as a special police officer employed by a port authority 820
on a permanent basis on May 17, 2000, who has been awarded a 821
certificate by the executive director of the Ohio peace officer 822
training commission attesting to the person's satisfactory 823
completion of an approved state, county, municipal, or department 824
of natural resources peace officer basic training program; 825

(19) A special police officer employed by a municipal 826
corporation who has been awarded a certificate by the executive 827
director of the Ohio peace officer training commission for 828
satisfactory completion of an approved peace officer basic 829
training program and who is employed on a permanent basis on or 830
after March 19, 2003, at a municipal airport, or other municipal 831
air navigation facility, that has scheduled operations, as defined 832
in section 119.3 of Title 14 of the Code of Federal Regulations, 833
14 C.F.R. 119.3, as amended, and that is required to be under a 834
security program and is governed by aviation security rules of the 835
transportation security administration of the United States 836
department of transportation as provided in Parts 1542. and 1544. 837
of Title 49 of the Code of Federal Regulations, as amended; 838

(20) A police officer who is employed by an owner or operator 839
of an amusement park that has an average yearly attendance in 840
excess of six hundred thousand guests and that employs and 841
maintains its own proprietary police department or security 842
department, and who is appointed and commissioned by a judge of 843
the appropriate municipal court or county court pursuant to 844
section 4973.17 of the Revised Code; 845

(21) A police officer who is employed by a bank, savings and 846
loan association, savings bank, credit union, or association of 847
banks, savings and loan associations, savings banks, or credit 848
unions, who has been appointed and commissioned by the secretary 849
of state pursuant to sections 4973.17 to 4973.22 of the Revised 850
Code, and who has been awarded a certificate by the executive 851

director of the Ohio peace officer training commission attesting 852
to the person's satisfactory completion of a state, county, 853
municipal, or department of natural resources peace officer basic 854
training program; 855

(22) An investigator, as defined in section 109.541 of the 856
Revised Code, of the bureau of criminal identification and 857
investigation who is commissioned by the superintendent of the 858
bureau as a special agent for the purpose of assisting law 859
enforcement officers or providing emergency assistance to peace 860
officers pursuant to authority granted under that section; 861

(23) A state fire marshal law enforcement officer appointed 862
under section 3737.22 of the Revised Code or a person serving as a 863
state fire marshal law enforcement officer on a permanent basis on 864
or after July 1, 1982, who has been awarded a certificate by the 865
executive director of the Ohio peace officer training commission 866
attesting to the person's satisfactory completion of an approved 867
state, county, municipal, or department of natural resources peace 868
officer basic training program. 869

(B) "Undercover drug agent" has the same meaning as in 870
division (B)(2) of section 109.79 of the Revised Code. 871

(C) "Crisis intervention training" means training in the use 872
of interpersonal and communication skills to most effectively and 873
sensitively interview victims of rape. 874

(D) "Missing children" has the same meaning as in section 875
2901.30 of the Revised Code. 876

Sec. 113.061. The treasurer of state shall adopt rules in 877
accordance with Chapter 119. of the Revised Code governing the 878
remittance of taxes by electronic funds transfer as required under 879
sections 5727.311, 5727.83, 5733.022, 5735.062, 5739.032, 880
~~5739.122, 5741.121,~~ 5745.04, and 5747.072 of the Revised Code and 881

any other section of the Revised Code under which a person is 882
required to remit taxes by electronic funds transfer. The rules 883
shall govern the modes of electronic funds transfer acceptable to 884
the treasurer of state and under what circumstances each mode is 885
acceptable, the content and format of electronic funds transfers, 886
the coordination of payment by electronic funds transfer and 887
filing of associated tax reports and returns, the remittance of 888
taxes by means other than electronic funds transfer by persons 889
otherwise required to do so but relieved of the requirement by the 890
treasurer of state, and any other matter that in the opinion of 891
the treasurer of state facilitates payment by electronic funds 892
transfer in a manner consistent with those sections. 893

Upon failure by a person, if so required, to remit taxes by 894
electronic funds transfer in the manner prescribed under section 895
5727.83, 5733.022, 5735.062, 5739.032, ~~5739.122, 5741.121,~~ 896
5745.04, or 5747.072 of the Revised Code and rules adopted under 897
this section, the treasurer of state shall notify the tax 898
commissioner of such failure if the treasurer of state determines 899
that such failure was not due to reasonable cause or was due to 900
willful neglect, and shall provide the tax commissioner with any 901
information used in making that determination. The tax 902
commissioner may assess an additional charge as specified in the 903
respective section of the Revised Code governing the requirement 904
to remit taxes by electronic funds transfer. 905

The treasurer of state may implement means of acknowledging, 906
upon the request of a taxpayer, receipt of tax remittances made by 907
electronic funds transfer, and may adopt rules governing 908
acknowledgments. The cost of acknowledging receipt of electronic 909
remittances shall be paid by the person requesting acknowledgment. 910

The treasurer of state, not the tax commissioner, is 911
responsible for resolving any problems involving electronic funds 912
transfer transmissions. 913

Sec. 113.40. (A) As used in this section:	914
(1) "Financial transaction device" includes a credit card,	915
debit card, charge card, prepaid or stored value card, or	916
automated clearinghouse network credit, debit, or e-check entry	917
that includes, but is not limited to, accounts receivable and	918
internet-initiated, point of purchase, and telephone-initiated	919
applications, <u>or any other device or method for making an</u>	920
<u>electronic payment or transfer of funds.</u>	921
(2) "State expenses" includes fees, costs, taxes,	922
assessments, fines, penalties, payments, or any other expense a	923
person owes to a state office under the authority of a state	924
elected official or to a state entity.	925
(3) "State elected official" means the governor, lieutenant	926
governor, attorney general, secretary of state, treasurer of	927
state, and auditor of state.	928
(4) "State entity" includes any state department, agency,	929
board, or commission that deposits funds into the state treasury.	930
(B) Notwithstanding any other section of the Revised Code and	931
subject to division (D) of this section, the board of deposit may	932
adopt a resolution authorizing the acceptance of payments by	933
financial transaction device to pay for state expenses. The	934
resolution shall include all of the following:	935
(1) A designation of those state elected officials and state	936
entities authorized to accept payments by financial transaction	937
device;	938
(2) A list of state expenses that may be paid by the use of a	939
financial transaction device;	940
(3) Specific identification of financial transaction devices	941
that a state elected official or state entity may authorize as	942
acceptable means of payment for state expenses. Division (B)(3) of	943

this section does not require that the same financial transaction 944
devices be accepted for the payment of different types of state 945
expenses. 946

(4) The amount, if any, authorized as a surcharge or 947
convenience fee under division (E) of this section for persons 948
using a financial transaction device. Division (B)(4) of this 949
section does not require that the same surcharges or convenience 950
fees be applied to the payment of different types of state 951
expenses. 952

(5) A specific requirement, as provided in division (G) of 953
this section, for the payment of a penalty if a payment made by 954
means of a financial transaction device is returned or dishonored 955
for any reason. 956

The board of deposit's resolution also shall designate the 957
treasurer of state as the administrative agent to solicit 958
proposals, within guidelines established by the board of deposit 959
in the resolution and in compliance with the procedures provided 960
in division (C) of this section, from financial institutions, 961
issuers of financial transaction devices, and processors of 962
financial transaction devices; to make recommendations about those 963
proposals to the state elected officials; and to assist state 964
offices in implementing the state's financial transaction device 965
acceptance and processing program. 966

(C) The administrative agent shall follow the procedures 967
provided in this division whenever it plans to contract with 968
financial institutions, issuers of financial transaction devices, 969
or processors of financial transaction devices for the purposes of 970
this section. The administrative agent shall request proposals 971
from at least three financial institutions, issuers of financial 972
transaction devices, or processors of financial transaction 973
devices, as appropriate in accordance with the resolution adopted 974
under division (B) of this section. Prior to sending any financial 975

institution, issuer, or processor a copy of any such request, the 976
administrative agent shall advertise its intent to request 977
proposals in a newspaper of general circulation in the state once 978
a week for two consecutive weeks. The notice shall state that the 979
administrative agent intends to request proposals; specify the 980
purpose of the request; indicate the date, which shall be at least 981
ten days after the second publication, on which the request for 982
proposals will be mailed to financial institutions, issuers, or 983
processors; and require that any financial institution, issuer, or 984
processor, whichever is appropriate, interested in receiving the 985
request for proposals submit written notice of this interest to 986
the administrative agent not later than noon of the day on which 987
the request for proposals will be mailed. 988

Upon receiving the proposals, the administrative agent shall 989
review them and make a recommendation to the board of deposit 990
regarding which proposals to accept. The board of deposit shall 991
consider the agent's recommendation and review all proposals 992
submitted, and then may choose to contract with any or all of the 993
entities submitting proposals, as appropriate. The board of 994
deposit shall provide any financial institution, issuer, or 995
processor that submitted a proposal, but with which the board does 996
not enter into a contract, notice that its proposal is rejected. 997

(D) The board of deposit shall send a copy of the resolution 998
adopted under division (B) of this section to each state elected 999
official and state entity authorized to accept payments for state 1000
expenses by financial transaction device. After receiving the 1001
resolution and before accepting such payments by financial 1002
transaction device, such a state elected official or state entity 1003
shall provide written notification to the administrative agent of 1004
the official's or entity's intent to implement the resolution 1005
within the official's or entity's office. Each state office or 1006
entity subject to the board's resolution adopted under division 1007

(B) of this section shall use only the financial institutions, 1008
issuers of financial transaction devices, and processors of 1009
financial transaction devices with which the board of deposit 1010
contracts, and each such office or entity is subject to the terms 1011
of those contracts. 1012

If a state entity under the authority of a state elected 1013
official is directly responsible for collecting one or more state 1014
expenses and the state elected official determines not to accept 1015
payments by financial transaction device for one or more of those 1016
expenses, the office is not required to accept payments by 1017
financial transaction device for those expenses, notwithstanding 1018
the adoption of a resolution by the board of deposit under 1019
division (B) of this section. 1020

Any state entity that prior to March 18, 1999, accepted 1021
financial transaction devices may continue to accept such devices 1022
until June 30, 2000, without being subject to any resolution 1023
adopted by the board of deposit under division (B) of this 1024
section, or any other oversight by the board of the entity's 1025
financial transaction device program. Any such entity may use 1026
surcharges or convenience fees in any manner the state elected 1027
official or other official in charge of the entity determines to 1028
be appropriate, and, if the administrative agent consents, may 1029
appoint the administrative agent to be the entity's administrative 1030
agent for purposes of accepting financial transaction devices. In 1031
order to be exempt from the resolution of the board of deposit 1032
under division (B) of this section, a state entity shall notify 1033
the board in writing within thirty days after March 18, 1999, that 1034
it accepted financial transaction devices prior to March 18, 1999. 1035
Each such notification shall explain how processing costs 1036
associated with financial transaction devices are being paid and 1037
shall indicate whether surcharge or convenience fees are being 1038
passed on to consumers. 1039

(E) The board of deposit may establish a surcharge or 1040
convenience fee that may be imposed upon a person making payment 1041
by a financial transaction device. The surcharge or convenience 1042
fee shall not be imposed unless authorized or otherwise permitted 1043
by the rules prescribed under a contract, between the financial 1044
institution, issuer, or processor and the administrative agent, 1045
governing the use and acceptance of the financial transaction 1046
device. 1047

The establishment of a surcharge or convenience fee shall 1048
follow the guidelines of the financial institution, issuer of 1049
financial transaction devices, or processor of financial 1050
transaction devices with which the board of deposit contracts. 1051

If a surcharge or convenience fee is imposed, every state 1052
entity accepting payment by a financial transaction device, 1053
regardless of whether that entity is subject to a resolution 1054
adopted by the board of deposit, shall clearly post a notice in 1055
the entity's office, and shall notify each person making a payment 1056
by such a device, about the surcharge or fee. Notice to each 1057
person making a payment shall be provided regardless of the medium 1058
used to make the payment and in a manner appropriate to that 1059
medium. Each notice shall include all of the following: 1060

(1) A statement that there is a surcharge or convenience fee 1061
for using a financial transaction device; 1062

(2) The total amount of the charge or fee expressed in 1063
dollars and cents for each transaction, or the rate of the charge 1064
or fee expressed as a percentage of the total amount of the 1065
transaction, whichever is applicable; 1066

(3) A clear statement that the surcharge or convenience fee 1067
is nonrefundable. 1068

(F) If a person elects to make a payment by a financial 1069
transaction device and a surcharge or convenience fee is imposed, 1070

the payment of the surcharge or convenience fee is not refundable. 1071

(G) If a person makes payment by a financial transaction 1072
device and the payment is returned or dishonored for any reason, 1073
the person is liable to the state for the state expense and any 1074
reimbursable costs for collection, including banking charges, 1075
legal fees, or other expenses incurred by the state in collecting 1076
the returned or dishonored payment. The remedies and procedures 1077
provided in this section are in addition to any other available 1078
civil or criminal remedies provided by law. 1079

(H) No person making any payment by a financial transaction 1080
device to a state office shall be relieved from liability for the 1081
underlying obligation, except to the extent that the state 1082
realizes final payment of the underlying obligation in cash or its 1083
equivalent. If final payment is not made by the financial 1084
transaction device issuer or other guarantor of payment in the 1085
transaction, the underlying obligation survives and the state 1086
shall retain all remedies for enforcement that would have applied 1087
if the transaction had not occurred. 1088

(I) A state entity or employee who accepts a financial 1089
transaction device payment in accordance with this section and any 1090
applicable state or local policies or rules is immune from 1091
personal liability for the final collection of such payments as 1092
specified in section 9.87 of the Revised Code. 1093

(J) The administrative agent, in cooperation with the office 1094
of budget and management, may adopt, amend, and rescind rules in 1095
accordance with section 111.15 of the Revised Code to implement 1096
this section. 1097

Sec. 117.11. (A) Except as otherwise provided in this 1098
division and in sections 117.112 and 117.113 of the Revised Code, 1099
the auditor of state shall audit each public office at least once 1100
every two fiscal years. The auditor of state shall audit a public 1101

office each fiscal year if that public office is required to be 1102
audited on an annual basis pursuant to "The Single Audit Act of 1103
1984," 98 Stat. 2327, 31 U.S.C.A. 7501 et seq., as amended. In the 1104
annual or biennial audit, inquiry shall be made into the methods, 1105
accuracy, and legality of the accounts, financial reports, 1106
records, files, and reports of the office, whether the laws, 1107
rules, ordinances, and orders pertaining to the office have been 1108
observed, and whether the requirements and rules of the auditor of 1109
state have been complied with. Except as otherwise provided in 1110
this division or where auditing standards or procedures dictate 1111
otherwise, each audit shall cover at least one fiscal year. If a 1112
public office is audited only once every two fiscal years, the 1113
audit shall cover both fiscal years. 1114

(B) In addition to the annual or biennial audit provided for 1115
in division (A) of this section, the auditor of state may conduct 1116
an audit of a public office at any time when so requested by the 1117
public office or upon the auditor of state's own initiative if the 1118
auditor of state has reasonable cause to believe that an 1119
additional audit is in the public interest. 1120

(C)(1) The auditor of state shall identify any public office 1121
in which the auditor of state will be unable to conduct an audit 1122
at least once every two fiscal years as required by division (A) 1123
of this section and shall provide immediate written notice to the 1124
clerk of the legislative authority or governing board of the 1125
public office so identified. Within six months of the receipt of 1126
such notice, the legislative authority or governing board may 1127
engage an independent certified public accountant to conduct an 1128
audit pursuant to section 117.12 of the Revised Code. 1129

(2) When the chief fiscal officer of a public office notifies 1130
the auditor of state that an audit is required at a time prior to 1131
the next regularly scheduled audit by the auditor of state, the 1132
auditor of state shall either cause an earlier audit to be made by 1133

the auditor of state or authorize the legislative authority or 1134
governing board of the public office to engage an independent 1135
certified public accountant to conduct the required audit. The 1136
scope of the audit shall be as authorized by the auditor of state. 1137

(3) The auditor of state shall approve the scope of an audit 1138
under division (C)(1) or (2) of this section as set forth in the 1139
contract for the proposed audit before the contract is executed on 1140
behalf of the public office that is to be audited. The independent 1141
accountant conducting an audit under division (C)(1) or (2) of 1142
this section shall be paid by the public office. 1143

(4) The contract for attest services with an independent 1144
accountant employed pursuant to this section or section 115.56 of 1145
the Revised Code may include binding arbitration provisions, 1146
provisions of Chapter 2711. of the Revised Code, or any other 1147
alternative dispute resolution procedures to be followed in the 1148
event a dispute remains between the state or public office and the 1149
independent accountant concerning the terms of the contract or a 1150
breach of the contract after the administrative provisions of the 1151
contract have been exhausted. 1152

(D) If a uniform accounting network is established under 1153
section 117.101 of the Revised Code, the auditor of state or a 1154
certified public accountant employed pursuant to this section or 1155
section 115.56 or 117.112 of the Revised Code shall, to the extent 1156
practicable, utilize services offered by the network in order to 1157
conduct efficient and economical audits of public offices. 1158

(E) The auditor of state shall, in accordance with division 1159
(A)(3) of section 9.65 of the Revised Code and this section, audit 1160
an annuity program for volunteer fire fighters established by a 1161
political subdivision under section 9.65 of the Revised Code. As 1162
used in this section, "volunteer fire fighters" and "political 1163
subdivision" have the same meanings as in division (C) of section 1164
9.65 of the Revised Code. 1165

Sec. 117.13. (A) The costs of audits of state agencies shall 1166
be recovered by the auditor of state in the following manner: 1167

(1) The costs of all audits of state agencies shall be paid 1168
to the auditor of state on statements rendered by the auditor of 1169
state. Money so received by the auditor of state shall be paid 1170
into the state treasury to the credit of the public audit expense 1171
fund--intrastate, which is hereby created, and shall be used to 1172
pay costs related to such audits. The costs of all annual and 1173
special audits of a state agency shall be charged to the state 1174
agency being audited. The costs of all biennial audits of a state 1175
agency shall be paid from money appropriated to the department of 1176
administrative services for that purpose. The costs of any 1177
assistant auditor, employee, or expert employed pursuant to 1178
section 117.09 of the Revised Code called upon to testify in any 1179
legal proceedings in regard to any audit, or called upon to review 1180
or discuss any matter related to any audit, may be charged to the 1181
state agency to which the audit relates. 1182

(2) The auditor of state shall establish by rule rates to be 1183
charged to state agencies or to the department of administrative 1184
services for recovering the costs of audits of state agencies. 1185

(B) As used in this division, "government auditing standards" 1186
means the government auditing standards published by the 1187
comptroller general of the United States general accounting 1188
office. 1189

(1) Except as provided in divisions (B)(2) and (3) of this 1190
section, any costs of an audit of a private institution, 1191
association, board, or corporation receiving public money for its 1192
use shall be charged to the public office providing the public 1193
money in the same manner as costs of an audit of the public 1194
office. 1195

(2) If an audit of a private child placing agency or private 1196

noncustodial agency receiving public money from a public children 1197
services agency for providing child welfare or child protection 1198
services sets forth that money has been illegally expended, 1199
converted, misappropriated, or is unaccounted for, the costs of 1200
the audit shall be charged to the agency being audited in the same 1201
manner as costs of an audit of a public office, unless the 1202
findings are inconsequential, as defined by government auditing 1203
standards. 1204

(3) If such an audit does not set forth that money has been 1205
illegally expended, converted, misappropriated, or is unaccounted 1206
for or sets forth findings that are inconsequential, as defined by 1207
government auditing standards, the costs of the audit shall be 1208
charged as follows: 1209

(a) One-third of the costs to the agency being audited; 1210

(b) One-third of the costs to the public children services 1211
agency that provided the public money to the agency being audited; 1212

(c) One-third of the costs to the department of job and 1213
family services. 1214

(C) The costs of audits of local public offices shall be 1215
recovered by the auditor of state in the following manner: 1216

(1) The total amount of compensation paid assistant auditors 1217
of state, their expenses, the cost of employees assigned to assist 1218
the assistant auditors of state, the cost of experts employed 1219
pursuant to section 117.09 of the Revised Code, and the cost of 1220
typing, reviewing, and copying reports shall be borne by the 1221
public office to which such assistant auditors of state are so 1222
assigned, except that annual vacation and sick leave of assistant 1223
auditors of state, employees, and typists shall be financed from 1224
the general revenue fund. The necessary traveling and hotel 1225
expenses of the deputy inspectors and supervisors of public 1226
offices shall be paid from the state treasury. Assistant auditors 1227

of state shall be compensated by the taxing district or other 1228
public office audited for activities undertaken pursuant to 1229
division (B) of section 117.18 and section 117.24 of the Revised 1230
Code. The costs of any assistant auditor, employee, or expert 1231
employed pursuant to section 117.09 of the Revised Code called 1232
upon to testify in any legal proceedings in regard to any audit, 1233
or called upon to review or discuss any matter related to any 1234
audit, may be charged to the public office to which the audit 1235
relates. 1236

(2) The auditor of state shall certify the amount of such 1237
compensation, expenses, cost of experts, reviewing, copying, and 1238
typing to the fiscal officer of the local public office audited. 1239
The fiscal officer of the local public office shall forthwith draw 1240
a warrant upon the general fund or other appropriate funds of the 1241
local public office to the order of the auditor of state; 1242
provided, that the auditor of state is authorized to negotiate 1243
with any local public office and, upon agreement between the 1244
auditor of state and the local public office, may adopt a schedule 1245
for payment of the amount due under this section. Money so 1246
received by the auditor of state shall be paid into the state 1247
treasury to the credit of the public audit expense fund--local 1248
government, which is hereby created, and shall be used to pay the 1249
compensation, expense, cost of experts and employees, reviewing, 1250
copying, and typing of reports. 1251

(3) At the conclusion of each audit, or analysis and report 1252
made pursuant to section 117.24 of the Revised Code, the auditor 1253
of state shall furnish the fiscal officer of the local public 1254
office audited a statement showing the total cost of the audit, or 1255
of the audit and the analysis and report, and the percentage of 1256
the total cost chargeable to each fund audited. The fiscal officer 1257
may distribute such total cost to each fund audited in accordance 1258
with its percentage of the total cost. 1259

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

(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 1293
located. The county auditor shall withhold from the local public 1294
office any amount available, up to and including the amount 1295
certified as due, from any funds under the county auditor's 1296
control and belonging to or lawfully payable or due to the local 1297
public office. The county auditor shall promptly pay any such 1298
amount withheld to the auditor of state. 1299

Sec. 117.38. Each public office, other than a state agency, 1300
shall file a financial report for each fiscal year. The auditor of 1301
state may prescribe forms by rule or may issue guidelines, or 1302
both, for such reports. If the auditor of state has not prescribed 1303
a rule regarding the form for the report, the public office shall 1304
submit its report on the form utilized by the public office. 1305

The report shall be certified by the proper officer or board 1306
and filed with the auditor of state within sixty days after the 1307
close of the fiscal year, except that public offices reporting 1308
pursuant to generally accepted accounting principles shall file 1309
their reports within one hundred fifty days after the close of the 1310
fiscal year. The auditor of state may extend the deadline for 1311
filing a financial report and establish terms and conditions for 1312
any such extension. At the time the report is filed with the 1313
auditor of state, the chief fiscal officer, except as otherwise 1314
provided in section 319.11 of the Revised Code, shall publish 1315
notice in a newspaper published in the political subdivision or 1316
taxing district, and if there is no such newspaper, then in a 1317
newspaper of general circulation in the political subdivision or 1318
taxing district. The notice shall state that the financial report 1319
has been completed by the public office and is available for 1320
public inspection at the office of the chief fiscal officer. 1321

The report shall contain the following: 1322

(A) Amount of collections and receipts, and accounts due from 1323

each source;	1324
(B) Amount of expenditures for each purpose;	1325
(C) Income of each public service industry owned or operated by a municipal corporation, and the cost of such ownership or operation;	1326 1327 1328
(D) Amount of public debt of each taxing district, the purpose for which each item of such debt was created, and the provision made for the payment thereof. The substance of the report shall be published at the expense of the state in an annual volume of statistics, which shall be submitted to the governor. The auditor of state shall transmit the report to the general assembly at its next session.	1329 1330 1331 1332 1333 1334 1335
Any public office, other than a state agency, that does not file its financial report at the time required by this section shall pay to the auditor of state twenty-five dollars for each day the report remains unfiled after the filing date; provided, that the penalty payments shall not exceed the sum of seven hundred fifty dollars. The auditor of state may waive all or any part of the penalty assessed under this section upon the filing of the past due financial report. All sums collected from such penalties shall be placed in the public audit expense fund--local government. The <u>If the</u> auditor of state may deduct <u>fails to</u> <u>receive payment for</u> penalties not paid within one year from the required filing date from any funds under the auditor of state's control belonging to the public office. If funds are withheld from a county because of the failure of a taxing district located in whole or in part within the county to file, the county may deduct the amount of penalty from any revenues due the delinquent district, the auditor may recover the penalties through the <u>process in division (D) of section 117.13 of the Revised Code.</u>	1336 1337 1338 1339 1340 1341 1342 1343 1344 1345 1346 1347 1348 1349 1350 1351 1352 1353
Every county agency, board, or commission shall provide to	1354

the county auditor, not later than the first day of March each 1355
year unless a later date is authorized by the county auditor, all 1356
information determined by the county auditor to be necessary for 1357
the preparation of the report required by this section. 1358

Sec. 120.08. There is hereby created in the state treasury 1359
the indigent defense support fund, consisting of money paid into 1360
the fund pursuant to section 4511.19 of the Revised Code and 1361
pursuant to section 2949.094 of the Revised Code out of the 1362
additional court costs imposed under that section. The state 1363
public defender shall use the money in the fund for the purpose of 1364
reimbursing county governments for expenses incurred pursuant to 1365
sections 120.18, 120.28, and 120.33 of the Revised Code. 1366
Disbursements from the fund to county governments shall be made in 1367
each state fiscal year and shall be allocated proportionately so 1368
that each county receives an equal percentage of its total cost 1369
for operating its county public defender system, its joint county 1370
public defender system, or its county appointed counsel system. 1371
1372

Sec. 121.31. There is hereby created the commission on 1373
Hispanic-Latino affairs consisting of eleven voting members 1374
appointed by the governor with the advice and consent of the 1375
senate and two ex officio, nonvoting members who are members of 1376
the general assembly. The speaker of the house of representatives 1377
shall recommend to the governor two persons for appointment to the 1378
commission, the president of the senate shall recommend to the 1379
governor two such persons, and the minority leaders of the house 1380
and senate shall each recommend to the governor one such person. 1381
The governor shall make initial appointments to the commission. Of 1382
the initial appointments made to the commission, three shall be 1383
for a term ending October 7, 1978, four shall be for a term ending 1384
October 7, 1979, and four shall be for a term ending October 7, 1385

1980. ~~Thereafter~~ One ex officio member of the commission shall be 1386
a member of the house of representatives appointed by the speaker 1387
of the house of representatives and one ex officio member of the 1388
commission shall be a member of the senate appointed by the 1389
president of the senate. When making their initial appointments, 1390
the speaker shall appoint a member of the house of representatives 1391
who is affiliated with the minority political party in the house 1392
of representatives and the president shall appoint a member of the 1393
senate who is affiliated with the majority political party in the 1394
senate; in making subsequent appointments the speaker and the 1395
president each shall alternate the political party affiliation of 1396
the members they appoint to the commission. The speaker and 1397
president shall make their initial appointments so that the 1398
initial ex officio members begin their terms October 7, 2008. 1399

After the initial appointments by the governor, terms of 1400
office shall be for three years, ~~each~~ except that members of the 1401
general assembly appointed to the commission shall be members of 1402
the commission only so long as they are members of the general 1403
assembly. Each term ending shall end on the same day of the same 1404
month of the year as did the term which it succeeds. Each member 1405
shall hold office from the date of appointment until the end of 1406
the term for which the member was appointed. Vacancies shall be 1407
filled in the same manner as the original appointment. Any member 1408
appointed to fill a vacancy occurring prior to the expiration of 1409
the term for which the member's predecessor was appointed shall 1410
hold office for the remainder of such term. Any member shall 1411
continue in office subsequent to the expiration date of the 1412
member's term until the member's successor takes office, or until 1413
a period of sixty days has elapsed, whichever occurs first. At the 1414
first organizational meeting of the commission, the original 1415
eleven members shall draw lots to determine the length of the term 1416
each member shall serve. 1417

All voting members of the commission shall speak Spanish, 1418
shall be of Spanish-speaking origin, and shall be American 1419
citizens or lawful, permanent, resident aliens. ~~Members~~ Voting 1420
members shall be from urban, suburban, and rural geographical 1421
areas representative of Spanish-speaking people with a numerical 1422
and geographical balance of the Spanish-speaking population 1423
throughout the state. 1424

The commission shall meet not less than six times per 1425
calendar year. The commission shall elect a chairperson, 1426
vice-chairperson, and other officers from its voting members as it 1427
considers advisable. Six voting members constitute a quorum. The 1428
commission shall adopt rules governing its procedures. No action 1429
of the commission is valid without the concurrence of six members. 1430

Each voting member shall be compensated for work as a member 1431
for each day that the member is actually engaged in the 1432
performance of work as a member. No voting member shall be 1433
compensated for more than one day each month. In addition, each 1434
voting member shall be reimbursed for all actual and necessary 1435
expenses incurred in the performance of official business. 1436

Sec. 122.171. (A) As used in this section: 1437

(1) "Capital investment project" means a plan of investment 1438
at a project site for the acquisition, construction, renovation, 1439
or repair of buildings, machinery, or equipment, or for 1440
capitalized costs of basic research and new product development 1441
determined in accordance with generally accepted accounting 1442
principles, but does not include any of the following: 1443

(a) Payments made for the acquisition of personal property 1444
through operating leases; 1445

(b) Project costs paid before January 1, 2002; 1446

(c) Payments made to a related member as defined in section 1447

5733.042 of the Revised Code or to an elected consolidated taxpayer or a combined taxpayer as defined in section 5751.01 of the Revised Code.

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

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

(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 1479
that includes at least two of the following: office, hotel, 1480
research and development, or retail facilities. 1481

(d) Has had a capital investment project reviewed and 1482
approved by the tax credit authority as provided in divisions (C), 1483
(D), and (E) of this section. 1484

(3) "Full-time employment position" means a position of 1485
employment for consideration for at least an average of 1486
thirty-five hours a week that has been filled for at least one 1487
hundred eighty days immediately preceding the filing of an 1488
application under this section and for at least one hundred eighty 1489
days during each taxable year or each calendar year that includes 1490
a tax period with respect to which the credit is granted, or is 1491
employed in such position for consideration for such time, but is 1492
on active duty reserve or Ohio national guard service. 1493

(4) "Manufacturer" has the same meaning as in section 1494
5739.011 of the Revised Code. 1495

(5) "Project site" means an integrated complex of facilities 1496
in this state, as specified by the tax credit authority under this 1497
section, within a fifteen-mile radius where a taxpayer is 1498
primarily operating as an eligible business. 1499

(6) "Applicable corporation" means a corporation satisfying 1500
all of the following: 1501

(a)(i) For the entire taxable year immediately preceding the 1502
tax year, the corporation develops software applications primarily 1503
to provide telecommunication billing and information services 1504
through outsourcing or licensing to domestic or international 1505
customers. 1506

(ii) Sales and licensing of software generated at least six 1507
hundred million dollars in revenue during the taxable year 1508
immediately preceding the tax year the corporation is first 1509

entitled to claim the credit provided under division (B) of this section. 1510
1511

(b) For the entire taxable year immediately preceding the tax year, the corporation or one or more of its related members provides customer or employee care and technical support for clients through one or more contact centers within this state, and the corporation and its related members together have a daily average, based on a three-hundred-sixty-five-day year, of at least five hundred thousand successful customer contacts through one or more of their contact centers, wherever located. 1512
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(c) The corporation is eligible for the credit under division (B) of this section for the tax year. 1520
1521

(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. 1522
1523
1524
1525

(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. 1526
1527
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1529

(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. 1530
1531
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1533

(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. 1534
1535
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(b) If the tax rate set forth in division (B) of section 1541
5733.06 of the Revised Code for the tax year is less than eight 1542
and one-half per cent, the tax calculated under division 1543
(A)(10)(a) of this section shall be computed by substituting a tax 1544
rate of eight and one-half per cent for the rate set forth in 1545
division (B) of section 5733.06 of the Revised Code for the tax 1546
year. 1547

(c) If the resulting difference is negative, the applicable 1548
tax difference for the tax year shall be zero. 1549

(B) The tax credit authority created under section 122.17 of 1550
the Revised Code may grant tax credits under this section for the 1551
purpose of fostering job retention in this state. Upon application 1552
by an eligible business and upon consideration of the 1553
recommendation of the director of budget and management, tax 1554
commissioner, and director of development under division (C) of 1555
this section, the tax credit authority may grant to an eligible 1556
business a nonrefundable credit against the tax imposed by section 1557
5733.06 or 5747.02 of the Revised Code for a period up to fifteen 1558
taxable years and against the tax levied by Chapter 5751. of the 1559
Revised Code for a period of up to fifteen calendar years 1560
provided, however, that if the project site is leased, the term of 1561
the tax credit cannot exceed the lesser of fifteen years or 1562
one-half the term of the lease, including any permitted renewal 1563
periods. The credit shall be in an amount not exceeding 1564
seventy-five per cent of the Ohio income tax withheld from the 1565
employees of the eligible business occupying full-time employment 1566
positions at the project site during the calendar year that 1567
includes the last day of such business' taxable year or tax period 1568
with respect to which the credit is granted. The amount of the 1569
credit shall not be based on the Ohio income tax withheld from 1570
full-time employees for a calendar year prior to the calendar year 1571
in which the minimum investment requirement referred to in 1572

division (A)(2)(b) of this section is completed. The credit shall 1573
be claimed only for the taxable years or tax periods specified in 1574
the eligible business' agreement with the tax credit authority 1575
under division (E) of this section, but in no event shall the 1576
credit be claimed for a taxable year or tax period terminating 1577
before the date specified in the agreement. Any credit granted 1578
under this section against the tax imposed by section 5733.06 or 1579
5747.02 of the Revised Code, to the extent not fully utilized 1580
against such tax for taxable years ending prior to 2008, shall 1581
automatically be converted without any action taken by the tax 1582
credit authority to a credit against the tax levied under Chapter 1583
5751. of the Revised Code for tax periods beginning on or after 1584
July 1, 2008, provided that the person to whom the credit was 1585
granted is subject to such tax. The converted credit shall apply 1586
to those calendar years in which the remaining taxable years 1587
specified in the agreement end. 1588

The credit computed under this division is in addition to any 1589
credit allowed under division (M) of this section, which the tax 1590
credit authority may also include in the agreement. 1591

Any unused portion of a tax credit may be carried forward for 1592
not more than three additional years after the year for which the 1593
credit is granted. 1594

(C) A taxpayer that proposes a capital investment project to 1595
retain jobs in this state may apply to the tax credit authority to 1596
enter into an agreement for a tax credit under this section. The 1597
director of development shall prescribe the form of the 1598
application. After receipt of an application, the authority shall 1599
forward copies of the application to the director of budget and 1600
management, the tax commissioner, and the director of development, 1601
each of whom shall review the application to determine the 1602
economic impact the proposed project would have on the state and 1603
the affected political subdivisions and shall submit a summary of 1604

their determinations and recommendations to the authority. 1605

(D) Upon review of the determinations and recommendations 1606
described in division (C) of this section, the tax credit 1607
authority may enter into an agreement with the taxpayer for a 1608
credit under this section if the authority determines all of the 1609
following: 1610

(1) The taxpayer's capital investment project will result in 1611
the retention of full-time employment positions in this state. 1612

(2) The taxpayer is economically sound and has the ability to 1613
complete the proposed capital investment project. 1614

(3) The taxpayer intends to and has the ability to maintain 1615
operations at the project site for at least ~~twice~~ the greater of 1616
(a) the term of the credit plus three years, or (b) seven years. 1617

(4) Receiving the credit is a major factor in the taxpayer's 1618
decision to begin, continue with, or complete the project. 1619

(5) The political subdivisions in which the project is 1620
located have agreed to provide substantial financial support to 1621
the project. 1622

(E) An agreement under this section shall include all of the 1623
following: 1624

(1) A detailed description of the project that is the subject 1625
of the agreement, including the amount of the investment, the 1626
period over which the investment has been or is being made, and 1627
the number of full-time employment positions at the project site. 1628

(2) The method of calculating the number of full-time 1629
employment positions as specified in division (A)(3) of this 1630
section. 1631

(3) The term and percentage of the tax credit, and the first 1632
year for which the credit may be claimed. 1633

(4) A requirement that the taxpayer maintain operations at 1634

the project site for at least ~~twice the number of years as~~ greater 1635
of (a) the term of the credit plus three years, or (b) seven 1636
years. 1637

(5) A requirement that the taxpayer retain a specified number 1638
of full-time employment positions at the project site and within 1639
this state for the term of the credit, including a requirement 1640
that the taxpayer continue to employ at least one thousand 1641
employees in full-time employment positions at the project site 1642
during the entire term of any agreement, subject to division 1643
(E)(7) of this section. 1644

(6) A requirement that the taxpayer annually report to the 1645
director of development the number of full-time employment 1646
positions subject to the credit, the amount of tax withheld from 1647
employees in those positions, the amount of the payments made for 1648
the capital investment project, and any other information the 1649
director needs to perform the director's duties under this 1650
section. 1651

(7) A requirement that the director of development annually 1652
review the annual reports of the taxpayer to verify the 1653
information reported under division (E)(6) of this section and 1654
compliance with the agreement. Upon verification, the director 1655
shall issue a certificate to the taxpayer stating that the 1656
information has been verified and identifying the amount of the 1657
credit for the taxable year. Unless otherwise specified by the tax 1658
credit authority in a resolution and included as part of the 1659
agreement, the director shall not issue a certificate for any year 1660
in which the total number of filled full-time employment positions 1661
for each day of the calendar year divided by three hundred 1662
sixty-five is less than ninety per cent of the full-time 1663
employment positions specified in division (E)(5) of this section. 1664
In determining the number of full-time employment positions, no 1665
position shall be counted that is filled by an employee who is 1666

included in the calculation of a tax credit under section 122.17 1667
of the Revised Code. 1668

(8)(a) A provision requiring that the taxpayer, except as 1669
otherwise provided in division (E)(8)(b) of this section, shall 1670
not relocate employment positions from elsewhere in this state to 1671
the project site that is the subject of the agreement for the 1672
lesser of five years from the date the agreement is entered into 1673
or the number of years the taxpayer is entitled to claim the 1674
credit. 1675

(b) The taxpayer may relocate employment positions from 1676
elsewhere in this state to the project site that is the subject of 1677
the agreement if the director of development determines both of 1678
the following: 1679

(i) That the site from which the employment positions would 1680
be relocated is inadequate to meet market and industry conditions, 1681
expansion plans, consolidation plans, or other business 1682
considerations affecting the taxpayer; 1683

(ii) That the legislative authority of the county, township, 1684
or municipal corporation from which the employment positions would 1685
be relocated has been notified of the relocation. 1686

For purposes of this section, the movement of an employment 1687
position from one political subdivision to another political 1688
subdivision shall be considered a relocation of an employment 1689
position unless the movement is confined to the project site. The 1690
transfer of an individual employee from one political subdivision 1691
to another political subdivision shall not be considered a 1692
relocation of an employment position as long as the individual's 1693
employment position in the first political subdivision is 1694
refilled. 1695

(9) A waiver by the taxpayer of any limitations periods 1696
relating to assessments or adjustments resulting from the 1697

taxpayer's failure to comply with the agreement. 1698

(F) If a taxpayer fails to meet or comply with any condition 1699
or requirement set forth in a tax credit agreement, the tax credit 1700
authority may amend the agreement to reduce the percentage or term 1701
of the credit. The reduction of the percentage or term shall take 1702
effect (1) in the taxable year immediately following the taxable 1703
year in which the authority amends the agreement or the director 1704
of development notifies the taxpayer in writing of such failure, 1705
or (2) in the first tax period beginning in the calendar year 1706
immediately following the calendar year in which the authority 1707
amends the agreement or the director notifies the taxpayer in 1708
writing of such failure. If the taxpayer fails to annually report 1709
any of the information required by division (E)(6) of this section 1710
within the time required by the director, the reduction of the 1711
percentage or term may take effect in the current taxable year. If 1712
the taxpayer relocates employment positions in violation of the 1713
provision required under division ~~(D)(8)(a)~~(E)(8)(a) of this 1714
section, the taxpayer shall not claim the tax credit under section 1715
5733.0610 of the Revised Code for any tax years following the 1716
calendar year in which the relocation occurs, shall not claim the 1717
tax credit under section 5747.058 of the Revised Code for the 1718
taxable year in which the relocation occurs and any subsequent 1719
taxable years, and shall not claim the tax credit under division 1720
(A) of section 5751.50 of the Revised Code for the tax period in 1721
which the relocation occurs and any subsequent tax periods. 1722

(G) Financial statements and other information submitted to 1724
the department of development or the tax credit authority by an 1725
applicant for or recipient of a tax credit under this section, and 1726
any information taken for any purpose from such statements or 1727
information, are not public records subject to section 149.43 of 1728
the Revised Code. However, the chairperson of the authority may 1729

make use of the statements and other information for purposes of 1730
issuing public reports or in connection with court proceedings 1731
concerning tax credit agreements under this section. Upon the 1732
request of the tax commissioner, the chairperson of the authority 1733
shall provide to the commissioner any statement or other 1734
information submitted by an applicant for or recipient of a tax 1735
credit in connection with the credit. The commissioner shall 1736
preserve the confidentiality of the statement or other 1737
information. 1738

(H) A taxpayer claiming a tax credit under this section shall 1739
submit to the tax commissioner a copy of the director of 1740
development's certificate of verification under division (E)(7) of 1741
this section with the taxpayer's tax report or return for the 1742
taxable year or for the calendar year that includes the tax 1743
period. Failure to submit a copy of the certificate with the 1744
report or return does not invalidate a claim for a credit if the 1745
taxpayer submits a copy of the certificate to the commissioner 1746
within sixty days after the commissioner requests it. 1747

(I) For the purposes of this section, a taxpayer may include 1748
a partnership, a corporation that has made an election under 1749
subchapter S of chapter one of subtitle A of the Internal Revenue 1750
Code, or any other business entity through which income flows as a 1751
distributive share to its owners. A partnership, S-corporation, or 1752
other such business entity may elect to pass the credit received 1753
under this section through to the persons to whom the income or 1754
profit of the partnership, S-corporation, or other entity is 1755
distributed. The election shall be made on the annual report 1756
required under division (E)(6) of this section. The election 1757
applies to and is irrevocable for the credit for which the report 1758
is submitted. If the election is made, the credit shall be 1759
apportioned among those persons in the same proportions as those 1760
in which the income or profit is distributed. 1761

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

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

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

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

In determining the portion of the credit to be refunded to this state, the authority shall consider the effect of market conditions on the taxpayer's project and whether the taxpayer continues to maintain other operations in this state. After making the determination, the authority shall certify the amount to be refunded to the tax commissioner. The commissioner shall make an assessment for that amount against the taxpayer under Chapter 5733., 5747., or 5751. of the Revised Code. The time limitations

on assessments under those chapters do not apply to an assessment 1794
under this division, but the commissioner shall make the 1795
assessment within one year after the date the authority certifies 1796
to the commissioner the amount to be refunded. 1797

If the director of development determines that a taxpayer 1798
that received a tax credit under this section has reduced the 1799
number of employees agreed to under division (E)(5) of this 1800
section by more than ten per cent, the director shall notify the 1801
tax credit authority of the noncompliance. After receiving such 1802
notice, and after providing the taxpayer an opportunity to explain 1803
the noncompliance, the authority may amend the agreement to reduce 1804
the percentage or term of the tax credit. The reduction in the 1805
percentage or term shall take effect in the taxable year, or in 1806
the calendar year that includes the tax period, in which the 1807
authority amends the agreement. 1808

(K) The director of development, after consultation with the 1809
tax commissioner and in accordance with Chapter 119. of the 1810
Revised Code, shall adopt rules necessary to implement this 1811
section. The rules may provide for recipients of tax credits under 1812
this section to be charged fees to cover administrative costs of 1813
the tax credit program. The fees collected shall be credited to 1814
the tax incentive programs operating fund created in section 1815
122.174 of the Revised Code. At the time the director gives public 1816
notice under division (A) of section 119.03 of the Revised Code of 1817
the adoption of the rules, the director shall submit copies of the 1818
proposed rules to the chairpersons of the standing committees on 1819
economic development in the senate and the house of 1820
representatives. 1821

(L) On or before the thirty-first day of March of each year, 1822
the director of development shall submit a report to the governor, 1823
the president of the senate, and the speaker of the house of 1824
representatives on the tax credit program under this section. The 1825

report shall include information on the number of agreements that 1826
were entered into under this section during the preceding calendar 1827
year, a description of the project that is the subject of each 1828
such agreement, and an update on the status of projects under 1829
agreements entered into before the preceding calendar year. 1830

(M)(1) A nonrefundable credit shall be allowed to an 1831
applicable corporation and its related members in an amount equal 1832
to the applicable difference. The credit is in addition to the 1833
credit granted to the corporation or related members under 1834
division (B) of this section. The credit is subject to divisions 1835
(B) to (E) and division (J) of this section. 1836

(2) A person qualifying as an applicable corporation under 1837
this section for a tax year does not necessarily qualify as an 1838
applicable corporation for any other tax year. No person is 1839
entitled to the credit allowed under division (M) of this section 1840
for the tax year immediately following the taxable year during 1841
which the person fails to meet the requirements in divisions 1842
(A)(6)(a)(i) and (A)(6)(b) of this section. No person is entitled 1843
to the credit allowed under division (M) of this section for any 1844
tax year for which the person is not eligible for the credit 1845
provided under division (B) of this section. 1846

Sec. 125.02. Except as to the adjutant general for military 1847
supplies and services, the capital square review and advisory 1848
board, ~~the department of rehabilitation and correction as~~ 1849
~~specified in division (D) of section 125.04 of the Revised Code,~~ 1850
the general assembly, ~~the bureau of workers' compensation the~~ 1851
judicial branch, and institutions administered by boards of 1852
trustees, the department of administrative services may ~~purchase~~ 1853
establish contracts for supplies and services for the use of state 1854
agencies, or for the use of any political subdivision as described 1855
in division (B) of section 125.04 of the Revised Code. 1856

~~So far as possible, the department of administrative services 1857
shall make all purchases from the department of rehabilitation and 1858
correction in the exercise of the functions of the department of 1859
rehabilitation and correction in the management of state 1860
institutions. 1861~~

The department of administrative services shall prescribe 1862
uniform rules governing forms of specifications, advertisements 1863
for proposals, the opening of bids, the making of awards and 1864
contracts, and the purchase of supplies and performance of work. 1865

~~Nothing in this section precludes the bureau from entering 1866
into a contract with the department of administrative services for 1867
the department to purchase supplies, or services for the use of 1868
the bureau. 1869~~

Sec. 125.021. (A) Except as to the military department, the 1870
general assembly, the bureau of workers' compensation, the 1871
industrial commission, and institutions administered by boards of 1872
trustees, the ~~office of information technology~~ department of 1873
administrative services may contract for, ~~operate, and superintend~~ 1874
telephone, other telecommunication, and computer services for 1875
state agencies. Nothing in this division precludes the bureau or 1876
the commission from contracting with the ~~office~~ department to 1877
authorize the ~~office~~ department to contract for, ~~operate, or~~ 1878
~~superintend~~ those services for the bureau or the commission. 1879

(B)(1) As used in this division: 1880

(a) "Active duty" means active duty pursuant to an executive 1881
order of the president of the United States, an act of the 1882
congress of the United States, or section 5919.29 or 5923.21 of 1883
the Revised Code. 1884

(b) "Immediate family" means a person's spouse residing in 1885
the person's household, brothers and sisters of the whole or of 1886

the half blood, children, including adopted children and 1887
stepchildren, parents, and grandparents. 1888

(2) The ~~office of information technology~~ department of 1889
administrative services may enter into a contract to purchase bulk 1890
long distance telephone services and make them available at cost, 1891
or may make bulk long distance telephone services available at 1892
cost under any existing contract the ~~office~~ department has entered 1893
into, to members of the immediate family of persons deployed on 1894
active duty so that those family members can communicate with the 1895
persons so deployed. If the ~~office~~ department enters into 1896
contracts under division (B)(2) of this section, it shall do so in 1897
accordance with sections 125.01 to 125.11 of the Revised Code and 1898
in a nondiscriminatory manner that does not place any potential 1899
vendor at a competitive disadvantage. 1900

(3) If the ~~office~~ department decides to exercise either 1901
option under division (B)(2) of this section, it shall adopt, and 1902
may amend, rules under Chapter 119. of the Revised Code to 1903
implement that division. 1904

Sec. 125.022. The department of administrative services may 1905
enter into cooperative purchasing agreements with one or more 1906
other states ~~or~~, groups of states, the federal government, other 1907
purchasing consortia, institutions of higher education, or with 1908
any political subdivision of this state described in division (B) 1909
of section 125.04 of the Revised Code for the purpose of 1910
purchasing services or supplies ~~produced from or containing~~ 1911
~~recycled materials for the use of state agencies.~~ 1912

Sec. 125.04. (A) Except as provided in division (D) of this 1913
section, the department of administrative services shall determine 1914
what supplies and services are purchased by or for state agencies. 1915
Whenever the department of administrative services makes any 1916

change or addition to the lists of supplies and services that it 1917
determines to purchase for state agencies, it shall provide a list 1918
to the agencies of the changes or additions ~~and indicate when the~~ 1919
~~department will be prepared to furnish each item listed.~~ Except 1920
for the requirements of division (B) of section 125.11 of the 1921
Revised Code, sections 125.04 to 125.08 and 125.09 to 125.15 of 1922
the Revised Code do not apply to or affect the educational 1923
institutions of the state. ~~The department shall not include the~~ 1924
~~bureau of workers' compensation in the lists of supplies,~~ 1925
~~equipment, and services purchased and furnished by the department.~~ 1926

~~Nothing in this division precludes the bureau from entering~~ 1928
~~into a contract with the department for the department to perform~~ 1929
~~services relative to supplies, equipment, and services contained~~ 1930
~~in this division for the bureau.~~ 1931

(B)(1) As used in this division: 1932

(a) "Chartered nonpublic school" has the same meaning as in 1933
section 3310.01 of the Revised Code. 1934

(b) "Emergency medical service organization" has the same 1935
meaning as in section 4765.01 of the Revised Code. 1936

~~(b)~~(c) "Political subdivision" means any county, township, 1937
municipal corporation, school district, conservancy district, 1938
township park district, park district created under Chapter 1545. 1939
of the Revised Code, regional transit authority, regional airport 1940
authority, regional water and sewer district, or port authority. 1941
"Political subdivision" also includes any other political 1942
subdivision described in the Revised Code that has been approved 1943
by the department to participate in the department's contracts 1944
under this division. 1945

~~(e)~~(d) "Private fire company" has the same meaning as in 1946
section 9.60 of the Revised Code. 1947

(2) Subject to division (C) of this section, the department 1948
of administrative services may permit a political subdivision, 1949
county board of elections, private fire company, ~~or~~ private, 1950
nonprofit emergency medical service organization, or chartered 1951
nonpublic school to participate in contracts into which the 1952
department has entered for the purchase of supplies and services. 1953
The department may charge the entity a reasonable fee to cover the 1954
administrative costs the department incurs as a result of 1955
participation by the entity in such a purchase contract. 1956

A political subdivision desiring to participate in such 1958
purchase contracts shall file with the department a certified copy 1959
of an ordinance or resolution of the legislative authority or 1960
governing board of the political subdivision. The resolution or 1961
ordinance shall request that the political subdivision be 1962
authorized to participate in such contracts and shall agree that 1963
the political subdivision will be bound by such terms and 1964
conditions as the department prescribes and that it will directly 1965
pay the vendor under each purchase contract. A board of elections 1966
desiring to participate in such purchase contracts shall file with 1967
the purchasing authority a written request for inclusion in the 1968
program. A private fire company ~~or~~, private, nonprofit emergency 1969
medical service organization, or chartered nonpublic school 1970
desiring to participate in such purchase contracts shall file with 1971
the department a written request for inclusion in the program 1972
signed by the chief officer of the company ~~or~~, organization, or 1973
chartered nonpublic school. A request for inclusion shall include 1974
an agreement to be bound by such terms and conditions as the 1975
department prescribes and to make direct payments to the vendor 1976
under each purchase contract. 1977

The department shall include in its annual report an estimate 1978
of the cost it incurs by permitting political subdivisions, county 1979

boards of elections, private fire companies, ~~and~~ private, 1980
nonprofit emergency medical service organizations, and chartered 1981
nonpublic schools to participate in contracts pursuant to this 1982
division. The department may require such entities to file a 1983
report with the department, as often as it finds necessary, 1984
stating how many such contracts the entities participated in 1985
within a specified period of time, and any other information the 1986
department requires. 1987

(3) Purchases made by a political subdivision or a county 1988
board of elections under this division are exempt from any 1989
competitive selection procedures otherwise required by law. No 1990
political subdivision shall make any purchase under this division 1991
when bids have been received for such purchase by the subdivision, 1992
unless such purchase can be made upon the same terms, conditions, 1993
and specifications at a lower price under this division. 1994

(C) A political subdivision as defined in division (B) of 1995
this section or a county board of elections may purchase supplies 1996
or services from another party, including a political subdivision, 1997
instead of through participation in contracts described in 1998
division (B) of this section if the political subdivision or 1999
county board of elections can purchase those supplies or services 2000
from the other party upon equivalent terms, conditions, and 2001
specifications but at a lower price than it can through those 2002
contracts. Purchases that a political subdivision or county board 2003
of elections makes under this division are exempt from any 2004
competitive selection procedures otherwise required by law. A 2005
political subdivision or county board of elections that makes any 2006
purchase under this division shall maintain sufficient information 2007
regarding the purchase to verify that the political subdivision or 2008
county board of elections satisfied the conditions for making a 2009
purchase under this division. Nothing in this division restricts 2010
any action taken by a county or township as authorized by division 2011

(A)(1) of section 9.48 of the Revised Code. 2012

(D) This section does not apply to supplies or services 2013
required by the legislative or judicial branches, the capitol 2014
square review and advisory board, the adjutant general for 2015
military supplies and services, to supplies or services purchased 2016
by a state agency directly as provided in division (A), (B), or 2017
~~(E)~~(F) of section 125.05 of the Revised Code, or to purchases of 2018
supplies or services for the emergency management agency as 2019
provided in section 125.023 of the Revised Code, ~~or to purchases~~ 2020
~~of supplies or services for the department of rehabilitation and~~ 2021
~~correction in its operation of the program for the employment of~~ 2022
~~prisoners established under section 5145.16 of the Revised Code~~ 2023
~~that shall be made pursuant to rules adopted by the director of~~ 2024
~~administrative services and the director of rehabilitation and~~ 2025
~~correction in accordance with Chapter 119. of the Revised Code.~~ 2026
~~The rules may provide for the exemption of the program for the~~ 2027
~~employment of prisoners from the requirements of division (A) of~~ 2028
~~this section.~~ 2029

Sec. 125.041. Nothing in sections 125.02, 125.03 to 125.08, 2030
125.12 to 125.16, 125.18, 125.31 to 125.76, or 125.831 of the 2031
Revised Code shall be construed as limiting the attorney general, 2032
auditor of state, secretary of state, or treasurer of state in any 2033
of the following: 2034

(A) Purchases for less than the dollar amounts for the 2035
purchase of supplies or services determined pursuant to division 2036
~~(D)~~(E) of section 125.05 of the Revised Code; 2037

(B) Purchases that equal or exceed the dollar amounts for the 2038
purchase of supplies or services determined pursuant to division 2039
~~(D)~~(E) of section 125.05 of the Revised Code with the approval of 2040
the controlling board, if that approval is required by section 2041
127.16 of the Revised Code; 2042

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

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

(E) The inventory of state property;

(F) The purchase of printing;

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

(H) The fleet management program.

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

(A) Subject to division ~~(D)~~(E) of this section, a state agency may, without competitive selection, make any purchase of supplies or services that cost fifty thousand dollars or less ~~or any purchase of supplies that cost twenty-five thousand dollars or less~~. The agency may make the purchase directly or may make the purchase from or through the department of administrative services, whichever the agency determines. ~~The department shall establish written procedures to assist state agencies when they make direct purchases. If the agency makes the purchase directly,~~ agency shall adopt written procedures consistent with the department's purchasing procedures and shall use those procedures when making purchases under this division.

(B) Subject to division (E) of this section and in accordance with section 125.051 of the Revised Code, a state agency may make purchases of supplies and services that cost more than twenty-five thousand dollars but less than fifty thousand dollars if the

purchases are made under the direction of an employee of the 2073
agency who is certified by the department to make purchases and if 2074
the purchases comply with the department's purchasing procedures. 2075
Section 127.16 of the Revised Code does not apply to purchases 2076
made under this division. Until the certification effective date 2077
established by the department in rules adopted under section 2078
125.051 of the Revised Code, state agencies may make purchases of 2079
supplies and services that cost more than twenty-five thousand 2080
dollars but less than fifty thousand dollars in the same manner as 2081
provided in division (A) of this section. 2082

~~(B)~~(C) Subject to division ~~(D)~~(E) of this section, a state 2083
agency wanting to purchase ~~services that cost more than fifty~~ 2084
~~thousand dollars or~~ supplies or services that cost more than 2085
twenty-five thousand dollars shall, unless otherwise authorized by 2086
law, make the purchase from or through the department. The 2087
department shall make the purchase by competitive selection ~~under~~ 2088
~~section 125.07 of the Revised Code.~~ If the director of 2089
administrative services determines that it is not possible or not 2090
advantageous to the state for the department to make the purchase, 2091
the department shall grant the agency a release and permit under 2092
section 125.06 of the Revised Code to make the purchase. Section 2093
127.16 of the Revised Code does not apply to purchases the 2094
department makes under this section. 2095

~~(C)~~(D) An agency that has been granted a release and permit 2096
to make a purchase may make the purchase without competitive 2097
selection if after making the purchase the cumulative purchase 2098
threshold as computed under division ~~(F)~~(E) of section 127.16 of 2099
the Revised Code would: 2100

(1) Be exceeded and the controlling board approves the 2101
purchase; 2102

(2) Not be exceeded and the department of administrative 2103
services approves the purchase. 2104

~~(D)(E)~~ Not later than January 31, 1997, the amounts specified 2105
in divisions (A) and (B) of this section and, not later than the 2106
thirty-first day of January of each ~~second~~ even-numbered year 2107
~~thereafter, any amounts computed by adjustments made under this~~ 2108
~~division, shall be increased or decreased by the average~~ 2109
~~percentage increase or decrease in the consumer price index~~ 2110
~~prepared by the United States bureau of labor statistics (U.S.~~ 2111
~~City Average for Urban Wage Earners and Clerical Workers: "All~~ 2112
~~Items 1982-1984=100") for the twenty-four calendar month period~~ 2113
~~prior to the immediately preceding first day of January over the~~ 2114
~~immediately preceding twenty-four calendar month period, as~~ 2115
~~reported by the bureau. The director of administrative services~~ 2116
~~shall make this determination and adjust the appropriate amounts~~ 2117
~~accordingly, the directors of administrative services and budget~~ 2118
~~and management shall review and recommend to the general assembly,~~ 2119
~~if necessary, adjustments to the amounts specified in divisions~~ 2120
~~(A) to (C) of this section and division (B) of section 127.16 of~~ 2121
~~the Revised Code.~~ 2122

~~(E)(F)~~ If the eTech Ohio commission, the department of 2123
education, or the Ohio education computer network determines that 2124
it can purchase software services or supplies for specified school 2125
districts at a price less than the price for which the districts 2126
could purchase the same software services or supplies for 2127
themselves, the commission, department, or network shall certify 2128
that fact to the department of administrative services and, acting 2129
as an agent for the specified school districts, shall make that 2130
purchase without following the provisions in divisions (A) to (D) 2131
of this section. 2132

Sec. 125.051. The director of administrative services shall 2133
certify employees of state agencies to make purchases of supplies 2134
and services under division (B) of section 125.05 of the Revised 2135
Code. The director shall adopt rules in accordance with Chapter 2136

119. of the Revised Code governing certification that provide for 2137
the following: 2138

(A) Requirements for certification, including candidate 2139
qualifications and training on how to make purchases in accordance 2140
with the department of administrative services' purchasing 2141
procedures; 2142

(B) Requirements and procedures for renewal of certification; 2143

(C) Causes for and procedures governing termination of 2144
certification; 2145

(D) Requirements and procedures for granting provisional 2146
certification; 2147

(E) The certification effective date, after which purchases 2148
shall be made by certified employees; 2149

(F) Any other rules necessary to govern certification. 2150

Sec. 125.06. The department of administrative services may, 2151
pursuant to division ~~(B)~~(C) of section 125.05 of the Revised Code 2152
and subject to such rules as the director of administrative 2153
services may adopt, issue a release and permit to the agency to 2154
secure supplies or services. A release and permit shall specify 2155
the supplies or services to which it applies, the time during 2156
which it is operative, and the reason for its issuance. A release 2157
and permit for computer services shall also specify the type of 2158
services to be rendered, the number and type of machines to be 2159
employed, and may specify the amount of such services to be 2160
performed. One copy of every release and permit shall be filed 2161
with the agency to which it is issued, and one copy shall be 2162
retained by the department. 2163

Sec. 125.07. The department of administrative services, in 2164
making a purchase by competitive selection pursuant to division 2165

~~(B)~~(C) of section 125.05 of the Revised Code, shall give notice in 2166
the following manner: 2167

(A) The department shall advertise the intended purchases by 2168
notice that is posted by mail or electronic means and that is for 2169
the benefit of competing persons producing or dealing in the 2170
supplies or services to be purchased, including, but not limited 2171
to, the persons whose names appear on the appropriate list 2172
provided for in section 125.08 of the Revised Code. The notice may 2173
be in the form of the bid or proposal document or of a listing in 2174
a periodic bulletin, or in any other form the director of 2175
administrative services considers appropriate to sufficiently 2176
notify qualified competing persons of the intended purchases. 2177

(B) The notice required under division (A) of this section 2178
shall include the time and place where bids or proposals will be 2179
accepted and opened, or, when bids are made in a reverse auction, 2180
the time when bids will be accepted; the conditions under which 2181
bids or proposals will be received; the terms of the proposed 2182
purchases; and an itemized list of the supplies or services to be 2183
purchased and the estimated quantities or amounts of them. 2184

(C) The posting of the notice required under division (A) of 2185
this section shall be completed by the number of days the director 2186
determines preceding the day when the bids or proposals will be 2187
opened or accepted. 2188

(D) The department also shall maintain, in a public place in 2189
its office, a bulletin board upon which it shall post and maintain 2190
a copy of the notice required under division (A) of this section 2191
for at least the number of days the director determines under 2192
division (C) of this section preceding the day of the opening or 2193
acceptance of the bids or proposals. The failure to so 2194
additionally post the notice shall invalidate all proceedings had 2195
and any contract entered into pursuant to the proceedings. 2196

Sec. 125.18. (A) There is hereby established the office of 2197
information technology housed within the department of 2198
administrative services. The office shall be under the supervision 2199
of a state chief information officer to be appointed by the 2200
~~governor~~ director of administrative services and subject to 2201
removal at the pleasure of the ~~governor~~ director. The chief 2202
information officer ~~shall serve as the~~ is an assistant director of 2203
~~the office~~ administrative services. 2204

(B) ~~The director of the office of information technology~~ 2205
~~shall advise the governor regarding the superintendence and~~ 2206
~~implementation of statewide information technology policy.~~ 2207

~~(C) The director of the office of information technology~~ 2208
Under the direction of the director of administrative services, 2209
the state chief information officer shall lead, oversee, and 2210
direct state agency activities related to information technology 2211
development and use. In that regard, the ~~director~~ state chief 2212
information officer shall do all of the following: 2213

(1) Coordinate and superintend statewide efforts to promote 2214
common use and development of technology by state agencies. The 2215
office of information technology shall establish policies and 2216
standards that govern and direct state agency participation in 2217
statewide programs and initiatives. 2218

(2) Establish policies and standards for the acquisition and 2219
use of information technology by state agencies, including, but 2220
not limited to, hardware, software, technology services, and 2221
security, with which state agencies shall comply; 2222

(3) Establish criteria and review processes to identify state 2223
agency information technology projects or purchases that require 2224
alignment or oversight. As appropriate, the ~~office of information~~ 2225
~~technology~~ department of administrative services shall provide the 2226
governor and the director of budget and management with notice and 2227

advice regarding the appropriate allocation of resources for those 2228
projects. The ~~director of the office of information technology~~ 2229
state chief information officer may require state agencies to 2230
provide, and may prescribe the form and manner by which they must 2231
provide, information to fulfill the ~~director's~~ state chief 2232
information officer's alignment and oversight role; 2233

(4) Establish policies and procedures for the security of 2234
personal information that is maintained and destroyed by state 2235
agencies; 2236

(5) Employ a chief information security officer who is 2237
responsible for the implementation of the policies and procedures 2238
described in division ~~(C)~~(B)(4) of this section and for 2239
coordinating the implementation of those policies and procedures 2240
in all of the state agencies; 2241

(6) Employ a chief privacy officer who is responsible for 2242
advising ~~the office of information technology~~ and state agencies 2243
when establishing policies and procedures for the security of 2244
personal information and developing education and training 2245
programs regarding the state's security procedures. 2246

~~(D)~~(C)(1) The chief information security officer shall assist 2247
each state agency with the development of an information 2248
technology security strategic plan and review that plan, and each 2249
state agency shall submit that plan to the ~~office of information~~ 2250
~~technology~~ state chief information officer. The chief information 2251
security officer may require that each state agency update its 2252
information technology security strategic plan annually as 2253
determined by the state chief information officer. 2254

(2) Prior to the implementation of any information technology 2255
data system, a state agency shall prepare or have prepared a 2256
privacy impact statement for that system. 2257

~~(E) The office of information technology shall have the same~~ 2258

~~authority given to the department of administrative services under 2259
sections 125.01, 125.02, 125.023, 125.04, 125.05, 125.06, 125.07, 2260
125.071, 125.072, 125.081, 125.09, 125.10, 125.11, and 125.25 of 2261
the Revised Code for the purchase of information technology 2262
supplies and services for state agencies. 2263~~

~~(F)(D) When a state agency requests a purchase of information 2264
technology supplies or services under Chapter 125. of the Revised 2265
Code, the state chief information officer may review and reject 2266
the requested purchase for noncompliance with information 2267
technology direction, plans, policies, standards, or 2268
project-alignment criteria. 2269~~

~~(E) The office of information technology may ~~make contracts 2270
for, operate, and superintend~~ technology supplies and services for 2271
state agencies in accordance with this chapter. 2272~~

~~(G) The (F) With the approval of the director of 2273
administrative services, the office of information technology may 2274
establish cooperative agreements with federal and local government 2275
agencies and state agencies that are not under the authority of 2276
the governor for the provision of technology services and the 2277
development of technology projects. 2278~~

~~(H)(G) As used in this section: 2279~~

~~(1) "Personal information" has the same meaning as in section 2280
149.45 of the Revised Code. 2281~~

~~(2) "State agency" means every organized body, office, or 2282
agency established by the laws of the state for the exercise of 2283
any function of state government, other than any state-supported 2284
institution of higher education, the office of the auditor of 2285
state, treasurer of state, secretary of state, or attorney 2286
general, the adjutant general's department, the bureau of workers' 2287
compensation, the industrial commission, the public employees 2288
retirement system, the Ohio police and fire pension fund, the 2289~~

state teachers retirement system, the school employees retirement 2290
system, the state highway patrol retirement system, the general 2291
assembly or any legislative agency, or the courts or any judicial 2292
agency. 2293

Sec. 125.25. (A) The director of administrative services may 2294
debar a vendor from consideration for contract awards upon a 2295
finding based upon a reasonable belief that the vendor has done 2296
any of the following: 2297

(1) Abused the selection process by repeatedly withdrawing 2298
bids or proposals before purchase orders or contracts are issued 2299
or failing to accept orders based upon firm bids; 2300

(2) Failed to substantially perform a contract according to 2301
its terms, conditions, and specifications within specified time 2302
limits; 2303

(3) Failed to cooperate in monitoring contract performance by 2304
refusing to provide information or documents required in a 2305
contract, failed to respond to complaints to the vendor, or 2306
accumulated repeated justified complaints regarding performance of 2307
a contract; 2308

(4) Attempted to influence a public employee to breach 2309
ethical conduct standards or to influence a contract award; 2310

(5) Colluded to restrain competition by any means; 2311

(6) Been convicted of a criminal offense related to the 2312
application for or performance of any public or private contract, 2313
including, but not limited to, embezzlement, theft, forgery, 2314
bribery, falsification or destruction of records, receiving stolen 2315
property, and any other offense that directly reflects on the 2316
vendor's business integrity; 2317

(7) Been convicted under state or federal antitrust laws; 2318

(8) Deliberately or willfully submitted false or misleading 2319

information in connection with the application for or performance	2320
of a public contract;	2321
(9) Violated any other responsible business practice or	2322
performed in an unsatisfactory manner as determined by the	2323
director;	2324
(10) Through the default of a contract or through other means	2325
had a determination of unresolved finding for recovery by the	2326
auditor of state under section 9.24 of the Revised Code;	2327
(11) Acted in such a manner as to be debarred from	2328
participating in a contract with any governmental agency.	2329
(B) When the director reasonably believes that grounds for	2330
debarment exist, the director shall send the vendor a notice of	2331
proposed debarment indicating the grounds for the proposed	2332
debarment and the procedure for requesting a hearing on the	2333
proposed debarment. The hearing shall be conducted in accordance	2334
with Chapter 119. of the Revised Code. If the vendor does not	2335
respond with a request for a hearing in the manner specified in	2336
Chapter 119. of the Revised Code, the director shall issue the	2337
debarment decision without a hearing and shall notify the vendor	2338
of the decision by certified mail, return receipt requested.	2339
(C) The director shall determine the length of the debarment	2340
period and may rescind the debarment at any time upon notification	2341
to the vendor. During the period of debarment, the vendor is not	2342
eligible to participate in any state contract. After the debarment	2343
period expires, the vendor shall be eligible to be awarded	2344
contracts by state agencies.	2345
(D) The director, through the office of information	2346
technology and the office of procurement services, shall maintain	2347
a list of all vendors currently debarred under this section.	2348
Sec. 127.16. (A) Upon the request of either a state agency or	2349

the director of budget and management and after the controlling 2350
board determines that an emergency or a sufficient economic reason 2351
exists, the controlling board may approve the making of a purchase 2352
without competitive selection as provided in division (B) of this 2353
section. 2354

(B) Except as otherwise provided in this section, no state 2355
agency, using money that has been appropriated to it directly, 2356
shall: 2357

(1) Make any purchase from a particular supplier, that would 2358
amount to fifty thousand dollars or more when combined with both 2359
the amount of all disbursements to the supplier during the fiscal 2360
year for purchases made by the agency and the amount of all 2361
outstanding encumbrances for purchases made by the agency from the 2362
supplier, unless the purchase is made by competitive selection or 2363
with the approval of the controlling board; 2364

(2) Lease real estate from a particular supplier, if the 2365
lease would amount to seventy-five thousand dollars or more when 2366
combined with both the amount of all disbursements to the supplier 2367
during the fiscal year for real estate leases made by the agency 2368
and the amount of all outstanding encumbrances for real estate 2369
leases made by the agency from the supplier, unless the lease is 2370
made by competitive selection or with the approval of the 2371
controlling board. 2372

(C) Any person who authorizes a purchase in violation of 2373
division (B) of this section shall be liable to the state for any 2374
state funds spent on the purchase, and the attorney general shall 2375
collect the amount from the person. 2376

(D) Nothing in division (B) of this section shall be 2377
construed as: 2378

(1) A limitation upon the authority of the director of 2379
transportation as granted in sections 5501.17, 5517.02, and 2380

5525.14 of the Revised Code;	2381
(2) Applying to medicaid provider agreements under Chapter	2382
5111. of the Revised Code or payments or provider agreements under	2383
the disability medical assistance program established under	2384
Chapter 5115. of the Revised Code;	2385
(3) Applying to the purchase of examinations from a sole	2386
supplier by a state licensing board under Title XLVII of the	2387
Revised Code;	2388
(4) Applying to entertainment contracts for the Ohio state	2389
fair entered into by the Ohio expositions commission, provided	2390
that the controlling board has given its approval to the	2391
commission to enter into such contracts and has approved a total	2392
budget amount for such contracts as agreed upon by commission	2393
action, and that the commission causes to be kept itemized records	2394
of the amounts of money spent under each contract and annually	2395
files those records with the clerk of the house of representatives	2396
and the clerk of the senate following the close of the fair;	2397
(5) Limiting the authority of the chief of the division of	2398
mineral resources management to contract for reclamation work with	2399
an operator mining adjacent land as provided in section 1513.27 of	2400
the Revised Code;	2401
(6) Applying to investment transactions and procedures of any	2402
state agency, except that the agency shall file with the board the	2403
name of any person with whom the agency contracts to make, broker,	2404
service, or otherwise manage its investments, as well as the	2405
commission, rate, or schedule of charges of such person with	2406
respect to any investment transactions to be undertaken on behalf	2407
of the agency. The filing shall be in a form and at such times as	2408
the board considers appropriate.	2409
(7) Applying to purchases made with money for the per cent	2410
for arts program established by section 3379.10 of the Revised	2411

Code;	2412
(8) Applying to purchases made by the rehabilitation services commission of services, or supplies, that are provided to persons with disabilities, or to purchases made by the commission in connection with the eligibility determinations it makes for applicants of programs administered by the social security administration;	2413 2414 2415 2416 2417 2418
(9) Applying to payments by the department of job and family services under section 5111.13 of the Revised Code for group health plan premiums, deductibles, coinsurance, and other cost-sharing expenses;	2419 2420 2421 2422
(10) Applying to any agency of the legislative branch of the state government;	2423 2424
(11) Applying to agreements or contracts entered into under section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the Revised Code;	2425 2426 2427
(12) Applying to purchases of services by the adult parole authority under section 2967.14 of the Revised Code or by the department of youth services under section 5139.08 of the Revised Code;	2428 2429 2430 2431
(13) Applying to dues or fees paid for membership in an organization or association;	2432 2433
(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	2434 2435
(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	2436 2437 2438 2439
(16) Applying to purchases of tickets for passenger air transportation;	2440 2441

(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	2442 2443 2444
(18) Applying to the judicial branch of state government;	2445
(19) Applying to purchases of liquor for resale by the division of liquor control;	2446 2447
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	2448 2449 2450
(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;	2451 2452 2453 2454
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	2455 2456 2457
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	2458 2459
(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;	2460 2461 2462 2463
(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;	2464 2465 2466
(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;	2467 2468 2469 2470 2471

(27) Applying to contracts entered into by the department of	2472
mental retardation and developmental disabilities under section	2473
5123.18 of the Revised Code;	2474
(28) Applying to payments made by the department of mental	2475
health under a physician recruitment program authorized by section	2476
5119.101 of the Revised Code;	2477
(29) Applying to contracts entered into with persons by the	2478
director of commerce for unclaimed funds collection and remittance	2479
efforts as provided in division (F) of section 169.03 of the	2480
Revised Code. The director shall keep an itemized accounting of	2481
unclaimed funds collected by those persons and amounts paid to	2482
them for their services.	2483
(30) Applying to purchases made by a state institution of	2484
higher education in accordance with the terms of a contract	2485
between the vendor and an inter-university purchasing group	2486
comprised of purchasing officers of state institutions of higher	2487
education;	2488
(31) Applying to the department of job and family services'	2489
purchases of health assistance services under the children's	2490
health insurance program part I provided for under section 5101.50	2491
of the Revised Code, the children's health insurance program part	2492
II provided for under section 5101.51 of the Revised Code, or the	2493
children's health insurance program part III provided for under	2494
section 5101.52 of the Revised Code, <u>or the children's buy-in</u>	2495
<u>program provided for under sections 5101.5211 to 5101.5216 of the</u>	2496
<u>Revised Code;</u>	2497
(32) Applying to payments by the attorney general from the	2498
reparations fund to hospitals and other emergency medical	2499
facilities for performing medical examinations to collect physical	2500
evidence pursuant to section 2907.28 of the Revised Code;	2501
(33) Applying to contracts with a contracting authority or	2502

administrative receiver under division (B) of section 5126.056 of
the Revised Code; 2503
2504

(34) Applying to reimbursements paid to the United States 2505
department of veterans affairs for pharmaceutical and patient 2506
supply purchases made on behalf of the Ohio veterans' home agency; 2507

(35) Applying to agreements entered into with terminal 2508
distributors of dangerous drugs under section 173.79 of the 2509
Revised Code; 2510

(36) Applying to payments by the superintendent of the bureau 2511
of criminal identification and investigation to the federal bureau 2512
of investigation for criminal records checks pursuant to section 2513
109.572 of the Revised Code. 2514

~~(E) Notwithstanding division (B)(1) of this section, the 2515
cumulative purchase threshold shall be seventy five thousand 2516
dollars for the departments of mental retardation and 2517
developmental disabilities, mental health, rehabilitation and 2518
correction, and youth services. 2519~~

~~(F)~~ When determining whether a state agency has reached the 2520
cumulative purchase thresholds established in divisions (B)(1), 2521
~~(B)~~ and (2), ~~and (E)~~ of this section, all of the following 2522
purchases by such agency shall not be considered: 2523

(1) Purchases made through competitive selection or with 2524
controlling board approval; 2525

(2) Purchases listed in division (D) of this section; 2526

(3) For the purposes of the ~~thresholds~~ threshold of ~~divisions~~ 2527
division (B)(1) ~~and (E)~~ of this section only, leases of real 2528
estate. 2529

~~(G)~~(F) As used in this section, "competitive selection," 2530
"purchase," "supplies," and "services" have the same meanings as 2531
in section 125.01 of the Revised Code. 2532

Sec. 133.08. (A) In addition to any power to issue securities 2533
under other provisions of the Revised Code for the purposes, a 2534
county may issue revenue securities as authorized in this section. 2535
2536

(B) A county may issue revenue securities to fund or refund 2537
revenue securities previously issued, or for any purposes for 2538
which it could issue self-supporting securities and, without 2539
limitation, any of the following general purposes: 2540

(1) For one or more established sewer districts, any of the 2541
purposes provided in divisions (C)(2)(a) and (b) of section 133.07 2542
of the Revised Code~~;~~, including sanitary facilities, drainage 2543
facilities, and prevention or replacement facilities as defined in 2544
section 6117.01 of the Revised Code. For purposes of this chapter, 2545
those sanitary facilities, drainage facilities, and prevention or 2546
replacement facilities are hereby determined to qualify as 2547
facilities described in Section 13 of Article VIII, Ohio 2548
Constitution. 2549

(2) Hospital facilities as defined in division (E) of section 2550
140.01 of the Revised Code; 2551

(3) Facilities described in division (C)(10) of section 2552
133.07 of the Revised Code; 2553

(4) Off-street parking facilities pursuant to section 307.02 2554
of the Revised Code; 2555

(5) An arena, a convention center, or a combination of an 2556
arena and convention center under section 307.695 of the Revised 2557
Code. 2558

(C) The county shall establish rates or charges for the use, 2559
availability, or rental of the facilities to which the financing 2560
relates, being the improvement, enterprise, system, project, or 2561
categories of improvements or the operation or function that the 2562

facilities serve, which rates or charges shall be designed to 2563
provide revenues to the county sufficient to pay the costs of all 2564
current expenses of the facilities payable by the county and to 2565
pay the debt charges on the securities and to establish and 2566
maintain any contractually required special funds relating to the 2567
securities or the facilities. 2568

(D) Revenue securities issued under this section shall not be 2569
general obligations of the county. Revenue securities issued under 2570
this section shall be secured only by a pledge of and lien upon 2571
the revenues of the county, derived from its ownership or 2572
operation of the facilities, including those rates or charges or 2573
rents and any interest subsidies or debt charges, grants, or other 2574
payments by federal or state agencies available therefor, and the 2575
covenants of the county to maintain sufficient rentals, rates, and 2576
charges to produce revenues sufficient to pay all current expenses 2577
of the facilities payable by the county and to pay the debt 2578
charges on the securities and to establish and maintain any 2579
contractually required special funds relating to the securities or 2580
the facilities, and, if the securities are anticipatory 2581
securities, to issue the revenue securities in anticipation of the 2582
issuance of which the revenue securities are issued. Revenue 2583
securities may also be secured by a pledge of and lien on the 2584
proceeds of any securities issued to fund or refund those revenue 2585
securities. 2586

(E) The county officers authorized by the county taxing 2587
authority shall execute the necessary documents, including but not 2588
limited to trust agreements and leases, to provide for the pledge, 2589
protection, and disposition of the pledged revenues from which 2590
debt charges and any special fund deposits are to be paid. 2591

(F) As long as any of these revenue securities, in either 2592
original or refunded form, remain outstanding, except as otherwise 2593
provided in those documents, all parts of the facilities the 2594

revenues from which are pledged, shall remain under the control of 2595
the county taxing authority, whether any parts of the facilities 2596
are leased to or operated by others or are in or thereafter come 2597
within the boundaries of any municipal corporation, and the 2598
facilities shall remain subject to the power and duty of the 2599
taxing authority to fix and collect rates or charges or rents for 2600
the use of facilities. 2601

(G) The authority to issue securities of the county under 2602
this section for permanent improvements described in division 2603
(B)(2) of this section or division (C)(2)(d) of section 133.07 of 2604
the Revised Code may separately and independently be exercised by 2605
a board of county hospital trustees established under section 2606
339.02 of the Revised Code for those permanent improvements and 2607
related operations under the control of that board. 2608

(H) Sections 9.98 to 9.983 of the Revised Code apply to 2609
securities issued under this section, notwithstanding any other 2610
provision in this chapter. 2611

Sec. 133.52. A county, municipal corporation, or township may 2612
issue or incur public obligations, including general obligations, 2613
to provide, or assist in providing, grants, loans, loan 2614
guarantees, or contributions for conservation and revitalization 2615
purposes pursuant to Section 2o of Article VIII, Ohio 2616
Constitution. 2617

Sec. 135.101. As used in sections 135.101 to 135.106 of the 2618
Revised Code: 2619

(A) "Eligible resident" means an individual who is a resident 2620
of Ohio and who completes the SaveNOW education program prescribed 2621
by section 135.104 of the Revised Code. 2622

(B) "Eligible savings institution" means a financial 2623
institution that offers savings accounts available to residents of 2624

Ohio, that is a public depository of public money of the state 2625
under section 135.03 of the Revised Code, and that agrees to 2626
participate in the SaveNOW program under sections 135.101 to 2627
135.106 of the Revised Code. 2628

(C) "SaveNOW linked deposit" means a deposit placed by the 2629
treasurer of state with an eligible savings institution at a rate 2630
determined and calculated by the treasurer of state. 2631

(D) "SaveNOW savings account" means an interest-bearing 2632
account that is opened by an eligible resident at an eligible 2633
savings institution and that complies with the requirements of 2634
section 135.104 of the Revised Code. 2635

(E) "Premium savings rate" means the highest savings rate 2636
that is offered by an eligible savings institution for large 2637
deposits, as approved by and negotiated with the treasurer of 2638
state. 2639

(F) "Program period" means the length of time, not to exceed 2640
two years, established by the treasurer of state that a SaveNOW 2641
savings account is eligible to receive the SaveNOW interest 2642
incentive. 2643

Sec. 135.102. The general assembly finds that the personal 2644
savings rate among Ohioans has declined in recent years, that 2645
personal savings are important to the future prosperity of Ohio, 2646
and that personal savings must be encouraged and assisted. The 2647
SaveNOW program provided for in sections 135.101 to 135.106 of the 2648
Revised Code is intended to promote increased personal savings, 2649
which will materially contribute to the economic growth of Ohio 2650
and the financial security of its residents. Accordingly, it is 2651
declared to be the public policy of the state through the SaveNOW 2652
program to create an availability of higher-rate savings accounts 2653
for the purpose of increasing personal savings and promoting 2654
financial education among the residents of Ohio. 2655

Sec. 135.103. The treasurer of state may invest in SaveNOW 2656
linked deposits under sections 135.101 to 135.106 of the Revised 2657
Code, provided that at the time of placing any SaveNOW linked 2658
deposits the combined amount of investments of public money of the 2659
state in linked deposits of any kind is not more than twelve per 2660
cent of the state's total average investment portfolio as 2661
determined by the treasurer of state. When deciding whether to 2662
invest in SaveNOW linked deposits, the treasurer of state shall 2663
give priority to the investment, liquidity, and cash flow needs of 2664
the state. 2665

Sec. 135.104. (A) A resident of Ohio may participate in the 2666
SaveNOW program by agreeing to maintain a SaveNOW savings account 2667
at an eligible savings institution for the program period and by 2668
completing the SaveNOW education program. The SaveNOW education 2669
program shall include a financial literacy assessment and a 2670
financial literacy program established and administered by the 2671
treasurer of state. 2672

(B) An eligible savings institution shall accept applications 2673
for a SaveNOW savings account from eligible residents on a 2674
first-come, first-served basis on forms prescribed by the 2675
treasurer of state. The eligible savings institution shall offer 2676
to eligible residents a SaveNOW savings account that satisfies all 2677
of the following: 2678

(1) Opening and maintaining the account requires no minimum 2679
deposit; 2680

(2) No fees are charged for opening or using the account; and 2681

(3) All deposits in the account earn at least the premium 2682
savings rate. 2683

(C) To provide an additional incentive for saving, a SaveNOW 2684
incentive rate of interest shall accrue to the average daily 2685

balance of deposits, up to five thousand dollars, in a SaveNOW 2686
savings account during the program period at a rate equal to up to 2687
three percentage points above the premium savings rate. The 2688
interest earnings arising from the SaveNOW incentive rate of 2689
interest shall be credited to the account in a lump sum at the 2690
conclusion of the program period. 2691

(D) The interest earnings arising from the SaveNOW incentive 2692
rate of interest under division (C) of this section shall be 2693
deducted from the interest earned on the state's SaveNOW linked 2694
deposit at the end of the eligible program period. 2695

(E) Not more than one SaveNOW savings account shall be held 2696
by an eligible resident during a program period. An individual 2697
holding a SaveNOW savings account jointly with another individual 2698
shall be considered to be holding such an account for the purposes 2699
of this division, unless the joint ownership is of an account 2700
opened by a parent, grandparent, or guardian for a minor or for a 2701
dependent adult. 2702

Sec. 135.105. (A) Upon the placement of a SaveNOW linked 2703
deposit with an eligible savings institution, the institution 2704
shall offer SaveNOW savings accounts to eligible residents under 2705
section 135.104 of the Revised Code. A certification of compliance 2706
with this section in the form and manner prescribed by the 2707
treasurer of state shall be required of the eligible savings 2708
institution. 2709

(B) The treasurer of state shall take any and all steps 2710
necessary to implement the SaveNOW program and to monitor the 2711
compliance of eligible savings institutions, including the 2712
development of guidelines as necessary. 2713

(C) Annually, by the first day of February, the treasurer of 2714
state shall report on the SaveNOW program for the preceding 2715
calendar year to the governor, the speaker of the house of 2716

representatives, and the president of the senate. The speaker 2717
shall transmit copies of the report to the chairpersons of the 2718
standing committees of the house of representatives that 2719
customarily consider legislation regarding finance, and the 2720
president of the senate shall transmit copies of the report to the 2721
chairpersons of the standing committees of the senate that 2722
customarily consider legislation regarding finance. The report 2723
shall set forth the SaveNOW linked deposits made by the treasurer 2724
of state under the program during the year and shall include a 2725
list of eligible savings institutions and the number of SaveNOW 2726
savings accounts at each of those institutions during the 2727
preceding year. 2728

Sec. 135.106. The state and the treasurer of state are not 2729
liable to any eligible savings institution or any eligible 2730
resident in any manner for the terms associated with SaveNOW 2731
savings accounts. Any misuse or misconduct on the part of an 2732
eligible savings institution or eligible resident does not in any 2733
manner affect the deposit agreement between the eligible savings 2734
institution and the treasurer of state. 2735

Sec. 135.61. As used in sections 135.61 to 135.67 of the 2736
Revised Code: 2737

(A) "Eligible small business" means any person, including, 2738
but not limited to a person engaged in agriculture, that has all 2739
of the following characteristics: 2740

(1) Is headquartered in this state; 2741

(2) Maintains offices and operating facilities exclusively in 2742
this state and transacts business in this state; 2743

(3) Employs fewer than one hundred fifty employees, the 2744
majority of whom are residents of this state; 2745

(4) Is organized for profit. 2746

(B) "Eligible lending institution" means a financial 2747
institution that is eligible to make commercial loans, is a public 2748
depository of state funds under section 135.03 of the Revised 2749
Code, and agrees to participate in the linked deposit program. 2750

(C) "Linked deposit" means a certificate of deposit placed by 2751
the treasurer of state with an eligible lending institution at ~~up~~ 2752
~~to three per cent~~ a rate below current market rates, as determined 2753
and calculated by the treasurer of state, provided the institution 2754
agrees to lend the value of such deposit, according to the deposit 2755
agreement provided in division (C) of section 135.65 of the 2756
Revised Code, to eligible small businesses at ~~three per cent~~ a 2757
rate that reflects an equal percentage rate reduction below the 2758
present borrowing rate applicable to each specific business at the 2759
time of the deposit of state funds in the institution. 2760

Sec. 135.63. The treasurer of state may invest in linked 2761
deposits under sections 135.61 to 135.67, agricultural linked 2762
deposits under sections 135.71 to 135.76, housing linked deposits 2763
under sections 135.81 to 135.87, ~~and~~ assistive technology device 2764
linked deposits under sections 135.91 to 135.97, and SaveNOW 2765
linked deposits under sections 135.101 to 135.106 of the Revised 2766
Code, provided that at the time of placement of any such linked 2767
deposit ~~under sections 135.61 to 135.67 of the Revised Code,~~ 2768
~~agricultural linked deposit, housing linked deposit, or assistive~~ 2769
~~technology device linked deposit,~~ the combined amount of 2770
investments in ~~the linked deposits, agricultural linked deposits,~~ 2771
~~housing linked deposits, and assistive technology device~~ all such 2772
linked deposits is not more than twelve per cent of the state's 2773
total average investment portfolio as determined by the treasurer 2774
of state. When deciding whether to invest in ~~the linked deposits,~~ 2775
~~agricultural linked deposits, housing linked deposits, or~~ 2776
~~assistive technology device~~ any such linked deposits, the 2777
treasurer of state shall give priority to the investment, 2778

liquidity, and cash flow needs of the state. 2779

Sec. 135.65. (A) The treasurer of state may accept or reject 2780
a linked deposit loan package or any portion thereof, based on the 2781
treasurer's evaluation of the eligible small businesses included 2782
in the package and the amount of state funds to be deposited. When 2783
evaluating the eligible small businesses, the treasurer shall give 2784
priority to the economic needs of the area where the business is 2785
located and the ratio of state funds to be deposited to jobs 2786
sustained or created and shall also consider any reports, 2787
statements, or plans applicable to the business, the overall 2788
financial need of the business, and such other factors as the 2789
treasurer considers appropriate. 2790

(B) Upon acceptance of the linked deposit loan package or any 2791
portion thereof, the treasurer of state may place certificates of 2792
deposit with the eligible lending institution at ~~three per cent~~ a 2793
rate below current market rates, as determined and calculated by 2794
the treasurer of state. When necessary, the treasurer may place 2795
certificates of deposit prior to acceptance of a linked deposit 2796
loan package. 2797

(C) The eligible lending institution shall enter into a 2798
deposit agreement with the treasurer of state, which shall include 2799
requirements necessary to carry out the purposes of sections 2800
135.61 to 135.67 of the Revised Code. Such requirements shall 2801
reflect the market conditions prevailing in the eligible lending 2802
institution's lending area. The agreement may include a 2803
specification of the period of time in which the lending 2804
institution is to lend funds upon the placement of a linked 2805
deposit, and shall include provisions for the certificates of 2806
deposit to be placed for any maturity considered appropriate by 2807
the treasurer of state not to exceed two years, and may be renewed 2808
for up to an additional two years at the option of the treasurer. 2809

Interest shall be paid at the times determined by the treasurer of state. 2810
2811

(D) Eligible lending institutions shall comply fully with Chapter 135. of the Revised Code. 2812
2813

Sec. 135.66. (A) Upon the placement of a linked deposit with an eligible lending institution, such institution is required to lend such funds to each approved eligible small business listed in the linked deposit loan package required by division (D) of section 135.64 of the Revised Code and in accordance with the deposit agreement required by division (C) of section 135.65 of the Revised Code. The loan shall be at ~~three per cent~~ a rate that reflects a percentage rate reduction below the present borrowing rate applicable to each business that is equal to the percentage rate reduction below market rates at which the certificate of deposits that constitute the linked deposit were placed. A certification of compliance with this section in the form and manner as prescribed by the treasurer of state shall be required of the eligible lending institution. 2814
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(B) The treasurer of state shall take any and all steps necessary to implement the linked deposit program and monitor compliance of eligible lending institutions and eligible small businesses, including the development of guidelines as necessary. The treasurer of state and the department of development shall notify each other at least quarterly of the names of the businesses receiving financial assistance from their respective programs. 2828
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Annually, by the first day of February, the treasurer of state shall report on the linked deposits program for the preceding calendar year to the governor, the speaker of the house of representatives, and the president of the senate. The speaker of the house shall transmit copies of this report to the ~~chairmen~~ 2836
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chairpersons of the standing committees in the house which 2841
customarily consider legislation regarding agriculture and small 2842
business, and the president of the senate shall transmit copies of 2843
this report to the ~~chairmen~~ chairpersons of the standing 2844
committees in the senate which customarily consider legislation 2845
regarding agriculture and small business. The report shall set 2846
forth the linked deposits made by the treasurer of state under the 2847
program during the year and shall include information regarding 2848
the nature, terms, and amounts of the loans upon which the linked 2849
deposits were based and the eligible small businesses to which the 2850
loans were made. 2851

Sec. 145.47. (A) Each public employee who is a contributor to 2852
the public employees retirement system shall contribute eight per 2853
cent of the contributor's earnable salary to the employees' 2854
savings fund, except that the public employees retirement board 2855
may raise the contribution rate to a rate not greater than ten per 2856
cent of the employee's earnable salary. 2857

(B) The head of each state department, institution, board, 2858
and commission, and the fiscal officer of each local authority 2859
subject to this chapter, shall deduct from the earnable salary of 2860
each contributor on every payroll of such contributor for each 2861
payroll period subsequent to the date of coverage, an amount equal 2862
to the applicable per cent of the contributor's earnable salary. 2863
The head of each state department and the fiscal officer of each 2864
local authority subject to this chapter shall transmit promptly to 2865
the system a report of contributions at such intervals and in such 2866
form as the system shall require, showing thereon all deductions 2867
for the system made from the earnable salary of each contributor 2868
employed, together with warrants ~~or~~, checks, or electronic 2869
payments covering the total of such deductions. A penalty ~~of five~~ 2870
~~per cent of the total amount due for the particular reporting~~ 2871
~~period~~ shall be added when such report, together with warrants ~~or~~, 2872

checks, or electronic payments to cover the total amount due from 2873
the earnable salary of all amenable employees of such employer, is 2874
filed thirty or more days after the last day of such reporting 2875
period. ~~Such~~ The system, after making a record of all receipts 2876
under this division, shall deposit the receipts with the treasurer 2877
of state for use as provided by this chapter. 2878

(C) Unless the board adopts a rule under division (D) of this 2879
section, the penalty described in division (B) of this section for 2880
failing to timely transmit a report, pay the total amount due, or 2881
both is as follows: 2882

(1) At least one but not more than ten days past due, an 2883
amount equal to one per cent of the total amount due; 2884

(2) At least eleven but not more than thirty days past due, 2885
an amount equal to two and one-half per cent of the total amount 2886
due; 2887

(3) Thirty-one or more days past due, an amount equal to five 2888
per cent of the total amount due. 2889

The penalty described in this division shall be added to and 2890
collected on the next succeeding regular employer billing. 2891
Interest at a rate set by the retirement board shall be charged on 2892
the amount of the penalty in case such penalty is not paid within 2893
~~three months~~ thirty days after it is added to the regular employer 2894
billing. ~~The system, after making a record of all such receipts,~~ 2895
~~shall deposit them with the treasurer of state for use as provided~~ 2896
~~by this chapter. In~~ 2897

(D) The board may adopt rules to establish penalties in 2898
amounts that do not exceed the amounts specified in divisions 2899
(C)(1) to (3) of this section. 2900

(E) In addition to the periodical reports of deduction 2901
required by this section, the fiscal officer of each local 2902
authority subject to this chapter shall submit to the system at 2903

least once each year a complete listing of all noncontributing 2904
appointive employees. Where an employer fails to transmit 2905
contributions to the system, the system may make a determination 2906
of the employees' liability for contributions and certify to the 2907
employer the amounts due for collection in the same manner as 2908
payments due the employers' accumulation fund. Any amounts so 2909
collected shall be held in trust pending receipt of a report of 2910
contributions for such public employees for the period involved as 2911
provided by law and, thereafter, the amount in trust shall be 2912
transferred to the employees' savings fund to the credit of the 2913
employees. Any amount remaining after the transfer to the 2914
employees' savings fund shall be transferred to the employers' 2915
accumulation fund as a credit of such employer. ~~The~~ 2916

(F) The fiscal officer of each local authority subject to 2917
this chapter shall require each new contributor to submit to the 2918
system a detailed report of all the contributor's previous service 2919
as a public employee along with such other facts as the board 2920
requires for the proper operation of the system. 2921

(G) Any member who, because of the member's own illness, 2922
injury, or other reason which may be approved by the member's 2923
employer is prevented from making the member's contribution to the 2924
system for any payroll period, may pay such deductions as a back 2925
payment within one year. 2926

Sec. 149.30. The Ohio historical society, chartered by this 2927
state as a corporation not for profit to promote a knowledge of 2928
history and archaeology, especially of Ohio, and operated 2929
continuously in the public interest since 1885, may perform public 2930
functions as prescribed by law. 2931

The general assembly may appropriate money to the Ohio 2932
historical society each biennium to carry out the public functions 2933
of the society as enumerated in this section. An appropriation by 2934

the general assembly to the society constitutes an offer to 2935
contract with the society to carry out those public functions for 2936
which appropriations are made. An acceptance by the society of the 2937
appropriated funds constitutes an acceptance by the society of the 2938
offer and is considered an agreement by the society to perform 2939
those functions in accordance with the terms of the appropriation 2940
and the law and to expend the funds only for the purposes for 2941
which appropriated. The governor may request on behalf of the 2942
society, and the controlling board may release, additional funds 2943
to the society for survey, salvage, repair, or rehabilitation of 2944
an emergency nature for which funds have not been appropriated, 2945
and acceptance by the society of those funds constitutes an 2946
agreement on the part of the society to expend those funds only 2947
for the purpose for which released by the controlling board. 2948

The society shall faithfully expend and apply all moneys 2949
received from the state to the uses and purposes directed by law 2950
and for necessary administrative expenses. If the general assembly 2951
appropriates money to the society for grants or subsidies to other 2952
entities for their site-related programs, the society, except for 2953
good cause, shall distribute the money within ninety days of 2954
accepting a grant or subsidy application for the money. 2955

The society shall perform the public function of sending 2956
notice by certified mail to the owner of any property at the time 2957
it is listed on the national register of historic places. The 2958
society shall accurately record all expenditures of such funds in 2959
conformity with generally accepted accounting principles. 2960

The auditor of state shall audit all funds and fiscal records 2961
of the society. 2962

The public functions to be performed by the Ohio historical 2963
society shall include all of the following: 2964

(A) Creating, supervising, operating, protecting, 2965

maintaining, and promoting for public use a system of state 2966
memorials, titles to which may reside wholly or in part with this 2967
state or wholly or in part with the society as provided in and in 2968
conformity to appropriate acts and resolves of the general 2969
assembly, and leasing for renewable periods of two years or less, 2970
with the advice and consent of the attorney general and the 2971
director of administrative services, lands and buildings owned by 2972
the state which are in the care, custody, and control of the 2973
society, all of which shall be maintained and kept for public use 2974
at reasonable hours; 2975

(B) Making alterations and improvements, marking, and 2976
constructing, reconstructing, protecting, or restoring structures, 2977
earthworks, and monuments in its care, and equipping such 2978
facilities with appropriate educational maintenance facilities; 2979

(C) Serving as the archives administration for the state and 2980
its political subdivisions as provided in sections 149.31 to 2981
149.42 of the Revised Code; 2982

(D) Administering a state historical museum, to be the 2983
headquarters of the society and its principal museum and library, 2984
which shall be maintained and kept for public use at reasonable 2985
hours; 2986

(E) Establishing a marking system to identify all designated 2987
historic and archaeological sites within the state and marking or 2988
causing to be marked historic sites and communities considered by 2989
the society to be historically or archaeologically significant; 2990

(F) Publishing books, pamphlets, periodicals, and other 2991
publications about history, archaeology, and natural science and 2992
offering one copy of each regular periodical issue to all public 2993
libraries in this state at a reasonable price, which shall not 2994
exceed one hundred ten per cent more than the total cost of 2995
publication; 2996

(G) Engaging in research in history, archaeology, and natural science and providing historical information upon request to all state agencies;	2997 2998 2999
(H) Collecting, preserving, and making available by all appropriate means and under approved safeguards all manuscript, print, or near-print library collections and all historical objects, specimens, and artifacts which pertain to the history of Ohio and its people, including the following original documents: Ohio Constitution of 1802; Ohio Constitution of 1851; proposed Ohio Constitution of 1875; design and the letters of patent and assignment of patent for the state flag; S.J.R. 13 (1873); S.J.R. 53 (1875); S.J.R. 72 (1875); S.J.R. 50 (1883); H.J.R. 73 (1883); S.J.R. 28 (1885); H.J.R. 67 (1885); S.J.R. 17 (1902); S.J.R. 28 (1902); H.J.R. 39 (1902); S.J.R. 23 (1903); H.J.R. 19 (1904); S.J.R. 16 (1905); H.J.R. 41 (1913); H.J.R. 34 (1917); petition form (2) (1918); S.J.R. 6 (1921); H.J.R. 5 (1923); H.J.R. 40 (1923); H.J.R. 8 (1929); H.J.R. 20 (1929); S.J.R. 4 (1933); petition form (2) (1933); S.J.R. 57 (1936); petition form (1936); H.J.R. 14 (1942); H.J.R. 15 (1944); H.J.R. 8 (1944); S.J.R. 6 (1947); petition form (1947); H.J.R. 24 (1947); and H.J.R. 48 (1947);	3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013 3014 3015 3016 3017
(I) Encouraging and promoting the organization and development of county and local historical societies;	3018 3019
(J) Providing to Ohio schools such materials as the society may prepare to facilitate the instruction of Ohio history at a reasonable price, which shall not exceed one hundred ten per cent more than the total cost of preparation and delivery;	3020 3021 3022 3023
(K) Providing advisory and technical assistance to local societies for the preservation and restoration of historic and archaeological sites;	3024 3025 3026
(L) Devising uniform criteria for the designation of historic	3027

and archaeological sites throughout the state and advising local 3028
historical societies of the criteria and their application; 3029

(M) Taking inventory, in cooperation with the Ohio arts 3030
council, the Ohio archaeological council, and the archaeological 3031
society of Ohio, of significant designated and undesignated state 3032
and local sites and keeping an active registry of all designated 3033
sites within the state; 3034

(N) Contracting with the owners or persons having an interest 3035
in designated historic or archaeological sites or property 3036
adjacent or contiguous to those sites, or acquiring, by purchase, 3037
gift, or devise, easements in those sites or in property adjacent 3038
or contiguous to those sites, in order to control or restrict the 3039
use of those historic or archaeological sites or adjacent or 3040
contiguous property for the purpose of restoring or preserving the 3041
historical or archaeological significance or educational value of 3042
those sites; 3043

(O) Constructing a monument honoring Governor James A. 3044
Rhodes, which shall stand on the northeast quadrant of the grounds 3045
surrounding the capitol building. The monument shall be 3046
constructed with private funds donated to the Ohio historical 3047
society and designated for this purpose. No public funds shall be 3048
expended to construct this monument. The department of 3049
administrative services shall cooperate with the Ohio historical 3050
society in carrying out this function and shall maintain the 3051
monument in a manner compatible with the grounds of the capitol 3052
building. 3053

(P) Commissioning a portrait of each departing governor, 3054
which shall be displayed in the capitol building. The Ohio 3055
historical society may accept private contributions designated for 3056
this purpose and, at the discretion of its board of trustees, also 3057
may apply for the same purpose funds appropriated by the general 3058
assembly to the society pursuant to this section. 3059

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

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

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

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

Sec. 156.02. The director of administrative services may contract with ~~the office of energy efficiency in the department of development~~ an energy services company, contractor, architect, professional engineer, or other person experienced in the design and implementation of energy conservation measures for a report containing an analysis and recommendations pertaining to the implementation of energy conservation measures that would significantly reduce energy consumption and operating costs in any buildings owned by the state and, upon request of its board of trustees or managing authority, any building owned by an institution of higher education as defined in section 3345.12 of

the Revised Code. The report shall include estimates of all costs 3091
of such measures, including the costs of design, engineering, 3092
installation, maintenance, repairs, and debt service, and 3093
estimates of the amounts by which energy consumption and operating 3094
costs would be reduced. 3095

Sec. 165.01. As used in this chapter: 3096

(A) "Agency" means a community improvement corporation 3097
organized under Chapter 1724. of the Revised Code and designated, 3098
pursuant to section 1724.10 of the Revised Code, as the agency of 3099
a municipal corporation or county. 3100

(B) "Bonds" means bonds, notes, or other forms of evidences 3101
of obligation issued in temporary or definitive form, including 3102
notes issued in anticipation of the issuance of bonds and renewal 3103
notes. The funding of bond anticipation notes with bonds or 3104
renewal notes and the exchange of definitive bonds for temporary 3105
bonds are not subject to section 165.07 of the Revised Code. 3106

(C) "Bond proceedings" means the resolution or ordinance or 3107
the trust agreement or indenture of mortgage, or combination 3108
thereof, authorizing or providing for the terms and conditions 3109
applicable to bonds issued under authority of this chapter. 3110

(D) "Issuer" means the state, or a county or municipal 3111
corporation of this state which county or municipal corporation 3112
has, pursuant to section 1724.10 of the Revised Code, designated a 3113
community improvement corporation as its agency for industrial, 3114
commercial, distribution, and research development and for which a 3115
plan has been prepared by such community improvement corporation 3116
and confirmed by its issuing authority. 3117

(E) "Issuing authority" means in the case of the state, the 3118
director of development; in the case of a municipal corporation, 3119
the legislative authority thereof; and in the case of a county, 3120

the board of county commissioners or whatever officers, board, 3121
commission, council, or other body might succeed to the 3122
legislative powers of the commissioners. 3123

(F) "Plan" means a plan prepared by the agency pursuant to 3124
section 1724.10 of the Revised Code, and confirmed by the issuing 3125
authority of a municipal corporation or county. 3126

(G) "Pledged facilities" means the project or projects 3127
mortgaged or the rentals, revenues, and other income, charges, and 3128
moneys from which are pledged, or both, for the payment of the 3129
principal of and interest on the bonds issued under authority of 3130
section 165.03 of the Revised Code, and includes a project for 3131
which a loan has been made under authority of this chapter, in 3132
which case, references in this chapter to revenues of such pledged 3133
facilities or from the disposition thereof includes payments made 3134
or to be made to or for the account of the issuer pursuant to such 3135
loan. 3136

(H) "Project" means real or personal property, or both, 3137
including undivided and other interests therein, acquired by gift 3138
or purchase, constructed, reconstructed, enlarged, improved, 3139
furnished, or equipped, or any combination thereof, by an issuer, 3140
or by others in whole or in part from the proceeds of a loan made 3141
by an issuer, for industry, commerce, distribution, or research 3142
and located within the boundaries of the issuer. "Project" 3143
includes sanitary facilities, drainage facilities, and prevention 3144
or replacement facilities as defined in section 6117.01 of the 3145
Revised Code. A project as defined in this division is hereby 3146
determined to qualify as facilities described in Section 13 of 3147
Article VIII, Ohio Constitution. 3148

(I) "Revenues" means the rentals, revenues, payments, 3149
repayments, income, charges, and moneys derived or to be derived 3150
from the use, lease, sublease, rental, sale, including installment 3151
sale or conditional sale, or other disposition of pledged 3152

facilities, or derived or to be derived pursuant to a loan made 3153
for a project, bond proceeds to the extent provided in the bond 3154
proceedings for the payment of principal of, or premium, if any, 3155
or interest on the bonds, proceeds from any insurance, 3156
condemnation or guaranty pertaining to pledged facilities or the 3157
financing thereof, and income and profit from the investment of 3158
the proceeds of bonds or of any revenues. 3159

(J) "Security interest" means a mortgage, lien, or other 3160
encumbrance on, or pledge or assignment of, or other security 3161
interest with respect to all or any part of pledged facilities, 3162
revenues, reserve funds, or other funds established under the bond 3163
proceedings, or on, of, or with respect to, a lease, sublease, 3164
sale, conditional sale or installment sale agreement, loan 3165
agreement, or any other agreement pertaining to the lease, 3166
sublease, sale, or other disposition of a project or pertaining to 3167
a loan made for a project, or any guaranty or insurance agreement 3168
made with respect thereto, or any interest of the issuer therein, 3169
or any other interest granted, assigned, or released to secure 3170
payments of the principal of, premium, if any, or interest on any 3171
bonds or to secure any other payments to be made by an issuer 3172
under the bond proceedings. Any security interest under this 3173
chapter may be prior or subordinate to or on a parity with any 3174
other mortgage, lien, encumbrance, pledge, assignment, or other 3175
security interest. 3176

Sec. 165.03. (A) An issuer may issue bonds for the purpose of 3177
providing moneys to acquire by purchase, construct, reconstruct, 3178
enlarge, improve, furnish, or equip one or more projects or parts 3179
thereof, or for any combination of such purposes, including 3180
providing moneys to make loans to others for such purposes. The 3181
issuing authority shall provide by resolution or ordinance for the 3182
issuance of such bonds. The bond proceedings may contain 3183
determinations by the issuing authority that the project to be 3184

financed thereunder is a project as defined in this chapter and is 3185
consistent with the purposes of Section 13 of Article VIII, Ohio 3186
Constitution, and such determinations shall be conclusive as to 3187
the validity and enforceability of the bonds issued under such 3188
bond proceedings and of such bond proceedings and security 3189
interests given and leases, subleases, sale agreements, loan 3190
agreements, and other agreements made in connection therewith, all 3191
in accordance with their terms. 3192

The principal of and interest on the bonds and all other 3193
payments required to be made by the bond proceedings shall be 3194
payable solely from the revenues and secured by security interests 3195
as provided in such bond proceedings. Bond anticipation notes may 3196
be secured, solely or additionally, by a covenant of the issuer 3197
that it will do all things necessary for the issuance of the bonds 3198
anticipated or renewal notes in appropriate amount and either 3199
exchange such bonds or renewal notes for such notes or apply the 3200
proceeds therefrom to the extent necessary to make full payment of 3201
the principal of and interest on such notes. The bond proceedings 3202
shall not obligate or pledge moneys raised by taxation. 3203

Bonds may be issued at one time or from time to time, shall 3204
be dated, shall mature at such time or times not exceeding thirty 3205
years from date of issue, and may be redeemable before maturity at 3206
such price or prices and under such terms and conditions, all as 3207
provided in the bond proceedings. The bonds shall bear interest at 3208
such rate or rates, or at a variable rate or rates changing from 3209
time to time in accordance with a base or formula, as provided in 3210
or authorized by the bond proceedings. The issuing authority shall 3211
determine the form of the bonds, fix their denominations and 3212
method of execution, and establish within or without the state a 3213
place or places for the payment of principal or interest. 3214

(B) The issuing authority may provide for sales of bonds at 3215
public or private sale as it deems most advantageous and for such 3216

prices, whether above or below the par value thereof, as it 3217
determines or within such limit or limits as it determines. 3218

(C) If the issuer is a county or municipal corporation, then, 3219
prior to the delivery of bonds issued under authority of this 3220
section, the issuing authority shall first have received from its 3221
agency a certification that a project to be financed by the 3222
issuance of such bonds is in accordance with the plan, except that 3223
no such certification is necessary if the project is a sanitary 3224
facility, drainage facility, or prevention or replacement facility 3225
as defined in section 6117.01 of the Revised Code. If the state is 3226
the issuer, then prior to the authorization of the bonds, the 3227
issuing authority of the state shall have received a written 3228
request for the issuance of the bonds from either the board of 3229
directors of a port authority created pursuant to the authority of 3230
section 4582.02 of the Revised Code if the project is within the 3231
jurisdiction of the port authority or from the issuing authority 3232
of the municipal corporation, if the project is within the 3233
boundaries of a municipal corporation, or of the county, if the 3234
project is within the unincorporated portion of the county, and if 3235
the project is to be located within a municipal corporation with a 3236
plan or in an unincorporated portion of the county with a plan, 3237
then prior to the delivery of bonds issued under this section, the 3238
issuing authority shall first have received from the agency of the 3239
municipal corporation if within its limits, or from the agency of 3240
the county if in unincorporated territory, a certification that 3241
such project is in accordance with its plan, except that no such 3242
certification is necessary if the request for issuance of the 3243
bonds is made by the port authority. 3244

(D) If the issuer is a county or municipal corporation, then, 3245
prior to the delivery of bonds issued under authority of this 3246
section, the issuing authority shall have caused a written notice 3247
to have been mailed by certified mail to the director of the 3248

department of development of the state advising such director of 3249
the proposed delivery of the bonds, the amount thereof, the 3250
proposed lessee, and a general description of the project or 3251
projects to be financed. 3252

(E) In case any officer who has signed any bonds or coupons 3253
pertaining thereto, or caused ~~his~~ the officer's facsimile 3254
signature to be affixed thereto, ceases to be such officer before 3255
such bonds or coupons have been delivered, such bonds or coupons 3256
may, nevertheless, be issued and delivered as though the person 3257
who had signed the bonds or coupons or caused ~~his~~ the person's 3258
facsimile signature to be affixed thereto had not ceased to be 3259
such officer. Any bonds or coupons may be executed on behalf of 3260
the issuer by an officer who, on the date of execution, is the 3261
proper officer although on the date of such bonds or coupons such 3262
person was not the proper officer. 3263

(F) All bonds issued under authority of this chapter, 3264
regardless of form or terms and regardless of any other law to the 3265
contrary, shall have all qualities and incidents of negotiable 3266
instruments, subject to provisions for registration, and may be 3267
issued in coupon, fully registered, or other form, or any 3268
combination thereof, as the issuing authority determines. 3269
Provision may be made for the registration of any coupon bonds as 3270
to principal alone or as to both principal and interest, and for 3271
the conversion into coupon bonds of any fully registered bonds or 3272
bonds registered as to both principal and interest. 3273

Sec. 303.12. (A)(1) Amendments to the zoning resolution may 3274
be initiated by motion of the county rural zoning commission, by 3275
the passage of a resolution by the board of county commissioners, 3276
or by the filing of an application by one or more of the owners or 3277
lessees of property within the area proposed to be changed or 3278
affected by the proposed amendment with the county rural zoning 3279

commission. The board of county commissioners may require that the 3280
owner or lessee of property filing an application to amend the 3281
zoning resolution pay a fee to defray the cost of advertising, 3282
mailing, filing with the county recorder, and other expenses. If 3283
the board of county commissioners requires such a fee, it shall be 3284
required generally, for each application. The board of county 3285
commissioners, upon the passage of such a resolution, shall 3286
certify it to the county rural zoning commission. 3287

(2) Upon the adoption of a motion by the county rural zoning 3288
commission, the certification of a resolution by the board of 3289
county commissioners to the commission, or the filing of an 3290
application by property owners or lessees as described in division 3291
(A)(1) of this section with the commission, the commission shall 3292
set a date for a public hearing, which date shall not be less than 3293
twenty nor more than forty days from the date of adoption of such 3294
a motion, the date of the certification of such a resolution, or 3295
the date of the filing of such an application. Notice of the 3296
hearing shall be given by the commission by one publication in one 3297
or more newspapers of general circulation in each township 3298
affected by the proposed amendment at least ten days before the 3299
date of the hearing. 3300

(B) If the proposed amendment intends to rezone or redistrict 3301
ten or fewer parcels of land, as listed on the county auditor's 3302
current tax list, written notice of the hearing shall be mailed by 3303
the county rural zoning commission, by first class mail, at least 3304
ten days before the date of the public hearing to all owners of 3305
property within and contiguous to and directly across the street 3306
from the area proposed to be rezoned or redistricted to the 3307
addresses of those owners appearing on the county auditor's 3308
current tax list. The failure of delivery of that notice shall not 3309
invalidate any such amendment. 3310

(C) If the proposed amendment intends to rezone or redistrict 3311

ten or fewer parcels of land as listed on the county auditor's 3312
current tax list, the published and mailed notices shall set forth 3313
the time, date, and place of the public hearing and include all of 3314
the following: 3315

(1) The name of the county rural zoning commission that will 3316
be conducting the hearing; 3317

(2) A statement indicating that the motion, resolution, or 3318
application is an amendment to the zoning resolution; 3319

(3) A list of the addresses of all properties to be rezoned 3320
or redistricted by the proposed amendment and of the names of 3321
owners of these properties, as they appear on the county auditor's 3322
current tax list; 3323

(4) The present zoning classification of property named in 3324
the proposed amendment and the proposed zoning classification of 3325
that property; 3326

(5) The time and place where the motion, resolution, or 3327
application proposing to amend the zoning resolution will be 3328
available for examination for a period of at least ten days prior 3329
to the hearing; 3330

(6) The name of the person responsible for giving notice of 3331
the public hearing by publication, by mail, or by both publication 3332
and mail; 3333

(7) A statement that, after the conclusion of the hearing, 3334
the matter will be submitted to the board of county commissioners 3335
for its action; 3336

(8) Any other information requested by the commission. 3337

(D) If the proposed amendment alters the text of the zoning 3338
resolution, or rezones or redistricts more than ten parcels of 3339
land as listed on the county auditor's current tax list, the 3340
published notice shall set forth the time, date, and place of the 3341

public hearing and include all of the following: 3342

(1) The name of the county rural zoning commission that will 3343
be conducting the hearing on the proposed amendment; 3344

(2) A statement indicating that the motion, application, or 3345
resolution is an amendment to the zoning resolution; 3346

(3) The time and place where the text and maps of the 3347
proposed amendment will be available for examination for a period 3348
of at least ten days prior to the hearing; 3349

(4) The name of the person responsible for giving notice of 3350
the hearing by publication; 3351

(5) A statement that, after the conclusion of the hearing, 3352
the matter will be submitted to the board of county commissioners 3353
for its action; 3354

(6) Any other information requested by the commission. 3355

Hearings shall be held in the county court house or in a 3356
public place designated by the commission. 3357

(E) Within five days after the adoption of the motion 3358
described in division (A) of this section, the certification of 3359
the resolution described in division (A) of this section, or the 3360
filing of the application described in division (A) of this 3361
section, the county rural zoning commission shall transmit a copy 3362
of it together with text and map pertaining to it to the county or 3363
regional planning commission, if there is such a commission. 3364

The county or regional planning commission shall recommend 3365
the approval or denial of the proposed amendment or the approval 3366
of some modification of it and shall submit its recommendation to 3367
the county rural zoning commission. The recommendation shall be 3368
considered at the public hearing held by the county rural zoning 3369
commission on the proposed amendment. 3370

The county rural zoning commission, within thirty days after 3371

the hearing, shall recommend the approval or denial of the 3372
proposed amendment, or the approval of some modification of it, 3373
and shall submit that recommendation together with the motion, 3374
application, or resolution involved, the text and map pertaining 3375
to the proposed amendment, and the recommendation of the county or 3376
regional planning commission on it to the board of county 3377
commissioners. 3378

The board of county commissioners, upon receipt of that 3379
recommendation, shall set a time for a public hearing on the 3380
proposed amendment, which date shall be not more than thirty days 3381
from the date of the receipt of that recommendation. Notice of the 3382
hearing shall be given by the board by one publication in one or 3383
more newspapers of general circulation in the county, at least ten 3384
days before the date of the hearing. 3385

(F) If the proposed amendment intends to rezone or redistrict 3386
ten or fewer parcels of land as listed on the county auditor's 3387
current tax list, the published notice shall set forth the time, 3388
date, and place of the public hearing and include all of the 3389
following: 3390

(1) The name of the board of county commissioners that will 3391
be conducting the hearing; 3392

(2) A statement indicating that the motion, application, or 3393
resolution is an amendment to the zoning resolution; 3394

(3) A list of the addresses of all properties to be rezoned 3395
or redistricted by the proposed amendment and of the names of 3396
owners of those properties, as they appear on the county auditor's 3397
current tax list; 3398

(4) The present zoning classification of property named in 3399
the proposed amendment and the proposed zoning classification of 3400
that property; 3401

(5) The time and place where the motion, application, or 3402

resolution proposing to amend the zoning resolution will be 3403
available for examination for a period of at least ten days prior 3404
to the hearing; 3405

(6) The name of the person responsible for giving notice of 3406
the hearing by publication, by mail, or by both publication and 3407
mail; 3408

(7) Any other information requested by the board. 3409

(G) If the proposed amendment alters the text of the zoning 3410
resolution, or rezones or redistricts more than ten parcels of 3411
land as listed on the county auditor's current tax list, the 3412
published notice shall set forth the time, date, and place of the 3413
public hearing and include all of the following: 3414

(1) The name of the board of county commissioners that will 3415
be conducting the hearing on the proposed amendment; 3416

(2) A statement indicating that the motion, application, or 3417
resolution is an amendment to the zoning resolution; 3418

(3) The time and place where the text and maps of the 3419
proposed amendment will be available for examination for a period 3420
of at least ten days prior to the hearing; 3421

(4) The name of the person responsible for giving notice of 3422
the hearing by publication; 3423

(5) Any other information requested by the board. 3424

(H) Within twenty days after its public hearing, the board of 3425
county commissioners shall either adopt or deny the recommendation 3426
of the county rural zoning commission or adopt some modification 3427
of it. If the board denies or modifies the commission's 3428
recommendation, ~~the unanimous~~ a majority vote of the board shall 3429
be required. 3430

The proposed amendment, if adopted by the board, shall become 3431
effective in thirty days after the date of its adoption, unless, 3432

within thirty days after the adoption, there is presented to the 3433
board of county commissioners a petition, signed by a number of 3434
qualified voters residing in the unincorporated area of the 3435
township or part of that unincorporated area included in the 3436
zoning plan equal to not less than eight per cent of the total 3437
vote cast for all candidates for governor in that area at the most 3438
recent general election at which a governor was elected, 3439
requesting the board to submit the amendment to the electors of 3440
that area for approval or rejection at a special election to be 3441
held on the day of the next primary or general election. Each part 3442
of this petition shall contain the number and the full and correct 3443
title, if any, of the zoning amendment resolution, motion, or 3444
application, furnishing the name by which the amendment is known 3445
and a brief summary of its contents. In addition to meeting the 3446
requirements of this section, each petition shall be governed by 3447
the rules specified in section 3501.38 of the Revised Code. 3448

The form of a petition calling for a zoning referendum and 3449
the statement of the circulator shall be substantially as follows: 3450

"PETITION FOR ZONING REFERENDUM 3451

(if the proposal is identified by a particular name or number, or 3452
both, these should be inserted here) 3453

A proposal to amend the zoning map of the unincorporated area 3454
of Township, County, Ohio, 3455
adopted (date) (followed by brief summary of 3456
the proposal). 3457

To the Board of County Commissioners of 3458
County, Ohio: 3459

We, the undersigned, being electors residing in the 3460
unincorporated area of Township, included within 3461
the County Zoning Plan, equal to not less than 3462
eight per cent of the total vote cast for all candidates for 3463

governor in the area at the preceding general election at which a 3464
governor was elected, request the Board of County Commissioners to 3465
submit this amendment of the zoning resolution to the electors of 3466
..... Township residing within the unincorporated area of 3467
the township included in the County Zoning 3468
Resolution, for approval or rejection at a special election to be 3469
held on the day of the next primary or general election to be held 3470
on(date)....., pursuant to section 303.12 of the 3471
Revised Code. 3472

Street Address	Date of	3473
Signature or R.F.D.	Township Precinct County Signing	3474
.....		3475
.....		3476

STATEMENT OF CIRCULATOR 3477

I,(name of circulator)....., 3478
declare under penalty of election falsification that I am an 3479
elector of the state of Ohio and reside at the address appearing 3480
below my signature; that I am the circulator of the foregoing part 3481
petition containing(number)..... signatures; that I have 3482
witnessed the affixing of every signature; that all signers were 3483
to the best of my knowledge and belief qualified to sign; and that 3484
every signature is to the best of my knowledge and belief the 3485
signature of the person whose signature it purports to be or of an 3486
attorney in fact acting pursuant to section 3501.382 of the 3487
Revised Code. 3488

..... 3489
(Signature of circulator) 3490
..... 3491
(Address of circulator's permanent 3492
residence in this state) 3493
..... 3494
(City, village, or township, 3495

and zip code) 3496

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 3497
OF THE FIFTH DEGREE." 3498

No amendment for which such a referendum vote has been 3499
requested shall be put into effect unless a majority of the vote 3500
cast on the issue is in favor of the amendment. Upon certification 3501
by the board of elections that the amendment has been approved by 3502
the voters, it shall take immediate effect. 3503

Within five working days after an amendment's effective date, 3504
the board of county commissioners shall file the text and maps of 3505
the amendment in the office of the county recorder and with the 3506
regional or county planning commission, if one exists. 3507

The failure to file any amendment, or any text and maps, or 3508
duplicates of any of these documents, with the office of the 3509
county recorder or the county or regional planning commission as 3510
required by this section does not invalidate the amendment and is 3511
not grounds for an appeal of any decision of the board of zoning 3512
appeals. 3513

Sec. 303.211. (A) Except as otherwise provided in division 3514
(B) or (C) of this section, sections 303.01 to 303.25 of the 3515
Revised Code do not confer any power on any board of county 3516
commissioners or board of zoning appeals in respect to the 3517
location, erection, construction, reconstruction, change, 3518
alteration, maintenance, removal, use, or enlargement of any 3519
buildings or structures of any public utility or railroad, whether 3520
publicly or privately owned, or the use of land by any public 3521
utility or railroad for the operation of its business. As used in 3522
this division, "public utility" does not include a person that 3523
owns or operates a solid waste facility or a solid waste transfer 3524
facility, other than a publicly owned solid waste facility or a 3525
publicly owned solid waste transfer facility, that has been issued 3526

a permit under Chapter 3734. of the Revised Code or a construction 3527
and demolition debris facility that has been issued a permit under 3528
Chapter 3714. of the Revised Code. 3529

(B)(1) As used in this division, "telecommunications tower" 3530
means any free-standing structure, or any structure to be attached 3531
to a building or other structure, that meets all of the following 3532
criteria: 3533

(a) The free-standing or attached structure is proposed to be 3534
constructed on or after October 31, 1996. 3535

(b) The free-standing or attached structure is proposed to be 3536
owned or principally used by a public utility engaged in the 3537
provision of telecommunications services. 3538

(c) The free-standing or attached structure is proposed to be 3539
located in an unincorporated area of a township, in an area zoned 3540
for residential use. 3541

(d)(i) The free-standing structure is proposed to top at a 3542
height that is greater than either the maximum allowable height of 3543
residential structures within the zoned area as set forth in the 3544
applicable zoning regulations, or the maximum allowable height of 3545
such a free-standing structure as set forth in any applicable 3546
zoning regulations in effect immediately prior to October 31, 3547
1996, or as those regulations subsequently are amended. 3548

(ii) The attached structure is proposed to top at a height 3549
that is greater than either the height of the building or other 3550
structure to which it is to be attached, or the maximum allowable 3551
height of such an attached structure as set forth in any 3552
applicable zoning regulations in effect immediately prior to 3553
October 31, 1996, or as those regulations subsequently are 3554
amended. 3555

(e) The free-standing or attached structure is proposed to 3556
have attached to it radio frequency transmission or reception 3557

equipment. 3558

(2) Sections 303.01 to 303.25 of the Revised Code confer 3559
power on a board of county commissioners or board of zoning 3560
appeals with respect to the location, erection, construction, 3561
reconstruction, change, alteration, removal, or enlargement of a 3562
telecommunications tower, but not with respect to the maintenance 3563
or use of such a tower or any change or alteration that would not 3564
substantially increase the tower's height. However, the power so 3565
conferred shall apply to a particular telecommunications tower 3566
only upon the provision of a notice, in accordance with division 3567
(B)(4)(a) of this section, to the person proposing to construct 3568
the tower. 3569

(3) Any person who plans to construct a telecommunications 3570
tower in an area subject to county zoning regulations shall 3571
provide both of the following by certified mail: 3572

(a) Written notice to the board of township trustees of the 3573
township in which the tower is proposed to be constructed and to 3574
each owner of property, as shown on the county auditor's current 3575
tax list, whose land is contiguous to or directly across a street 3576
or roadway from the property on which the tower is proposed to be 3577
constructed, stating all of the following in clear and concise 3578
language: 3579

(i) The person's intent to construct the tower; 3580

(ii) A description of the property sufficient to identify the 3581
proposed location; 3582

(iii) That, no later than fifteen days after the date of 3583
mailing of the notice, such board of township trustees or any such 3584
property owner may give written notice to the board of county 3585
commissioners requesting that sections 303.01 to 303.25 of the 3586
Revised Code apply to the proposed location of the tower as 3587
provided under division (B)(4)(a) of this section. 3588

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

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

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

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

(C) Sections 303.01 to 303.25 of the Revised Code confer 3621
power on a board of county commissioners or board of zoning 3622
appeals with respect to the location, erection, construction, 3623
reconstruction, change, alteration, maintenance, removal, use, or 3624
enlargement of any buildings or structures of a public utility 3625
engaged in the business of transporting persons or property, or 3626
both, or providing or furnishing such transportation service, over 3627
any public street, road, or highway in this state, and with 3628
respect to the use of land by any such public utility for the 3629
operation of its business, to the extent that any exercise of such 3630
power is reasonable and not inconsistent with Chapters 4901., 3631
4903., 4905., 4909., 4921., and 4923. of the Revised Code. 3632
However, this division confers no power on a board of county 3633
commissioners or board of zoning appeals with respect to a 3634
building or structure of, or the use of land by, a person engaged 3635
in the transportation of farm supplies to the farm or farm 3636
products from farm to market or to food fabricating plants. 3637

(D) Sections 303.01 to 303.25 of the Revised Code confer no 3638
power on any county rural zoning commission, board of county 3639
commissioners, or board of zoning appeals to prohibit the sale or 3640
use of alcoholic beverages in areas where the establishment and 3641
operation of any retail business, hotel, lunchroom, or restaurant 3642
is permitted. 3643

(E)(1) Any person who plans to construct a telecommunications 3644
tower within one hundred feet of a residential dwelling shall 3645
provide a written notice to the owner of the residential dwelling 3646
and to the person occupying the residence, if that person is not 3647
the owner of the residence, stating in clear and concise language 3648
the person's intent to construct the tower and a description of 3649
the property sufficient to identify the proposed location. The 3650
notice shall be sent by certified mail. If the notice is returned 3651
unclaimed or refused, the person shall mail the notice by regular 3652

mail. The failure of delivery does not invalidate the notice. 3653

(2) As used in division (E) of this section: 3654

(a) "Residential dwelling" means a building used or intended 3655
to be used as a personal residence by the owner, part-time owner, 3656
or lessee of the building, or any person authorized by such a 3657
person to use the building as a personal residence. 3658

(b) "Telecommunications tower" has the same meaning as in 3659
division (B)(1) of this section, except that the proposed location 3660
of the free-standing or attached structure may be an area other 3661
than an unincorporated area of a township, in an area zoned for 3662
residential use. 3663

Sec. 303.213. (A) As used in this section, "small wind farm" 3664
means wind turbines and associated facilities that are 3665
interconnected with a medium voltage power collection system and 3666
communications network and are designed for, or capable of, 3667
operation at an aggregate capacity of less than five megawatts. 3668

(B) Notwithstanding division (A) of section 303.211 of the 3669
Revised Code, sections 303.01 to 303.25 of the Revised Code confer 3670
power on a board of county commissioners or board of zoning 3671
appeals to adopt zoning regulations governing the location, 3672
erection, construction, reconstruction, change, alteration, 3673
maintenance, removal, use, or enlargement of any small wind farm, 3674
whether publicly or privately owned, or the use of land for that 3675
purpose, which regulations may be more strict than the regulations 3676
prescribed in rules adopted under division (C)(2) of section 3677
4906.20 of the Revised Code. 3678

(C) The designation under this section of a small wind farm 3679
as a public utility for purposes of sections 303.01 to 303.25 of 3680
the Revised Code shall not affect the classification of a small 3681
wind farm for purposes of state or local taxation. 3682

(D) Nothing in division (C) of this section shall be 3683
construed as affecting the classification of a telecommunications 3684
tower as defined in division (B) or (E) of section 303.211 of the 3685
Revised Code or any other public utility for purposes of state and 3686
local taxation. 3687

Sec. 306.43. (A) The board of trustees of a regional transit 3688
authority or any officer or employee designated by such board may 3689
make any contract for the purchase of goods or services, the cost 3690
of which does not exceed ~~twenty-five~~ one hundred thousand dollars. 3691
When an expenditure, other than for the acquisition of real 3692
estate, the discharge of claims, or the acquisition of goods or 3693
services under the circumstances described in division (H) of this 3694
section, is expected to exceed ~~twenty-five~~ one hundred thousand 3695
dollars, such expenditure shall be made through full and open 3696
competition by the use of competitive procedures. The regional 3697
transit authority shall use the competitive procedure, as set 3698
forth in divisions (B), (C), (D), and (E) of this section, that is 3699
most appropriate under the circumstances of the procurement. 3700

(B) Competitive sealed bidding is the preferred method of 3702
procurement and a regional transit authority shall use that method 3703
if all of the following conditions exist: 3704

(1) A clear, complete and adequate description of the goods, 3705
services, or work is available; 3706

(2) Time permits the solicitation, submission, and evaluation 3707
of sealed bids; 3708

(3) The award will be made on the basis of price and other 3709
price-related factors; 3710

(4) It is not necessary to conduct discussions with 3711
responding offerors about their bids; 3712

(5) There is a reasonable expectation of receiving more than 3713
one sealed bid. 3714

A regional transit authority shall publish a notice calling 3715
for bids once a week for no less than two consecutive weeks in at 3716
least one newspaper of general circulation within the territorial 3717
boundaries of the regional transit authority. A regional transit 3718
authority may require that a bidder for any contract other than a 3719
construction contract provide a bid guaranty in the form, quality, 3720
and amount considered appropriate by the regional transit 3721
authority. The board may let the contract to the lowest responsive 3722
and responsible bidder. Where fewer than two responsive bids are 3723
received, a regional transit authority may negotiate price with 3724
the sole responsive bidder or may rescind the solicitation and 3725
procure under division (H)(2) of this section. 3726

(C) A regional transit authority may use two-step competitive 3727
bidding, consisting of a technical proposal and a separate, 3728
subsequent sealed price bid from those submitting acceptable 3729
technical proposals, if both of the following conditions exist: 3730

(1) A clear, complete, and adequate description of the goods, 3731
services, or work is not available, but definite criteria exist 3732
for the evaluation of technical proposals; 3733

(2) It is necessary to conduct discussions with responding 3734
offerors. 3735

A regional transit authority shall publish a notice calling 3736
for technical proposals once a week for no less than two 3737
consecutive weeks in at least one newspaper of general circulation 3738
within the territorial boundaries of the regional transit 3739
authority. A regional transit authority may require a bid guaranty 3740
in the form, quality, and amount the regional transit authority 3741
considers appropriate. The board may let the contract to the 3742
lowest responsive and responsible bidder. Where fewer than two 3743

responsive and responsible bids are received, a regional transit 3744
authority may negotiate price with the sole responsive and 3745
responsible bidder or may rescind the solicitation and procure 3746
under division (H)(2) of this section. 3747

(D) A regional transit authority shall make a procurement by 3748
competitive proposals if competitive sealed bidding or two-step 3749
competitive bidding is not appropriate. 3750

A regional transit authority shall publish a notice calling 3751
for proposals once a week for no less than two consecutive weeks 3752
in at least one newspaper of general circulation within the 3753
territorial boundaries of the regional transit authority. A 3754
regional transit authority may require a proposal guaranty in the 3755
form, quality, and amount considered appropriate by the regional 3756
transit authority. The board may let the contract to the proposer 3757
making the offer considered most advantageous to the authority. 3758
Where fewer than two competent proposals are received, a regional 3759
transit authority may negotiate price and terms with the sole 3760
proposer or may rescind the solicitation and procure under 3761
division (H)(2) of this section. 3762

(E)(1) A regional transit authority shall procure the 3763
services of an architect or engineer in the manner prescribed by 3764
the "Federal Mass Transportation Act of 1987," Public Law No. 3765
100-17, section 316, 101 Stat. 227, 232-234, 49 U.S.C.A. app. 1608 3766
and the services of a construction manager in the manner 3767
prescribed by sections 9.33 to 9.332 of the Revised Code. 3768

(2) A regional transit authority may procure revenue rolling 3769
stock in the manner prescribed by division (B), (C), or (D) of 3770
this section. 3771

(3) All contracts for construction in excess of ~~twenty-five~~ 3772
one hundred thousand dollars shall be made only after the regional 3773
transit authority has published a notice calling for bids once a 3774

week for two consecutive weeks in at least one newspaper of 3775
general circulation within the territorial boundaries of the 3776
regional transit authority. The board may award a contract to the 3777
lowest responsive and responsible bidder. Where only one 3778
responsive and responsible bid is received, the regional transit 3779
authority may negotiate price with the sole responsive bidder or 3780
may rescind the solicitation. The regional transit authority shall 3781
award construction contracts in accordance with sections 153.12 to 3782
153.14 and 153.54 of the Revised Code. Divisions (B) and (C) of 3783
this section shall not apply to the award of contracts for 3784
construction. 3785

(F) All contracts involving expenditures in excess of 3786
~~twenty-five~~ one hundred thousand dollars shall be in writing and 3787
shall be accompanied by or shall refer to plans and specifications 3788
for the work to be done. The plans and specifications shall at all 3789
times be made and considered part of the contract. For all 3790
contracts other than construction contracts, a regional transit 3791
authority may require performance, payment, or maintenance 3792
guaranties or any combination of such guaranties in the form, 3793
quality, and amount it considers appropriate. The contract shall 3794
be approved by the board and signed on behalf of the regional 3795
transit authority and by the contractor. 3796

(G) In making a contract, a regional transit authority may 3797
give preference to goods produced in the United States in 3798
accordance with the Buy America requirements in the "Surface 3799
Transportation Assistance Act of 1982," Public Law No. 97-424, 3800
section 165, 96 Stat. 2097, 23 U.S.C.A. 101 note, as amended, and 3801
the rules adopted thereunder. The regional transit authority also 3802
may give preference to providers of goods produced in and services 3803
provided in labor surplus areas as defined by the United States 3804
department of labor in 41 U.S.C.A. 401 note, Executive Order No. 3805
12073, August 16, 1978, 43 Fed. Reg. 36873, as amended. 3806

(H) Competitive procedures under this section are not required in any of the following circumstances:	3807 3808
(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:	3809 3810 3811 3812 3813
(a) Affecting safety, welfare, or the ability to deliver transportation services;	3814 3815
(b) Arising out of an interruption of contracts essential to the provision of daily transit services;	3816 3817
(c) Involving actual physical damage to structures, supplies, equipment, or property.	3818 3819
(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.	3820 3821 3822 3823
(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.	3824 3825 3826 3827 3828 3829
(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.	3830 3831 3832 3833 3834 3835 3836

(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. 3837
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(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 servicing of specialized equipment owned by the regional transit authority. 3840
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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. 3848
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(8) The purchase consists of the product or services of a public utility. 3851
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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. 3853
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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 3865
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3867

hundred dollars and the annual expenditure does not exceed 3868
~~twenty-five~~ one hundred thousand dollars. 3869

(J) Nothing contained in this section prohibits a regional 3870
transit authority from participating in intergovernmental 3871
cooperative purchasing arrangements. 3872

(K) Except as otherwise provided in this chapter, a regional 3873
transit authority shall make a sale or other disposition of 3874
property through full and open competition. Except as provided in 3875
division (L) of this section, all dispositions of personal 3876
property and all grants of real property for terms exceeding five 3877
years shall be made by public auction or competitive procedure. 3878

(L) The competitive procedures required by division (K) of 3879
this section are not required in any of the following 3880
circumstances: 3881

(1) The grant is a component of a joint development between 3882
public and private entities and is intended to enhance or benefit 3883
public transit. 3884

(2) The grant of a limited use or of a license affecting land 3885
is made to an owner of abutting real property. 3886

(3) The grant of a limited use is made to a public utility. 3887

(4) The grant or disposition is to a department of the 3888
federal or state government, to a political subdivision of the 3889
state, or to any other governmental entity. 3890

(5) Used equipment is traded on the purchase of equipment and 3891
the value of the used equipment is a price-related factor in the 3892
basis for award for the purchase. 3893

(6) The value of the personal property is such that 3894
competitive procedures are not appropriate and the property either 3895
is sold at its fair market value or is disposed of by gift to a 3896
nonprofit entity having the general welfare or education of the 3897

public as one of its principal objects. 3898

(M) The board of trustees of a regional transit authority, 3899
when making a contract funded exclusively by state or local moneys 3900
or any combination thereof, shall make a good faith effort to use 3901
disadvantaged business enterprise participation to the same extent 3902
required under Section 105(f) of the "Surface Transportation 3903
Assistance Act of 1982," Public Law No. 97-424, 96 Stat. 2100, and 3904
Section 106(c) of the "Surface Transportation and Uniform 3905
Relocation Assistance Act of 1987," Public Law No. 100-17, 101 3906
Stat. 145, and the rules adopted thereunder. 3907

(N) As used in this section: 3908

(1) "Goods" means all things, including specially 3909
manufactured goods, that are movable at the time of identification 3910
to the contract for sale other than the money in which the price 3911
is to be paid, investment securities, and things in action. 3912
"Goods" also includes other identified things attached to realty 3913
as described in section 1302.03 of the Revised Code. 3914

(2) "Services" means the furnishing of labor, time, or effort 3915
by a contractor, not involving the delivery of goods or reports 3916
other than goods or reports that are merely incidental to the 3917
required performance, including but not limited to insurance, 3918
bonding, or routine operation, routine repair, or routine 3919
maintenance of existing structures, buildings, real property, or 3920
equipment, but does not include employment agreements, collective 3921
bargaining agreements, or personal services. 3922

(3) "Construction" means the process of building, altering, 3923
repairing, improving, painting, decorating, or demolishing any 3924
structure or building, or other improvements of any kind to any 3925
real property owned or leased by a regional transit authority. 3926

(4) "Full and open competition" has the same meaning as in 3927
the "Office of Federal Procurement Policy Act," Public Law No. 3928

98-369, section 2731, 98 Stat. 1195 (1984), 41 U.S.C.A. 403. 3929

(5) A bidder is "responsive" if, applying the criteria of 3930
division (A) of section 9.312 of the Revised Code, the bidder is 3931
"responsive" as described in that section. 3932

(6) A bidder is "responsible" if, applying the criteria of 3933
division (A) of section 9.312 of the Revised Code and of the 3934
"Office of Federal Procurement Policy Act," Public Law No. 98-369, 3935
section 2731, 98 Stat. 1195 (1984), 41 U.S.C.A. 403, the bidder is 3936
"responsible" as described in those sections. 3937

Sec. 307.697. (A) For the purpose of section 307.696 of the 3938
Revised Code and to pay any or all of the charge the board of 3939
elections makes against the county to hold the election on the 3940
question of levying the tax, or for those purposes and to provide 3941
revenues to the county for permanent improvements, the board of 3942
county commissioners of a county may levy a tax not to exceed 3943
three dollars on each gallon of spirituous liquor sold to or 3944
purchased by liquor permit holders for resale, and sold at retail 3945
by the division of liquor control, in the county. The tax shall be 3946
levied on the number of gallons so sold. The tax may be levied for 3947
any number of years not exceeding twenty. 3948

The tax shall be levied pursuant to a resolution of the board 3949
of county commissioners approved by a majority of the electors in 3950
the county voting on the question of levying the tax, which 3951
resolution shall specify the rate of the tax, the number of years 3952
the tax will be levied, and the purposes for which the tax is 3953
levied. The election may be held on the date of a general or 3954
special election held not sooner than seventy-five days after the 3955
date the board certifies its resolution to the board of elections. 3956
If approved by the electors, the tax takes effect on the first day 3957
of the month specified in the resolution but not sooner than the 3958
first day of the month that is at least sixty days after the 3959

certification of the election results by the board of elections. A 3960
copy of the resolution levying the tax shall be certified to the 3961
division of liquor control at least sixty days prior to the date 3962
on which the tax is to become effective. 3963

(B) A resolution under this section may be joined on the 3964
ballot as a single question with a resolution adopted under 3965
section 4301.421 or 5743.024 of the Revised Code to levy a tax for 3966
the same purposes, and for the purpose of paying the expenses of 3967
administering that tax. 3968

(C) The form of the ballot in an election held pursuant to 3969
this section or section 4301.421 or 5743.024 of the Revised Code 3970
shall be as follows or in any other form acceptable to the 3971
secretary of state: 3972

"For the purpose of paying not more than one-half of the 3973
costs of providing a public sports facility together with related 3974
redevelopment and economic development projects, shall (an) excise 3975
tax(es) be levied by county at the rate of 3976
(dollars on each gallon of spirituous liquor sold in the county by 3977
the Ohio division of liquor control, cents per gallon on the sale 3978
of beer at wholesale in the county, cents per gallon on the sale 3979
of wine and mixed beverages at wholesale in the county, cents per 3980
gallon on the sale of cider at wholesale in the county, or mills 3981
per cigarette on the sale of cigarettes at wholesale in the 3982
county), for years? 3983

	Yes
	No

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For an election in which questions under this section or 3988
section 4301.421 or 5743.024 of the Revised Code are joined as a 3989
single question, the form of the ballot shall be as above, except 3990

each of the proposed taxes shall be listed. 3991

(D) The board of county commissioners of a county in which a 3992
tax is imposed under this section on July 19, 1995, may levy a tax 3993
for the purpose of section 307.673 of the Revised Code regardless 3994
of whether or not the cooperative agreement authorized under that 3995
section has been entered into prior to the day the resolution 3996
adopted under division (D)(1) or (2) of this section is adopted, 3997
and for the purpose of reimbursing a county for costs incurred in 3998
the construction of a sports facility pursuant to an agreement 3999
entered into by the county under section 307.696 of the Revised 4000
Code. The tax shall be levied and approved in one of the manners 4001
prescribed by division (D)(1) or (2) of this section. 4002

(1) The tax may be levied pursuant to a resolution adopted by 4003
a majority of the members of the board of county commissioners not 4004
later than forty-five days after July 19, 1995. A board of county 4005
commissioners approving a tax under division (D)(1) of this 4006
section may approve a tax under division (B)(1) of section 4007
4301.421 or division (C)(1) of section 5743.024 of the Revised 4008
Code at the same time. Subject to the resolution being submitted 4009
to a referendum under sections 305.31 to 305.41 of the Revised 4010
Code, the resolution shall take effect immediately, but the tax 4011
levied pursuant to the resolution shall not be levied prior to the 4012
day following the last day the tax levied pursuant to divisions 4013
(A), (B), and (C) of this section may be levied. 4014

(2) The tax may be levied pursuant to a resolution adopted by 4015
a majority of the members of the board of county commissioners not 4016
later than forty-five days after July 19, 1995, and approved by a 4017
majority of the electors of the county voting on the question of 4018
levying the tax at the next succeeding general election following 4019
July 19, 1995. The board of county commissioners shall certify a 4020
copy of the resolution to the board of elections immediately upon 4021
adopting a resolution under division (D)(2) of this section, and 4022

the board of elections shall place the question of levying the tax 4023
on the ballot at that election. The form of the ballot shall be as 4024
prescribed by division (C) of this section, except that the phrase 4025
"paying not more than one-half of the costs of providing a sports 4026
facility together with related redevelopment and economic 4027
development projects" shall be replaced by the phrase "paying the 4028
costs of constructing or renovating a sports facility and 4029
reimbursing a county for costs incurred by the county in the 4030
construction of a sports facility," and the phrase ", beginning 4031
..... (here insert the earliest date the tax would take 4032
effect)" shall be appended after "years." A board of county 4033
commissioners submitting the question of a tax under division 4034
(D)(2) of this section may submit the question of a tax under 4035
division (B)(2) of section 4301.421 or division (C)(2) of section 4036
5743.024 of the Revised Code as a single question, and the form of 4037
the ballot shall include each of the proposed taxes. 4038

If approved by a majority of electors voting on the question, 4039
the tax shall take effect on the day specified on the ballot, 4040
which shall not be earlier than the day following the last day the 4041
tax levied pursuant to divisions (A), (B), and (C) of this section 4042
may be levied. 4043

The rate of a tax levied pursuant to division (D)(1) or (2) 4044
of this section shall not exceed the rate specified in division 4045
(A) of this section. A tax levied pursuant to division (D)(1) or 4046
(2) of this section may be levied for any number of years not 4047
exceeding twenty. 4048

A board of county commissioners adopting a resolution under 4049
division (D)(1) or (2) of this section shall certify a copy of the 4050
resolution to the division of liquor control immediately upon 4051
adoption of the resolution. 4052

(E) No tax shall be levied under this section on or after the 4053
effective date of the amendment of this section by the capital 4054

appropriations act of the 127th general assembly. This division 4055
does not prevent the collection of any tax levied under this 4056
section before that date so long as that tax remains effective. 4057

Sec. 317.32. The county recorder shall charge and collect the 4058
following fees, to include base fees for the recorder's services 4059
and housing trust fund fees, collected pursuant to section 317.36 4060
of the Revised Code: 4061

(A) For recording and indexing an instrument when the 4062
photocopy or any similar process is employed, a base fee of 4063
fourteen dollars for the first two pages and a housing trust fund 4064
fee of fourteen dollars, and a base fee of four dollars and a 4065
housing trust fund fee of four dollars for each subsequent page, 4066
size eight and one-half inches by fourteen inches, or fraction of 4067
a page, including the caption page, of such instrument; 4068

(B) For certifying a photocopy from the record previously 4069
recorded, a base fee of one dollar and a housing trust fund fee of 4070
one dollar per page, size eight and one-half inches by fourteen 4071
inches, or fraction of a page; for each certification where the 4072
recorder's seal is required, except as to instruments issued by 4073
the armed forces of the United States, a base fee of fifty cents 4074
and a housing trust fund fee of fifty cents; 4075

(C) For manual or typewritten recording of assignment or 4076
satisfaction of mortgage or lease or any other marginal entry, a 4077
base fee of four dollars and a housing trust fund fee of four 4078
dollars; 4079

(D) For entering any marginal reference by separate recorded 4080
instrument, a base fee of two dollars and a housing trust fund fee 4081
of two dollars for each marginal reference set out in that 4082
instrument, in addition to the fees set forth in division (A) of 4083
this section; 4084

(E) For indexing in the real estate mortgage records, 4085
pursuant to section 1309.519 of the Revised Code, financing 4086
statements covering crops growing or to be grown, timber to be 4087
cut, minerals or the like, including oil and gas, accounts subject 4088
to section 1309.301 of the Revised Code, or fixture filings made 4089
pursuant to section 1309.334 of the Revised Code, a base fee of 4090
two dollars and a housing trust fund fee of two dollars for each 4091
name indexed; 4092

(F) For recording manually any plat not exceeding six lines, 4093
a base fee of two dollars and a housing trust fund fee of two 4094
dollars, and for each additional line, a base fee of ten cents and 4095
a housing trust fund fee of ten cents; 4096

(G) For filing zoning resolutions, including text and maps, 4097
in the office of the recorder as required under sections 303.11 4098
and 519.11 of the Revised Code, a base fee of ~~fifty~~ twenty-five 4099
dollars and a housing trust fund fee of ~~fifty~~ twenty-five dollars, 4100
regardless of the size or length of the resolutions; 4101

(H) For filing zoning amendments, including text and maps, in 4102
the office of the recorder as required under sections 303.12 and 4103
519.12 of the Revised Code, a base fee of ten dollars and a 4104
housing trust fund fee of ten dollars ~~for the first page and a~~ 4105
~~base fee of four dollars and a housing trust fund fee of four~~ 4106
~~dollars for each additional page~~ regardless of the size or length 4107
of the amendments; 4108

(I) For photocopying a document, other than at the time of 4109
recording and indexing as provided for in division (A) of this 4110
section, a base fee of one dollar and a housing trust fund fee of 4111
one dollar per page, size eight and one-half inches by fourteen 4112
inches, or fraction thereof; 4113

(J) For local facsimile transmission of a document, a base 4114
fee of one dollar and a housing trust fund fee of one dollar per 4115

page, size eight and one-half inches by fourteen inches, or 4116
fraction thereof; for long distance facsimile transmission of a 4117
document, a base fee of two dollars and a housing trust fund fee 4118
of two dollars per page, size eight and one-half inches by 4119
fourteen inches, or fraction thereof; 4120

(K) For recording a declaration executed pursuant to section 4121
2133.02 of the Revised Code or a durable power of attorney for 4122
health care executed pursuant to section 1337.12 of the Revised 4123
Code, or both a declaration and a durable power of attorney for 4124
health care, a base fee of at least fourteen dollars but not more 4125
than twenty dollars and a housing trust fund fee of at least 4126
fourteen dollars but not more than twenty dollars. 4127

In any county in which the recorder employs the photostatic 4128
or any similar process for recording maps, plats, or prints the 4129
recorder shall determine, charge, and collect for the recording or 4130
rerecording of any map, plat, or print, a base fee of five cents 4131
and a housing trust fund fee of five cents per square inch, for 4132
each square inch of the map, plat, or print filed for that 4133
recording or rerecording, with a minimum base fee of twenty 4134
dollars and a minimum housing trust fund fee of twenty dollars; 4135
for certifying a copy from the record, a base fee of two cents and 4136
a housing trust fund fee of two cents per square inch of the 4137
record, with a minimum base fee of two dollars and a minimum 4138
housing trust fund fee of two dollars. 4139

The fees provided in this section shall be paid upon the 4140
presentation of the instruments for record or upon the application 4141
for any certified copy of the record, except that the payment of 4142
fees associated with the filing and recording of, or the copying 4143
of, notices of internal revenue tax liens and notices of other 4144
liens in favor of the United States as described in division (A) 4145
of section 317.09 of the Revised Code and certificates of 4146
discharge or release of those liens, shall be governed by section 4147

317.09 of the Revised Code, and the payment of fees for providing 4148
copies of instruments conveying or extinguishing agricultural 4149
easements to the office of farmland preservation in the department 4150
of agriculture under division (H) of section 5301.691 of the 4151
Revised Code shall be governed by that division. 4152

Sec. 319.301. (A) This section does not apply to any of the 4153
following: 4154

(1) Taxes levied at whatever rate is required to produce a 4155
specified amount of tax money, including a tax levied under 4156
section 5705.199 or 5705.211 of the Revised Code, or an amount to 4157
pay debt charges; 4158

(2) Taxes levied within the one per cent limitation imposed 4159
by Section 2 of Article XII, Ohio Constitution; 4160

(3) Taxes provided for by the charter of a municipal 4161
corporation. 4162

(B) As used in this section: 4163

(1) "Real property" includes real property owned by a 4164
railroad. 4165

(2) "Carryover property" means all real property on the 4166
current year's tax list except: 4167

(a) Land and improvements that were not taxed by the district 4168
in both the preceding year and the current year; 4169

(b) Land and improvements that were not in the same class in 4170
both the preceding year and the current year. 4171

(3) "Effective tax rate" means with respect to each class of 4172
property: 4173

(a) The sum of the total taxes that would have been charged 4174
and payable for current expenses against real property in that 4175
class if each of the district's taxes were reduced for the current 4176

year under division (D)(1) of this section without regard to the 4177
application of division (E)(3) of this section divided by 4178

(b) The taxable value of all real property in that class. 4179

(4) "Taxes charged and payable" means the taxes charged and 4180
payable prior to any reduction required by section 319.302 of the 4181
Revised Code. 4182

(C) The tax commissioner shall make the determinations 4183
required by this section each year, without regard to whether a 4184
taxing district has territory in a county to which section 5715.24 4185
of the Revised Code applies for that year. Separate determinations 4186
shall be made for each of the two classes established pursuant to 4187
section 5713.041 of the Revised Code. 4188

(D) With respect to each tax authorized to be levied by each 4189
taxing district, the tax commissioner, annually, shall do both of 4190
the following: 4191

(1) Determine by what percentage, if any, the sums levied by 4192
such tax against the carryover property in each class would have 4193
to be reduced for the tax to levy the same number of dollars 4194
against such property in that class in the current year as were 4195
charged against such property by such tax in the preceding year 4196
subsequent to the reduction made under this section but before the 4197
reduction made under section 319.302 of the Revised Code. In the 4198
case of a tax levied for the first time that is not a renewal of 4199
an existing tax, the commissioner shall determine by what 4200
percentage the sums that would otherwise be levied by such tax 4201
against carryover property in each class would have to be reduced 4202
to equal the amount that would have been levied if the full rate 4203
thereof had been imposed against the total taxable value of such 4204
property in the preceding tax year. A tax or portion of a tax that 4205
is designated a replacement levy under section 5705.192 of the 4206
Revised Code is not a renewal of an existing tax for purposes of 4207

this division. 4208

(2) Certify each percentage determined in division (D)(1) of 4209
this section, as adjusted under division (E) of this section, and 4210
the class of property to which that percentage applies to the 4211
auditor of each county in which the district has territory. The 4212
auditor, after complying with section 319.30 of the Revised Code, 4213
shall reduce the sum to be levied by such tax against each parcel 4214
of real property in the district by the percentage so certified 4215
for its class. Certification shall be made by the first day of 4216
September except in the case of a tax levied for the first time, 4217
in which case certification shall be made within fifteen days of 4218
the date the county auditor submits the information necessary to 4219
make the required determination. 4220

(E)(1) As used in division (E)(2) of this section, "pre-1982 4221
joint vocational taxes" means, with respect to a class of 4222
property, the difference between the following amounts: 4223

(a) The taxes charged and payable in tax year 1981 against 4224
the property in that class for the current expenses of the joint 4225
vocational school district of which the school district is a part 4226
after making all reductions under this section; 4227

(b) The following percentage of the taxable value of all real 4228
property in that class: 4229

(i) In 1987, five one-hundredths of one per cent; 4230

(ii) In 1988, one-tenth of one per cent; 4231

(iii) In 1989, fifteen one-hundredths of one per cent; 4232

(iv) In 1990 and each subsequent year, two-tenths of one per 4233
cent. 4234

If the amount in division (E)(1)(b) of this section exceeds 4235
the amount in division (E)(1)(a) of this section, the pre-1982 4236
joint vocational taxes shall be zero. 4237

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

(2) If in the case of a school district other than a joint vocational or cooperative education school district any percentage required to be used in division (D)(2) of this section for either class of property could cause the total taxes charged and payable for current expenses to be less than two per cent of the taxable value of all real property in that class that is subject to taxation by the district, the commissioner shall determine what percentages would cause the district's total taxes charged and payable for current expenses against that class, after all reductions that would otherwise be made under this section, to equal, when combined with the pre-1982 joint vocational taxes against that class, the lesser of the following:

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

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

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

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

(i) Two-tenths of one per cent;

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

WHEN COMPUTING THE

TAXES CHARGED FOR ADD THE FOLLOWING PERCENTAGE:

1987	0.025%	4279
1988	0.05%	4280
1989	0.075%	4281
1990	0.1%	4282
1991	0.125%	4283
1992	0.15%	4284
1993	0.175%	4285
1994 and thereafter	0.2%	4286

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

(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 4302
department shall withhold the distribution of such revenues until 4303
the commissioner has notified the department that the county 4304
auditor has complied with this division. 4305

(H) If the commissioner is unable to certify a tax reduction 4306
factor for either class of property in a taxing district located 4307
in more than one county by the last day of November because 4308
information required under division (G) of this section is 4309
unavailable, the commissioner may compute and certify an estimated 4310
tax reduction factor for that district for that class. The 4311
estimated factor shall be based upon an estimate of the 4312
unavailable information. Upon receipt of the actual information 4313
for a taxing district that received an estimated tax reduction 4314
factor, the commissioner shall compute the actual tax reduction 4315
factor and use that factor to compute the taxes that should have 4316
been charged and payable against each parcel of property for the 4317
year for which the estimated reduction factor was used. The amount 4318
by which the estimated factor resulted in an overpayment or 4319
underpayment in taxes on any parcel shall be added to or 4320
subtracted from the amount due on that parcel in the ensuing tax 4321
year. 4322

A percentage or a tax reduction factor determined or computed 4323
by the commissioner under this section shall be used solely for 4324
the purpose of reducing the sums to be levied by the tax to which 4325
it applies for the year for which it was determined or computed. 4326
It shall not be used in making any tax computations for any 4327
ensuing tax year. 4328

(I) In making the determinations under division (D)(1) of 4329
this section, the tax commissioner shall take account of changes 4330
in the taxable value of carryover property resulting from 4331
complaints filed under section 5715.19 of the Revised Code for 4332
determinations made for the tax year in which such changes are 4333

reported to the commissioner. Such changes shall be reported to 4334
the commissioner on the first abstract of real property filed with 4335
the commissioner under section 5715.23 of the Revised Code 4336
following the date on which the complaint is finally determined by 4337
the board of revision or by a court or other authority with 4338
jurisdiction on appeal. The tax commissioner shall account for 4339
such changes in making the determinations only for the tax year in 4340
which the change in valuation is reported. Such a valuation change 4341
shall not be used to recompute the percentages determined under 4342
division (D)(1) of this section for any prior tax year. 4343

Sec. 321.262. Notwithstanding section 321.261 of the Revised 4344
Code, in a county having a population of more than four hundred 4345
thousand according to the department of development's 2006 census 4346
estimate, if the county treasurer or prosecuting attorney 4347
determines that the amount appropriated to the office from the 4348
county's delinquent tax and assessment collection fund exceeds the 4349
amount required to be used as prescribed by that section, the 4350
county treasurer or prosecuting attorney may expend the excess to 4351
provide financial assistance in the form of loans to borrowers in 4352
default on their home mortgages, including for the payment of late 4353
fees, to clear arrearage balances, and to augment moneys used in 4354
the county's foreclosure prevention program, provided that the 4355
combined amount so expended each year in the county shall not 4356
exceed three million dollars. 4357

Sec. 340.02. As used in this section, "mental health 4358
professional" means a person who is qualified to work with 4359
mentally ill persons, pursuant to standards established by the 4360
director of mental health under section 5119.611 of the Revised 4361
Code. 4362

For each alcohol, drug addiction, and mental health service 4363
district, there shall be appointed a board of alcohol, drug 4364

addiction, and mental health services of eighteen members. ~~Members~~ 4365
~~shall be residents of the district and~~ Nine members shall be 4366
interested in mental health programs and facilities ~~or~~ and nine 4367
other members shall be interested in alcohol or drug addiction 4368
programs. All members shall be residents of the service district. 4369
The membership shall, as nearly as possible, reflect the 4370
composition of the population of the service district as to race 4371
and sex. 4372

The director of mental health shall appoint four members of 4373
the board, the director of alcohol and drug addiction services 4374
shall appoint four members, and the board of county commissioners 4375
shall appoint ten members. In a joint-county district, the county 4376
commissioners of each participating county shall appoint members 4377
in as nearly as possible the same proportion as that county's 4378
population bears to the total population of the district, except 4379
that at least one member shall be appointed from each 4380
participating county. 4381

The director of mental health shall ensure that at least one 4382
member of the board is a psychiatrist and one member of the board 4383
is a mental health professional. If the appointment of a 4384
psychiatrist is not possible, as determined under rules adopted by 4385
the director, a licensed physician may be appointed in place of 4386
the psychiatrist. If the appointment of a licensed physician is 4387
not possible, the director of mental health may waive the 4388
requirement that the psychiatrist or licensed physician be a 4389
resident of the service district and appoint a psychiatrist or 4390
licensed physician from a contiguous county. ~~The membership of the~~ 4391
~~board shall, as nearly as possible, reflect the composition of the~~ 4392
~~population of the service district as to race and sex.~~ The 4393
director of mental health shall ensure that at least one member of 4394
the board is a person who has received or is receiving mental 4395
health services paid for by public funds and at least one member 4396

is a parent or other relative of such a person. 4397

The director of alcohol and drug addiction services shall 4398
ensure that at least one member of the board is a professional in 4399
the field of alcohol or drug addiction services and one member of 4400
the board is an advocate for persons receiving treatment for 4401
alcohol or drug addiction. Of the members appointed by the 4402
director of alcohol and drug addiction services, at least one 4403
shall be a person who has received or is receiving services for 4404
alcohol or drug addiction, and at least one shall be a parent or 4405
other relative of such a person. 4406

No member or employee of a board of alcohol, drug addiction, 4407
and mental health services shall serve as a member of the board of 4408
any agency with which the board of alcohol, drug addiction, and 4409
mental health services has entered into a contract for the 4410
provision of services or facilities. No member of a board of 4411
alcohol, drug addiction, and mental health services shall be an 4412
employee of any agency with which the board has entered into a 4413
contract for the provision of services or facilities. No person 4414
shall be an employee of a board and such an agency unless the 4415
board and agency both agree in writing. 4416

No person shall serve as a member of the board of alcohol, 4417
drug addiction, and mental health services whose spouse, child, 4418
parent, brother, sister, grandchild, stepparent, stepchild, 4419
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 4420
daughter-in-law, brother-in-law, or sister-in-law serves as a 4421
member of the board of any agency with which the board of alcohol, 4422
drug addiction, and mental health services has entered into a 4423
contract for the provision of services or facilities. No person 4424
shall serve as a member or employee of the board whose spouse, 4425
child, parent, brother, sister, stepparent, stepchild, 4426
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 4427
daughter-in-law, brother-in-law, or sister-in-law serves as a 4428

county commissioner of a county or counties in the alcohol, drug 4429
addiction, and mental health service district. 4430

Each year each board member shall attend at least one 4431
inservice training session provided or approved by the department 4432
of mental health or the department of alcohol and drug addiction 4433
services. Such training sessions shall not be considered to be 4434
regularly scheduled meetings of the board. 4435

Each member shall be appointed for a term of four years, 4436
commencing the first day of July, except that one-third of initial 4437
appointments to a newly established board, and to the extent 4438
possible to expanded boards, shall be for terms of two years, 4439
one-third of initial appointments shall be for terms of three 4440
years, and one-third of initial appointments shall be for terms of 4441
four years. No member shall serve more than two consecutive 4442
four-year terms. A member may serve for three consecutive terms 4443
only if one of the terms is for less than two years. A member who 4444
has served two consecutive four-year terms or three consecutive 4445
terms totaling less than ten years is eligible for reappointment 4446
one year following the end of the second or third term, 4447
respectively. 4448

When a vacancy occurs, appointment for the expired or 4449
unexpired term shall be made in the same manner as an original 4450
appointment. The appointing authority shall be notified by 4451
certified mail of any vacancy and shall fill the vacancy within 4452
sixty days following that notice. 4453

Any member of the board may be removed from office by the 4454
appointing authority for neglect of duty, misconduct, or 4455
malfeasance in office, and shall be removed by the appointing 4456
authority if the member's spouse, child, parent, brother, sister, 4457
stepparent, stepchild, stepbrother, stepsister, father-in-law, 4458
mother-in-law, son-in-law, daughter-in-law, brother-in-law, or 4459
sister-in-law serves as a county commissioner of a county or 4460

counties in the service district or serves as a member or employee 4461
of the board of an agency with which the board of alcohol, drug 4462
addiction, and mental health services has entered a contract for 4463
the provision of services or facilities. The member shall be 4464
informed in writing of the charges and afforded an opportunity for 4465
a hearing. Upon the absence of a member within one year from 4466
either four board meetings or from two board meetings without 4467
prior notice, the board shall notify the appointing authority, 4468
which may vacate the appointment and appoint another person to 4469
complete the member's term. 4470

Members of the board shall serve without compensation, but 4471
shall be reimbursed for actual and necessary expenses incurred in 4472
the performance of their official duties, as defined by rules of 4473
the departments of mental health and alcohol and drug addiction 4474
services. 4475

Sec. 340.021. (A) In an alcohol, drug addiction, and mental 4476
health service district comprised of a county with a population of 4477
two hundred fifty thousand or more on October 10, 1989, the board 4478
of county commissioners shall, within thirty days of October 10, 4479
1989, establish an alcohol and drug addiction services board as 4480
the entity responsible for providing alcohol and drug addiction 4481
services in the county, unless, prior to that date, the board 4482
adopts a resolution providing that the entity responsible for 4483
providing the services is a board of alcohol, drug addiction, and 4484
mental health services. If the board of county commissioners 4485
establishes an alcohol and drug addiction services board, the 4486
community mental health board established under former section 4487
340.02 of the Revised Code shall serve as the entity responsible 4488
for providing mental health services in the county. A community 4489
mental health board has all the powers, duties, and obligations of 4490
a board of alcohol, drug addiction, and mental health services 4491
with regard to mental health services. An alcohol and drug 4492

addiction services board has all the powers, duties, and 4493
obligations of a board of alcohol, drug addiction, and mental 4494
health services with regard to alcohol and drug addiction 4495
services. Any provision of the Revised Code that refers to a board 4496
of alcohol, drug addiction, and mental health services with regard 4497
to mental health services also refers to a community mental health 4498
board and any provision that refers to a board of alcohol, drug 4499
addiction, and mental health services with regard to alcohol and 4500
drug addiction services also refers to an alcohol and drug 4501
addiction services board. 4502

An alcohol and drug addiction services board shall consist of 4503
eighteen members, six of whom shall be appointed by the director 4504
of alcohol and drug addiction services and twelve of whom shall be 4505
appointed by the board of county commissioners. Of the members 4506
appointed by the director, one shall be a person who has received 4507
or is receiving services for alcohol or drug addiction, one shall 4508
be a parent or relative of such a person, one shall be a 4509
professional in the field of alcohol or drug addiction services, 4510
and one shall be an advocate for persons receiving treatment for 4511
alcohol or drug addiction. The membership of the board shall, as 4512
nearly as possible, reflect the composition of the population of 4513
the service district as to race and sex. Members shall be 4514
residents of the service district and shall be interested in 4515
alcohol and drug addiction services. Requirements for membership, 4516
including prohibitions against certain family and business 4517
relationships, and terms of office shall be the same as those for 4518
members of boards of alcohol, drug addiction, and mental health 4519
services. 4520

A community mental health board shall consist of eighteen 4521
members, six of whom shall be appointed by the director of mental 4522
health and twelve of whom shall be appointed by the board of 4523
county commissioners. Of the members appointed by the director, 4524

one shall be a person who has received or is receiving mental 4525
health services, one shall be a parent or relative of such a 4526
person, one shall be a psychiatrist or a physician, and one shall 4527
be a mental health professional. The membership of the board as 4528
nearly as possible shall reflect the composition of the population 4529
of the service district as to race and sex. Members shall be 4530
residents of the service district and shall be interested in 4531
mental health services. Requirements for membership, including 4532
prohibitions against certain family and business relationships, 4533
and terms of office shall be the same as those for members of 4534
boards of alcohol, drug addiction, and mental health services. 4535

(B) If a board of county commissioners subject to division 4536
(A) of this section did not adopt a resolution providing for a 4537
board of alcohol, drug addiction, and mental health services, the 4538
board of county commissioners may establish such a board in 4539
accordance with the following procedures: 4540

(1) Not later than January 1, 2007, the board of county 4541
commissioners shall adopt a resolution expressing its intent to 4542
establish a board of alcohol, drug addiction, and mental health 4543
services. 4544

(2) After adopting a resolution under division (B)(1) of this 4545
section, the board of county commissioners shall instruct the 4546
county's community mental health board and alcohol and drug 4547
addiction services board to prepare a report on the feasibility, 4548
process, and proposed plan to establish a board of alcohol, drug 4549
addiction, and mental health services. The board of county 4550
commissioners shall specify the date by which the report must be 4551
submitted to the board for its review. 4552

(3) After reviewing the report prepared under division (B)(2) 4553
of this section, the board may adopt a final resolution 4554
establishing a board of alcohol, drug addiction, and mental health 4555
services. A final resolution establishing such a board shall be 4556

adopted not later than July 1, 2007. 4557

(C)(1) If a board of county commissioners subject to division 4558
(A) of this section did not adopt a resolution providing for a 4559
board of alcohol, drug addiction, and mental health services and 4560
did not establish such a board under division (B) of this section, 4561
the board of county commissioners may establish a board of 4562
alcohol, drug addiction, and mental health services on or after 4563
the effective date of this amendment. To establish the board, the 4564
board of county commissioners shall adopt a resolution providing 4565
for the board's establishment. The composition of the board, the 4566
procedures for appointing members, and all other matters related 4567
to the board and its members are subject to section 340.02 of the 4568
Revised Code, with the following exceptions: 4569

(a) For initial appointments to the board, the county's 4570
community mental health board and alcohol and drug addiction 4571
services board shall jointly recommend members of those boards for 4572
reappointment and shall submit the recommendations to the board of 4573
county commissioners, director of mental health, and director of 4574
alcohol and drug addiction services. 4575

(b) To the greatest extent possible, the appointing 4576
authorities shall appoint the initial members from among the 4577
members jointly recommended under division (C)(1)(a) of this 4578
section. 4579

(2) If a board of alcohol, drug addiction, and mental health 4580
services is established pursuant to division (C)(1) of this 4581
section, the board has the same rights, privileges, immunities, 4582
powers, and duties that were possessed by the county's community 4583
mental health board and alcohol and drug addiction services board. 4584
When the board is established, all property and obligations of the 4585
community mental health board and alcohol and drug addiction 4586
services board shall be transferred to the board of alcohol, drug 4587
addiction, and mental health services. 4588

Sec. 351.26. (A) The board of directors of a convention 4589
facilities authority may adopt a resolution requesting the board 4590
of county commissioners of the county in which the convention 4591
facilities authority has its territory to propose the question of 4592
a tax to be levied pursuant to this section and section 4301.424 4593
or sections 5743.026 and 5743.324 of the Revised Code for the 4594
purpose of construction or renovation of a sports facility. The 4595
board of directors shall certify a copy of the resolution to the 4596
board of county commissioners not later than ninety days prior to 4597
the day of the election at which the board of directors requests 4598
the board of county commissioners to submit the question of the 4599
tax. The resolution shall state the rate at which the tax would be 4600
levied, the purpose for which the tax would be levied, the number 4601
of years the tax would be levied, the section of the Revised Code 4602
under which the tax would be levied, and the date of the election 4603
at which the board of directors requests the board of county 4604
commissioners to submit the question of the tax, all of which are 4605
subject to the limitations of this section and section 4301.424 or 4606
sections 5743.026 and 5743.324 of the Revised Code. 4607

Upon receiving a copy of such a resolution from the board of 4608
directors, the board of county commissioners shall adopt a 4609
resolution either approving or rejecting the proposal, and certify 4610
a copy of its resolution to the board of directors. If the board 4611
of county commissioners approves the proposal, the board of county 4612
commissioners shall propose the question of levying a tax pursuant 4613
to section 4301.424 of the Revised Code or pursuant to sections 4614
5743.026 and 5743.324 of the Revised Code, as specified in the 4615
board of directors' resolution, for the purpose of construction or 4616
renovation of a sports facility. 4617

(B) The form of the ballot in an election held on the 4618
question of levying a tax proposed pursuant to section 4301.424 or 4619
5743.026 of the Revised Code shall be as follows or in any other 4620

form acceptable to the secretary of state: 4621

"For the purpose of paying the costs of 4622
(constructing or renovating) a sports facility, shall (an) excise 4623
tax(es) be levied by the county for the convention 4624
facilities authority of county at the rate of 4625
(dollars on each gallon of spirituous liquor sold in the county by 4626
the Ohio division of liquor control, cents per gallon on the sale 4627
of beer at wholesale in the county, cents per gallon on the sale 4628
of wine and mixed beverages at wholesale in the county, or mills 4629
per cigarette on the sale of cigarettes at wholesale in the 4630
county), for years? 4631

	Yes	
	No	"

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For an election in which questions under section 4301.424 or 4636
5743.026 of the Revised Code are joined as a single question, the 4637
form of the ballot shall be as above, except each of the proposed 4638
taxes shall be listed. 4639

(C) No tax shall be levied under this section on or after the 4640
effective date of the amendment of this section by the capital 4641
appropriations act of the 127th general assembly. This division 4642
does not prevent the collection of any tax levied under this 4643
section before that date so long as that tax remains effective. 4644

Sec. 519.12. (A)(1) Amendments to the zoning resolution may 4645
be initiated by motion of the township zoning commission, by the 4646
passage of a resolution by the board of township trustees, or by 4647
the filing of an application by one or more of the owners or 4648
lessees of property within the area proposed to be changed or 4649
affected by the proposed amendment with the township zoning 4650

commission. The board of township trustees may require that the 4651
owner or lessee of property filing an application to amend the 4652
zoning resolution pay a fee to defray the cost of advertising, 4653
mailing, filing with the county recorder, and other expenses. If 4654
the board of township trustees requires such a fee, it shall be 4655
required generally, for each application. The board of township 4656
trustees, upon the passage of such a resolution, shall certify it 4657
to the township zoning commission. 4658

(2) Upon the adoption of a motion by the township zoning 4659
commission, the certification of a resolution by the board of 4660
township trustees to the commission, or the filing of an 4661
application by property owners or lessees as described in division 4662
(A)(1) of this section with the commission, the commission shall 4663
set a date for a public hearing, which date shall not be less than 4664
twenty nor more than forty days from the date of the certification 4665
of such a resolution, the date of adoption of such a motion, or 4666
the date of the filing of such an application. Notice of the 4667
hearing shall be given by the commission by one publication in one 4668
or more newspapers of general circulation in the township at least 4669
ten days before the date of the hearing. 4670

(B) If the proposed amendment intends to rezone or redistrict 4671
ten or fewer parcels of land, as listed on the county auditor's 4672
current tax list, written notice of the hearing shall be mailed by 4673
the township zoning commission, by first class mail, at least ten 4674
days before the date of the public hearing to all owners of 4675
property within and contiguous to and directly across the street 4676
from the area proposed to be rezoned or redistricted to the 4677
addresses of those owners appearing on the county auditor's 4678
current tax list. The failure of delivery of that notice shall not 4679
invalidate any such amendment. 4680

(C) If the proposed amendment intends to rezone or redistrict 4681
ten or fewer parcels of land as listed on the county auditor's 4682

current tax list, the published and mailed notices shall set forth 4683
the time, date, and place of the public hearing and include all of 4684
the following: 4685

(1) The name of the township zoning commission that will be 4686
conducting the hearing; 4687

(2) A statement indicating that the motion, resolution, or 4688
application is an amendment to the zoning resolution; 4689

(3) A list of the addresses of all properties to be rezoned 4690
or redistricted by the proposed amendment and of the names of 4691
owners of those properties, as they appear on the county auditor's 4692
current tax list; 4693

(4) The present zoning classification of property named in 4694
the proposed amendment and the proposed zoning classification of 4695
that property; 4696

(5) The time and place where the motion, resolution, or 4697
application proposing to amend the zoning resolution will be 4698
available for examination for a period of at least ten days prior 4699
to the hearing; 4700

(6) The name of the person responsible for giving notice of 4701
the hearing by publication, by mail, or by both publication and 4702
mail; 4703

(7) A statement that, after the conclusion of the hearing, 4704
the matter will be submitted to the board of township trustees for 4705
its action; 4706

(8) Any other information requested by the commission. 4707

(D) If the proposed amendment alters the text of the zoning 4708
resolution, or rezones or redistricts more than ten parcels of 4709
land as listed on the county auditor's current tax list, the 4710
published notice shall set forth the time, date, and place of the 4711
public hearing and include all of the following: 4712

(1) The name of the township zoning commission that will be conducting the hearing on the proposed amendment; 4713
4714

(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution; 4715
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(3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing; 4717
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(4) The name of the person responsible for giving notice of the hearing by publication; 4720
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(5) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action; 4722
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(6) Any other information requested by the commission. 4725

(E) Within five days after the adoption of the motion described in division (A) of this section, the certification of the resolution described in division (A) of this section, or the filing of the application described in division (A) of this section, the township zoning commission shall transmit a copy of it together with text and map pertaining to it to the county or regional planning commission, if there is such a commission. 4726
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The county or regional planning commission shall recommend the approval or denial of the proposed amendment or the approval of some modification of it and shall submit its recommendation to the township zoning commission. The recommendation shall be considered at the public hearing held by the township zoning commission on the proposed amendment. 4733
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The township zoning commission, within thirty days after the hearing, shall recommend the approval or denial of the proposed amendment, or the approval of some modification of it, and submit that recommendation together with the motion, application, or 4739
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resolution involved, the text and map pertaining to the proposed 4743
amendment, and the recommendation of the county or regional 4744
planning commission on it to the board of township trustees. 4745

The board of township trustees, upon receipt of that 4746
recommendation, shall set a time for a public hearing on the 4747
proposed amendment, which date shall not be more than thirty days 4748
from the date of the receipt of that recommendation. Notice of the 4749
hearing shall be given by the board by one publication in one or 4750
more newspapers of general circulation in the township, at least 4751
ten days before the date of the hearing. 4752

(F) If the proposed amendment intends to rezone or redistrict 4753
ten or fewer parcels of land as listed on the county auditor's 4754
current tax list, the published notice shall set forth the time, 4755
date, and place of the public hearing and include all of the 4756
following: 4757

(1) The name of the board of township trustees that will be 4758
conducting the hearing; 4759

(2) A statement indicating that the motion, application, or 4760
resolution is an amendment to the zoning resolution; 4761

(3) A list of the addresses of all properties to be rezoned 4762
or redistricted by the proposed amendment and of the names of 4763
owners of those properties, as they appear on the county auditor's 4764
current tax list; 4765

(4) The present zoning classification of property named in 4766
the proposed amendment and the proposed zoning classification of 4767
that property; 4768

(5) The time and place where the motion, application, or 4769
resolution proposing to amend the zoning resolution will be 4770
available for examination for a period of at least ten days prior 4771
to the hearing; 4772

(6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail; 4773
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(7) Any other information requested by the board. 4776

(G) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following: 4777
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(1) The name of the board of township trustees that will be conducting the hearing on the proposed amendment; 4782
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(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution; 4784
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(3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing; 4786
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(4) The name of the person responsible for giving notice of the hearing by publication; 4789
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(5) Any other information requested by the board. 4791

(H) Within twenty days after its public hearing, the board of township trustees shall either adopt or deny the recommendations of the township zoning commission or adopt some modification of them. If the board denies or modifies the commission's recommendations, ~~the unanimous~~ a majority vote of the board shall be required. 4792
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The proposed amendment, if adopted by the board, shall become effective in thirty days after the date of its adoption, unless, within thirty days after the adoption, there is presented to the board of township trustees a petition, signed by a number of registered electors residing in the unincorporated area of the 4798
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township or part of that unincorporated area included in the 4803
zoning plan equal to not less than eight per cent of the total 4804
vote cast for all candidates for governor in that area at the most 4805
recent general election at which a governor was elected, 4806
requesting the board of township trustees to submit the amendment 4807
to the electors of that area for approval or rejection at a 4808
special election to be held on the day of the next primary or 4809
general election that occurs at least seventy-five days after the 4810
petition is filed. Each part of this petition shall contain the 4811
number and the full and correct title, if any, of the zoning 4812
amendment resolution, motion, or application, furnishing the name 4813
by which the amendment is known and a brief summary of its 4814
contents. In addition to meeting the requirements of this section, 4815
each petition shall be governed by the rules specified in section 4816
3501.38 of the Revised Code. 4817

The form of a petition calling for a zoning referendum and 4818
the statement of the circulator shall be substantially as follows: 4819

"PETITION FOR ZONING REFERENDUM 4820

(if the proposal is identified by a particular name or number, or 4821
both, these should be inserted here) 4822

A proposal to amend the zoning map of the unincorporated area 4823
of Township, County, Ohio, adopted 4824
.....(date)..... (followed by brief summary of the proposal). 4825

To the Board of Township Trustees of 4826
Township, County, Ohio: 4827

~~..... County, Ohio:~~ 4828

We, the undersigned, being electors residing in the 4829
unincorporated area of Township, included 4830
within the Township Zoning Plan, equal to not less 4831
than eight per cent of the total vote cast for all candidates for 4832
governor in the area at the preceding general election at which a 4833

governor was elected, request the Board of Township Trustees to 4834
submit this amendment of the zoning resolution to the electors of 4835
..... Township residing within the 4836
unincorporated area of the township included in the 4837
..... Township Zoning Resolution, for approval or 4838
rejection at a special election to be held on the day of the 4839
primary or general election to be held on(date)....., 4840
pursuant to section 519.12 of the Revised Code. 4841

Street Address	Date of	4842
Signature or R.F.D.	Township Precinct County Signing	4843
.....		4844
.....		4845

STATEMENT OF CIRCULATOR 4846

I,(name of circulator)....., declare under 4847
penalty of election falsification that I am an elector of the 4848
state of Ohio and reside at the address appearing below my 4849
signature; that I am the circulator of the foregoing part petition 4850
containing(number)..... signatures; that I have 4851
witnessed the affixing of every signature; that all signers were 4852
to the best of my knowledge and belief qualified to sign; and that 4853
every signature is to the best of my knowledge and belief the 4854
signature of the person whose signature it purports to be or of an 4855
attorney in fact acting pursuant to section 3501.382 of the 4856
Revised Code. 4857

..... 4858
(Signature of circulator) 4859
..... 4860
(Address of circulator's permanent 4861
residence in this state) 4862
..... 4863
(City, village, or township, 4864
and zip code) 4865

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 4866
OF THE FIFTH DEGREE." 4867

The petition shall be filed with the board of township 4868
trustees and shall be accompanied by an appropriate map of the 4869
area affected by the zoning proposal. Within two weeks after 4870
receiving a petition filed under this section, the board of 4871
township trustees shall certify the petition to the board of 4872
elections. A petition filed under this section shall be certified 4873
to the board of elections not less than seventy-five days prior to 4874
the election at which the question is to be voted upon. 4875

The board of elections shall determine the sufficiency and 4876
validity of each petition certified to it by a board of township 4877
trustees under this section. If the board of elections determines 4878
that a petition is sufficient and valid, the question shall be 4879
voted upon at a special election to be held on the day of the next 4880
primary or general election that occurs at least seventy-five days 4881
after the date the petition is filed with the board of township 4882
trustees, regardless of whether any election will be held to 4883
nominate or elect candidates on that day. 4884

No amendment for which such a referendum vote has been 4885
requested shall be put into effect unless a majority of the vote 4886
cast on the issue is in favor of the amendment. Upon certification 4887
by the board of elections that the amendment has been approved by 4888
the voters, it shall take immediate effect. 4889

Within five working days after an amendment's effective date, 4890
the board of township trustees shall file the text and maps of the 4891
amendment in the office of the county recorder and with the county 4892
or regional planning commission, if one exists. 4893

The failure to file any amendment, or any text and maps, or 4894
duplicates of any of these documents, with the office of the 4895
county recorder or the county or regional planning commission as 4896

required by this section does not invalidate the amendment and is 4897
not grounds for an appeal of any decision of the board of zoning 4898
appeals. 4899

Sec. 519.211. (A) Except as otherwise provided in division 4900
(B) or (C) of this section, sections 519.02 to 519.25 of the 4901
Revised Code confer no power on any board of township trustees or 4902
board of zoning appeals in respect to the location, erection, 4903
construction, reconstruction, change, alteration, maintenance, 4904
removal, use, or enlargement of any buildings or structures of any 4905
public utility or railroad, whether publicly or privately owned, 4906
or the use of land by any public utility or railroad, for the 4907
operation of its business. As used in this division, "public 4908
utility" does not include a person that owns or operates a solid 4909
waste facility or a solid waste transfer facility, other than a 4910
publicly owned solid waste facility or a publicly owned solid 4911
waste transfer facility, that has been issued a permit under 4912
Chapter 3734. of the Revised Code or a construction and demolition 4913
debris facility that has been issued a permit under Chapter 3714. 4914
of the Revised Code. 4915

(B)(1) As used in this division, "telecommunications tower" 4916
means any free-standing structure, or any structure to be attached 4917
to a building or other structure, that meets all of the following 4918
criteria: 4919

(a) The free-standing or attached structure is proposed to be 4920
constructed on or after October 31, 1996. 4921

(b) The free-standing or attached structure is proposed to be 4922
owned or principally used by a public utility engaged in the 4923
provision of telecommunications services. 4924

(c) The free-standing or attached structure is proposed to be 4925
located in an unincorporated area of a township, in an area zoned 4926
for residential use. 4927

(d)(i) The free-standing structure is proposed to top at a 4928
height that is greater than either the maximum allowable height of 4929
residential structures within the zoned area as set forth in the 4930
applicable zoning regulations, or the maximum allowable height of 4931
such a free-standing structure as set forth in any applicable 4932
zoning regulations in effect immediately prior to October 31, 4933
1996, or as those regulations subsequently are amended. 4934

(ii) The attached structure is proposed to top at a height 4935
that is greater than either the height of the building or other 4936
structure to which it is to be attached, or the maximum allowable 4937
height of such an attached structure as set forth in any 4938
applicable zoning regulations in effect immediately prior to 4939
October 31, 1996, or as those regulations subsequently are 4940
amended. 4941

(e) The free-standing or attached structure is proposed to 4942
have attached to it radio frequency transmission or reception 4943
equipment. 4944

(2) Sections 519.02 to 519.25 of the Revised Code confer 4945
power on a board of township trustees or board of zoning appeals 4946
with respect to the location, erection, construction, 4947
reconstruction, change, alteration, removal, or enlargement of a 4948
telecommunications tower, but not with respect to the maintenance 4949
or use of such a tower or any change or alteration that would not 4950
substantially increase the tower's height. However, the power so 4951
conferred shall apply to a particular telecommunications tower 4952
only upon the provision of a notice, in accordance with division 4953
(B)(4)(a) of this section, to the person proposing to construct 4954
the tower. 4955

(3) Any person who plans to construct a telecommunications 4956
tower in an area subject to township zoning regulations shall 4957
provide both of the following by certified mail: 4958

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

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

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

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

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

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

(4)(a) If the board of township trustees receives notice from a property owner under division (B)(3)(a)(iii) of this section within the time specified in that division or if a board member makes an objection to the proposed location of the telecommunications tower within fifteen days after the date of mailing of the notice sent under division (B)(3)(b) of this section, the board shall request that the fiscal officer of the township send the person proposing to construct the tower written notice that the tower is subject to the power conferred by and in

accordance with division (B)(2) of this section. The notice shall 4990
be sent no later than five days after the earlier of the date the 4991
board first receives such a notice from a property owner or the 4992
date upon which a board member makes an objection. Upon the date 4993
of mailing of the notice to the person, sections 519.02 to 519.25 4994
of the Revised Code shall apply to the tower. 4995

(b) If the board of township trustees receives no notice 4996
under division (B)(3)(a)(iii) of this section within the time 4997
prescribed by that division or no board member has an objection as 4998
provided under division (B)(4)(a) of this section within the time 4999
prescribed by that division, division (A) of this section shall 5000
apply to the tower without exception. 5001

(C) Sections 519.02 to 519.25 of the Revised Code confer 5002
power on a board of township trustees or board of zoning appeals 5003
with respect to the location, erection, construction, 5004
reconstruction, change, alteration, maintenance, removal, use, or 5005
enlargement of any buildings or structures of a public utility 5006
engaged in the business of transporting persons or property, or 5007
both, or providing or furnishing such transportation service, over 5008
any public street, road, or highway in this state, and with 5009
respect to the use of land by any such public utility for the 5010
operation of its business, to the extent that any exercise of such 5011
power is reasonable and not inconsistent with Chapters 4901., 5012
4903., 4905., 4909., 4921., and 4923. of the Revised Code. 5013
However, this division confers no power on a board of township 5014
trustees or board of zoning appeals with respect to a building or 5015
structure of, or the use of land by, a person engaged in the 5016
transportation of farm supplies to the farm or farm products from 5017
farm to market or to food fabricating plants. 5018

(D) Sections 519.02 to 519.25 of the Revised Code confer no 5019
power on any township zoning commission, board of township 5020
trustees, or board of zoning appeals to prohibit the sale or use 5021

of alcoholic beverages in areas where the establishment and 5022
operation of any retail business, hotel, lunchroom, or restaurant 5023
is permitted. 5024

(E)(1) Any person who plans to construct a telecommunications 5025
tower within one hundred feet of a residential dwelling shall 5026
provide a written notice to the owner of the residential dwelling 5027
and to the person occupying the residence, if that person is not 5028
the owner of the residence stating in clear and concise language 5029
the person's intent to construct the tower and a description of 5030
the property sufficient to identify the proposed location. The 5031
notice shall be sent by certified mail. If the notice is returned 5032
unclaimed or refused, the person shall mail the notice by regular 5033
mail. The failure of delivery does not invalidate the notice. 5034

(2) As used in division (E) of this section: 5035

(a) "Residential dwelling" means a building used or intended 5036
to be used as a personal residence by the owner, part-time owner, 5037
or lessee of the building, or any person authorized by such a 5038
person to use the building as a personal residence. 5039

(b) "Telecommunications tower" has the same meaning as in 5040
division (B)(1) of this section, except that the proposed location 5041
of the free-standing or attached structure may be an area other 5042
than an unincorporated area of a township, in an area zoned for 5043
residential use. 5044

Sec. 519.213. (A) As used in this section, "small wind farm" 5045
means wind turbines and associated facilities with a single 5046
interconnection to the electrical grid and designed for, or 5047
capable of, operation at an aggregate capacity of less than five 5048
megawatts. 5049

(B) Notwithstanding division (A) of section 519.211 of the 5050
Revised Code, sections 519.02 to 519.25 of the Revised Code confer 5051

power on a board of township trustees or board of zoning appeals 5052
with respect to the location, erection, construction, 5053
reconstruction, change, alteration, maintenance, removal, use, or 5054
enlargement of any small wind farm, whether publicly or privately 5055
owned, or the use of land for that purpose, which regulations may 5056
be more strict than the regulations prescribed in rules adopted 5057
under division (B)(2) of section 4906.20 of the Revised Code. 5058

(C) The designation under this section of a small wind farm 5059
as a public utility for purposes of sections 519.02 to 519.25 of 5060
the Revised Code shall not affect the classification of a small 5061
wind farm or any other public utility for purposes of state or 5062
local taxation. 5063

(D) Nothing in division (C) of this section shall be 5064
construed as affecting the classification of a telecommunications 5065
tower as defined in division (B) or (E) of section 519.211 of the 5066
Revised Code or any other public utility for purposes of state and 5067
local taxation. 5068

Sec. 713.081. (A) As used in this section, "small wind farm" 5069
means wind turbines and associated facilities with a single 5070
interconnection to the electrical grid and designed for, or 5071
capable of, operation at an aggregate capacity of less than five 5072
megawatts. 5073

(B) Sections 713.06 to 713.15 of the Revised Code confer 5074
power on the legislative authority of a municipal corporation with 5075
respect to the location, erection, construction, reconstruction, 5076
change, alteration, maintenance, removal, use, or enlargement of 5077
any small wind farm as a public utility, whether publicly or 5078
privately owned, or the use of land for that purpose, which 5079
regulations may be more strict than the regulations prescribed in 5080
rules adopted under division (B)(2) of section 4906.20 of the 5081
Revised Code. 5082

(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. 5083
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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: 5088
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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. 5091
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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 Revised Code. 5094
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(C) The area or areas shall not include any parcel of land owned in fee by or leased to a municipal corporation or township, unless the municipal corporation or township is a contracting party or has given its consent to have the parcel of land included in the district by the adoption of an ordinance or resolution. 5099
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Sec. 715.74. (A) The contract creating a joint economic development district shall provide for the amount or nature of the contribution of each contracting party to the development and operation of the district and may provide for the sharing of the costs of the operation of and improvements for the district. The contributions may be in any form to which the contracting parties agree and may include, but are not limited to, the provision of services, money, real or personal property, facilities, or equipment. The contract may provide for the contracting parties to 5104
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share revenue from taxes levied on property by one or more of the 5113
contracting parties, if those revenues may lawfully be applied to 5114
that purpose under the legislation by which those taxes are 5115
levied. The contract shall specify and provide for new, expanded, 5116
or additional services, facilities, or improvements. The contract 5117
may provide for expanded or additional capacity for or other 5118
enhancement of existing services, facilities, or improvements. 5119

(B) The contract shall enumerate the specific powers, duties, 5120
and functions of the board of directors of the district described 5121
under section 715.78 of the Revised Code and shall provide for the 5122
determination of procedures that are to govern the board. 5123

(C)(1) The contract may grant to the board the power to adopt 5124
a resolution to levy an income tax within the district and the 5125
contract may ~~designate~~ designate certain portions of the district 5126
where such an income tax may be levied. The income tax shall be 5127
used for the purposes of the district or any portion of the 5128
district in which the contract authorizes an income tax and for 5129
the purposes of the contracting parties pursuant to the contract. 5130
The income tax may be levied in the district based on income 5131
earned by persons working within the district and based on the net 5132
profits of businesses located in the district, but the income of 5133
an individual who resides in the district shall not be subject to 5134
such income tax unless the income is received for personal 5135
services performed in the district. The income tax of the district 5136
shall follow the provisions of Chapter 718. of the Revised Code, 5137
except that no vote shall be required. The rate of the income tax 5138
shall be no higher than the highest rate being levied by a 5139
municipal corporation that is a contracting party. 5140

(2) If the board adopts a resolution to levy an income tax, 5141
it shall enter into an agreement with a municipal corporation that 5142
is a contracting party to administer, collect, and enforce the 5143
income tax on behalf of the district. 5144

(3) A resolution levying an income tax under this section 5145
shall require the contracting parties to annually set aside a 5146
percentage, to be stated in the resolution, of the amount of the 5147
income tax collected for the long-term maintenance of the 5148
district. 5149

(4) An income tax levied under this section shall apply in 5150
the district or any portion of the district in which the contract 5151
authorizes an income tax throughout the term of the contract 5152
creating the district, notwithstanding that all or a portion of 5153
the district becomes subject to annexation, merger, or 5154
consolidation. 5155

(D) The contract creating a joint economic development 5156
district shall continue in existence throughout its term and shall 5157
be binding on the contracting parties and on any parties 5158
succeeding to the contracting parties, whether by annexation, 5159
merger, or consolidation. Except as provided in division (E) of 5160
this section, the contract may be amended, renewed, or terminated 5161
with the approval of the contracting parties or any parties 5162
succeeding to the contracting parties. If the contract is amended 5163
to add area to an existing district, the amendment shall be 5164
adopted in the manner prescribed under section 715.761 of the 5165
Revised Code. 5166

(E) If two or more contracting parties previously have 5167
entered into a separate contract for utility services, then 5168
amendment, renewal, or termination of the separate contract for 5169
utility services shall not constitute any part of the 5170
consideration for the contract creating a joint economic 5171
development district. A contract creating a joint economic 5172
development district shall be rebuttably presumed to violate this 5173
division if it is entered into within two years prior or five 5174
years subsequent to the amendment, renewal, or termination of a 5175
separate contract for utility services that two or more 5176

contracting parties previously have entered into. The presumption 5177
stated in this division may be rebutted by clear and convincing 5178
evidence of both of the following: 5179

(1) That other substantial consideration existed to support 5180
the contract creating a joint economic development district; 5181

(2) That the contracting parties entered into the contract 5182
creating a joint economic development district freely and without 5183
duress or coercion related to the amendment, renewal, or 5184
termination of the separate contract for utility services. 5185

(F) A contract creating a joint economic development district 5186
that violates division (E) of this section is void and 5187
unenforceable. 5188

Sec. 901.42. (A) The director of agriculture may provide 5189
financial assistance to a statewide, multi-state, or national 5190
nonprofit livestock association to defray not more than fifty per 5191
cent of the rental costs of the Ohio expositions center for 5192
purposes of conducting a livestock species exhibition at the 5193
center. In order to obtain financial assistance under this 5194
division, a nonprofit livestock association shall apply to the 5195
director on a form prescribed by the director and in the manner 5196
prescribed in rules adopted under division ~~(D)~~(C) of this section. 5197

Rental cost assistance authorized by this division shall be 5198
provided subject to both of the following conditions: 5199

(1) No nonprofit livestock association shall receive in any 5200
fiscal year rental cost assistance exceeding ~~thirty-four~~ fifty per 5201
cent of the funds available to the director in that fiscal year 5202
for the purposes of this section and designated for the purpose of 5203
defraying rental costs for livestock species exhibitions. 5204

(2) The rental cost assistance shall be paid by the director 5205
to the Ohio expositions commission on behalf of the nonprofit 5206

livestock association by means of intrastate transfer voucher. 5207

If the director receives more than one application for 5208
financial assistance for rental costs, the director shall consider 5209
the cost of and local economic benefit generated by each 5210
applicant's exhibition when allocating financial assistance. 5211

~~(B) The director may allocate not more than fifty thousand 5212~~
~~dollars of the moneys available for the purposes of this section 5213~~
~~in a fiscal year to provide financial assistance to a nonprofit 5214~~
~~livestock association to defray the costs of premium awards for a 5215~~
~~national multispecies exhibition held at the Ohio expositions 5216~~
~~center. In order to obtain financial assistance under this 5217~~
~~division, a nonprofit livestock association shall apply to the 5218~~
~~director on a form prescribed by the director and in the manner 5219~~
~~prescribed in rules adopted under division (D) of this section. 5220~~

~~(C)~~ The director may expend not more than ~~four~~ two per cent 5221
of the moneys available for the purposes of this section in a 5222
fiscal year to defray the costs to the department of agriculture 5223
for administering this section or to assist in recruiting 5224
livestock exhibitions to be held at the Ohio expositions center. 5225

~~(D)~~(C) The director, in accordance with Chapter 119. of the 5226
Revised Code, shall adopt rules to carry out this section, 5227
including, without limitation, rules establishing procedures for 5228
the allocation and distribution of moneys available for the 5229
purposes of this section. 5230

Sec. 1332.04. (A) No political subdivision of this state 5231
shall provide cable service over a cable system, whether bundled 5232
with other services or unbundled, except in accordance with 5233
sections 1332.01 to 1332.10 of the Revised Code. 5234

(B)(1) No political subdivision of this state that is a 5235
public cable service provider or contracts with a public cable 5236

service provider for cable service over a cable system shall, by 5237
any means, do any of the following: 5238

(a) Prefer or advantage any public cable service provider or 5239
discriminate against any private cable service provider in any 5240
material matter affecting the provision, within the jurisdiction 5241
of the political subdivision, of cable service over a cable 5242
system; 5243

(b) Fail to apply any private cable service regulation 5244
without discrimination to a public cable service provider within 5245
the jurisdiction of the political subdivision; 5246

(c) Fail to pay all applicable fees, including, but not 5247
limited to, franchise fees, permit fees, pole attachment fees, or 5248
the equivalent of any such fees; 5249

(d) Require from a person providing video service within the 5250
jurisdiction of the political subdivision any direct or in-kind 5251
charge or a payment of any kind in exchange for PEG channel 5252
programming or other content produced by the political subdivision 5253
or by an entity created by or partially supported by the political 5254
subdivision. As used in division (B)(1)(d) of this section, "PEG 5255
channel" and "video service" have the same meanings as in section 5256
1332.21 of the Revised Code. 5257

(2) Nothing in division (B)(1) of this section requires the 5258
application of a private cable service regulation to a public 5259
cable service provider if that application would be without legal 5260
or practical consequence, such as the application of a private 5261
cable service regulation requiring provision of an insurance bond, 5262
which application to a public cable service provider would require 5263
it to insure its performance to itself. 5264

(C) No political subdivision of this state that is a public 5265
cable service provider shall have extraterritorial public cable 5266
service recipients in excess of fifty per cent of the number of 5267

public cable service recipients that reside within the 5268
geographical limits of the political subdivision. Nothing in this 5269
division prohibits public cable service providers from jointly 5270
owning and operating head-end equipment. Each such public cable 5271
service provider shall pay that proportion of the full costs of 5272
owning and operating such head-end equipment, including, but not 5273
limited to, the costs of construction, acquisition, installation, 5274
improvement, enhancement, modification, financing, maintenance, 5275
repair, and operation, equal to the total population of the 5276
political subdivision that is such public cable service provider 5277
divided by the total population of all political subdivisions that 5278
are public cable service providers jointly owning and operating 5279
such head-end equipment, determined annually or with such 5280
frequency as such public cable service providers otherwise agree. 5281

(D) No political subdivision of this state that is a 5282
franchising authority shall unreasonably withhold a request by a 5283
cable service provider to transfer, modify, or renew, in 5284
accordance with the terms of the franchise and in accordance with 5285
the provisions of the "Telecommunications Act of 1996," Pub. L. 5286
No. 104-104, Title III, Section 301(i), 110 Stat. 117, 47 U.S.C.A. 5287
537, the "Cable Communications Policy Act of 1984," Pub. L. No. 5288
98-549, Section 2, 98 Stat. 2790, 47 U.S.C.A. 545, or the "Cable 5289
Television Consumer Protection and Competition Act of 1992," Pub. 5290
L. No. 102-385, Section 18, 106 Stat. 1493, 47 U.S.C.A. 546, its 5291
existing franchise to provide cable service over a cable system. 5292

Sec. 1333.61. As used in sections 1333.61 to 1333.69 of the 5293
Revised Code, unless the context requires otherwise: 5294

(A) "Improper means" includes theft, bribery, 5295
misrepresentation, breach or inducement of a breach of a duty to 5296
maintain secrecy, or espionage through electronic or other means. 5297

(B) "Misappropriation" means any of the following: 5298

(1) Acquisition of a trade secret of another by a person who 5299
knows or has reason to know that the trade secret was acquired by 5300
improper means; 5301

(2) Disclosure or use of a trade secret of another without 5302
the express or implied consent of the other person by a person who 5303
did any of the following: 5304

(a) Used improper means to acquire knowledge of the trade 5305
secret; 5306

(b) At the time of disclosure or use, knew or had reason to 5307
know that the knowledge of the trade secret that the person 5308
acquired was derived from or through a person who had utilized 5309
improper means to acquire it, was acquired under circumstances 5310
giving rise to a duty to maintain its secrecy or limit its use, or 5311
was derived from or through a person who owed a duty to the person 5312
seeking relief to maintain its secrecy or limit its use; 5313

(c) Before a material change of their position, knew or had 5314
reason to know that it was a trade secret and that knowledge of it 5315
had been acquired by accident or mistake. 5316

(C) "Person" has the same meaning as in division (C) of 5317
section 1.59 of the Revised Code and includes governmental 5318
entities. 5319

(D) "Trade secret" means information, including the whole or 5320
any portion or phase of any scientific or technical information, 5321
design, process, procedure, formula, pattern, compilation, 5322
program, device, method, technique, or improvement, or any 5323
business information or plans, financial information, or listing 5324
of names, addresses, or telephone numbers, that satisfies both of 5325
the following: 5326

(1) It derives independent economic value, actual or 5327
potential, from not being generally known to, and not being 5328
readily ascertainable by proper means by, other persons who can 5329

obtain economic value from its disclosure or use. 5330

(2) It is the subject of efforts that are reasonable under 5331
the circumstances to maintain its secrecy. 5332

"Trade secret" includes any payroll record or other record 5333
relating to employee wages, fringe benefits, or other compensation 5334
that is provided to the Ohio school facilities commission by a 5335
contractor or subcontractor that bids for a contract or is awarded 5336
a contract for a school facilities project under Chapter 3318. of 5337
the Revised Code. 5338

Sec. 1346.03. Any information provided to the attorney 5339
general by the department of taxation in accordance with division 5340
~~(G)~~(C)(5) of section 5703.21 of the Revised Code shall not be 5341
disclosed publicly by the attorney general except when it is 5342
necessary to facilitate compliance with and enforcement of section 5343
1346.01 or 1346.02 of the Revised Code. 5344

Sec. 1751.01. As used in this chapter: 5345

(A)(1) "Basic health care services" means the following 5346
services when medically necessary: 5347

(a) Physician's services, except when such services are 5348
supplemental under division (B) of this section; 5349

(b) Inpatient hospital services; 5350

(c) Outpatient medical services; 5351

(d) Emergency health services; 5352

(e) Urgent care services; 5353

(f) Diagnostic laboratory services and diagnostic and 5354
therapeutic radiologic services; 5355

(g) Diagnostic and treatment services, other than 5356
prescription drug services, for biologically based mental 5357

illnesses; 5358

(h) Preventive health care services, including, but not 5359
limited to, voluntary family planning services, infertility 5360
services, periodic physical examinations, prenatal obstetrical 5361
care, and well-child care; 5362

(i) Routine patient care for patients enrolled in an eligible 5363
cancer clinical trial pursuant to section 3923.80 of the Revised 5364
Code. 5365

"Basic health care services" does not include experimental 5366
procedures. 5367

Except as provided by divisions (A)(2) and (3) of this 5368
section in connection with the offering of coverage for diagnostic 5369
and treatment services for biologically based mental illnesses, a 5370
health insuring corporation shall not offer coverage for a health 5371
care service, defined as a basic health care service by this 5372
division, unless it offers coverage for all listed basic health 5373
care services. However, this requirement does not apply to the 5374
coverage of beneficiaries enrolled in ~~Title XVIII of the "Social~~ 5375
~~Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ 5376
medicare pursuant to a medicare contract, or to the coverage of 5377
beneficiaries enrolled in the federal employee health benefits 5378
program pursuant to 5 U.S.C.A. 8905, or to the coverage of 5379
~~beneficiaries enrolled in Title XIX of the "Social Security Act,"~~ 5380
~~49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, known as the~~ 5381
~~medical assistance program or medicaid, provided by the department~~ 5382
~~of job and family services under Chapter 5111. of the Revised Code~~ 5383
recipients, or to the coverage of participants of the children's 5384
buy-in program, or to the coverage of beneficiaries under any 5385
federal health care program regulated by a federal regulatory 5386
body, or to the coverage of beneficiaries under any contract 5387
covering officers or employees of the state that has been entered 5388
into by the department of administrative services. 5389

(2) A health insuring corporation may offer coverage for 5390
diagnostic and treatment services for biologically based mental 5391
illnesses without offering coverage for all other basic health 5392
care services. A health insuring corporation may offer coverage 5393
for diagnostic and treatment services for biologically based 5394
mental illnesses alone or in combination with one or more 5395
supplemental health care services. However, a health insuring 5396
corporation that offers coverage for any other basic health care 5397
service shall offer coverage for diagnostic and treatment services 5398
for biologically based mental illnesses in combination with the 5399
offer of coverage for all other listed basic health care services. 5400

(3) A health insuring corporation that offers coverage for 5401
basic health care services is not required to offer coverage for 5402
diagnostic and treatment services for biologically based mental 5403
illnesses in combination with the offer of coverage for all other 5404
listed basic health care services if all of the following apply: 5405

(a) The health insuring corporation submits documentation 5406
certified by an independent member of the American academy of 5407
actuaries to the superintendent of insurance showing that incurred 5408
claims for diagnostic and treatment services for biologically 5409
based mental illnesses for a period of at least six months 5410
independently caused the health insuring corporation's costs for 5411
claims and administrative expenses for the coverage of basic 5412
health care services to increase by more than one per cent per 5413
year. 5414

(b) The health insuring corporation submits a signed letter 5415
from an independent member of the American academy of actuaries to 5416
the superintendent of insurance opining that the increase in costs 5417
described in division (A)(3)(a) of this section could reasonably 5418
justify an increase of more than one per cent in the annual 5419
premiums or rates charged by the health insuring corporation for 5420
the coverage of basic health care services. 5421

(c) The superintendent of insurance makes the following 5422
determinations from the documentation and opinion submitted 5423
pursuant to divisions (A)(3)(a) and (b) of this section: 5424

(i) Incurred claims for diagnostic and treatment services for 5425
biologically based mental illnesses for a period of at least six 5426
months independently caused the health insuring corporation's 5427
costs for claims and administrative expenses for the coverage of 5428
basic health care services to increase by more than one per cent 5429
per year. 5430

(ii) The increase in costs reasonably justifies an increase 5431
of more than one per cent in the annual premiums or rates charged 5432
by the health insuring corporation for the coverage of basic 5433
health care services. 5434

Any determination made by the superintendent under this 5435
division is subject to Chapter 119. of the Revised Code. 5436

(B)(1) "Supplemental health care services" means any health 5437
care services other than basic health care services that a health 5438
insuring corporation may offer, alone or in combination with 5439
either basic health care services or other supplemental health 5440
care services, and includes: 5441

(a) Services of facilities for intermediate or long-term 5442
care, or both; 5443

(b) Dental care services; 5444

(c) Vision care and optometric services including lenses and 5445
frames; 5446

(d) Podiatric care or foot care services; 5447

(e) Mental health services, excluding diagnostic and 5448
treatment services for biologically based mental illnesses; 5449

(f) Short-term outpatient evaluative and crisis-intervention 5450
mental health services; 5451

(g) Medical or psychological treatment and referral services	5452
for alcohol and drug abuse or addiction;	5453
(h) Home health services;	5454
(i) Prescription drug services;	5455
(j) Nursing services;	5456
(k) Services of a dietitian licensed under Chapter 4759. of	5457
the Revised Code;	5458
(l) Physical therapy services;	5459
(m) Chiropractic services;	5460
(n) Any other category of services approved by the	5461
superintendent of insurance.	5462
(2) If a health insuring corporation offers prescription drug	5463
services under this division, the coverage shall include	5464
prescription drug services for the treatment of biologically based	5465
mental illnesses on the same terms and conditions as other	5466
physical diseases and disorders.	5467
(C) "Specialty health care services" means one of the	5468
supplemental health care services listed in division (B) of this	5469
section, when provided by a health insuring corporation on an	5470
outpatient-only basis and not in combination with other	5471
supplemental health care services.	5472
(D) "Biologically based mental illnesses" means	5473
schizophrenia, schizoaffective disorder, major depressive	5474
disorder, bipolar disorder, paranoia and other psychotic	5475
disorders, obsessive-compulsive disorder, and panic disorder, as	5476
these terms are defined in the most recent edition of the	5477
diagnostic and statistical manual of mental disorders published by	5478
the American psychiatric association.	5479
(E) <u>"Children's buy-in program" has the same meaning as in</u>	5480
<u>section 5101.5211 of the Revised Code.</u>	5481

<u>(F)</u> "Closed panel plan" means a health care plan that	5482
requires enrollees to use participating providers.	5483
(F) <u>(G)</u> "Compensation" means remuneration for the provision of	5484
health care services, determined on other than a fee-for-service	5485
or discounted-fee-for-service basis.	5486
(G) <u>(H)</u> "Contractual periodic prepayment" means the formula	5487
for determining the premium rate for all subscribers of a health	5488
insuring corporation.	5489
(H) <u>(I)</u> "Corporation" means a corporation formed under Chapter	5490
1701. or 1702. of the Revised Code or the similar laws of another	5491
state.	5492
(I) <u>(J)</u> "Emergency health services" means those health care	5493
services that must be available on a seven-days-per-week,	5494
twenty-four-hours-per-day basis in order to prevent jeopardy to an	5495
enrollee's health status that would occur if such services were	5496
not received as soon as possible, and includes, where appropriate,	5497
provisions for transportation and indemnity payments or service	5498
agreements for out-of-area coverage.	5499
(J) <u>(K)</u> "Enrollee" means any natural person who is entitled to	5500
receive health care benefits provided by a health insuring	5501
corporation.	5502
(K) <u>(L)</u> "Evidence of coverage" means any certificate,	5503
agreement, policy, or contract issued to a subscriber that sets	5504
out the coverage and other rights to which such person is entitled	5505
under a health care plan.	5506
(L) <u>(M)</u> "Health care facility" means any facility, except a	5507
health care practitioner's office, that provides preventive,	5508
diagnostic, therapeutic, acute convalescent, rehabilitation,	5509
mental health, mental retardation, intermediate care, or skilled	5510
nursing services.	5511

~~(M)~~(N) "Health care services" means basic, supplemental, and 5512
specialty health care services. 5513

~~(N)~~(O) "Health delivery network" means any group of providers 5514
or health care facilities, or both, or any representative thereof, 5515
that have entered into an agreement to offer health care services 5516
in a panel rather than on an individual basis. 5517

~~(O)~~(P) "Health insuring corporation" means a corporation, as 5518
defined in division ~~(H)~~(I) of this section, that, pursuant to a 5519
policy, contract, certificate, or agreement, pays for, reimburses, 5520
or provides, delivers, arranges for, or otherwise makes available, 5521
basic health care services, supplemental health care services, or 5522
specialty health care services, or a combination of basic health 5523
care services and either supplemental health care services or 5524
specialty health care services, through either an open panel plan 5525
or a closed panel plan. 5526

"Health insuring corporation" does not include a limited 5527
liability company formed pursuant to Chapter 1705. of the Revised 5528
Code, an insurer licensed under Title XXXIX of the Revised Code if 5529
that insurer offers only open panel plans under which all 5530
providers and health care facilities participating receive their 5531
compensation directly from the insurer, a corporation formed by or 5532
on behalf of a political subdivision or a department, office, or 5533
institution of the state, or a public entity formed by or on 5534
behalf of a board of county commissioners, a county board of 5535
mental retardation and developmental disabilities, an alcohol and 5536
drug addiction services board, a board of alcohol, drug addiction, 5537
and mental health services, or a community mental health board, as 5538
those terms are used in Chapters 340. and 5126. of the Revised 5539
Code. Except as provided by division (D) of section 1751.02 of the 5540
Revised Code, or as otherwise provided by law, no board, 5541
commission, agency, or other entity under the control of a 5542
political subdivision may accept insurance risk in providing for 5543

health care services. However, nothing in this division shall be 5544
construed as prohibiting such entities from purchasing the 5545
services of a health insuring corporation or a third-party 5546
administrator licensed under Chapter 3959. of the Revised Code. 5547

~~(P)~~(Q) "Intermediary organization" means a health delivery 5548
network or other entity that contracts with licensed health 5549
insuring corporations or self-insured employers, or both, to 5550
provide health care services, and that enters into contractual 5551
arrangements with other entities for the provision of health care 5552
services for the purpose of fulfilling the terms of its contracts 5553
with the health insuring corporations and self-insured employers. 5554

~~(Q)~~(R) "Intermediate care" means residential care above the 5555
level of room and board for patients who require personal 5556
assistance and health-related services, but who do not require 5557
skilled nursing care. 5558

~~(R)~~(S) "Medicaid" has the same meaning as in section 5111.01 5559
of the Revised Code. 5560

(T) "Medical record" means the personal information that 5561
relates to an individual's physical or mental condition, medical 5562
history, or medical treatment. 5563

~~(S)~~(U) "Medicare" means the program established under Title 5564
XVIII of the "Social Security Act" 49 Stat. 620 (1935), 42 U.S.C. 5565
1395, as amended. 5566

(V)(1) "Open panel plan" means a health care plan that 5567
provides incentives for enrollees to use participating providers 5568
and that also allows enrollees to use providers that are not 5569
participating providers. 5570

(2) No health insuring corporation may offer an open panel 5571
plan, unless the health insuring corporation is also licensed as 5572
an insurer under Title XXXIX of the Revised Code, the health 5573
insuring corporation, on June 4, 1997, holds a certificate of 5574

authority or license to operate under Chapter 1736. or 1740. of 5575
the Revised Code, or an insurer licensed under Title XXXIX of the 5576
Revised Code is responsible for the out-of-network risk as 5577
evidenced by both an evidence of coverage filing under section 5578
1751.11 of the Revised Code and a policy and certificate filing 5579
under section 3923.02 of the Revised Code. 5580

~~(T)~~(W) "Panel" means a group of providers or health care 5581
facilities that have joined together to deliver health care 5582
services through a contractual arrangement with a health insuring 5583
corporation, employer group, or other payor. 5584

~~(U)~~(X) "Person" has the same meaning as in section 1.59 of 5585
the Revised Code, and, unless the context otherwise requires, 5586
includes any insurance company holding a certificate of authority 5587
under Title XXXIX of the Revised Code, any subsidiary and 5588
affiliate of an insurance company, and any government agency. 5589

~~(V)~~(Y) "Premium rate" means any set fee regularly paid by a 5590
subscriber to a health insuring corporation. A "premium rate" does 5591
not include a one-time membership fee, an annual administrative 5592
fee, or a nominal access fee, paid to a managed health care system 5593
under which the recipient of health care services remains solely 5594
responsible for any charges assessed for those services by the 5595
provider or health care facility. 5596

~~(W)~~(Z) "Primary care provider" means a provider that is 5597
designated by a health insuring corporation to supervise, 5598
coordinate, or provide initial care or continuing care to an 5599
enrollee, and that may be required by the health insuring 5600
corporation to initiate a referral for specialty care and to 5601
maintain supervision of the health care services rendered to the 5602
enrollee. 5603

~~(X)~~(AA) "Provider" means any natural person or partnership of 5604
natural persons who are licensed, certified, accredited, or 5605

otherwise authorized in this state to furnish health care 5606
services, or any professional association organized under Chapter 5607
1785. of the Revised Code, provided that nothing in this chapter 5608
or other provisions of law shall be construed to preclude a health 5609
insuring corporation, health care practitioner, or organized 5610
health care group associated with a health insuring corporation 5611
from employing certified nurse practitioners, certified nurse 5612
anesthetists, clinical nurse specialists, certified nurse 5613
midwives, dietitians, physician assistants, dental assistants, 5614
dental hygienists, optometric technicians, or other allied health 5615
personnel who are licensed, certified, accredited, or otherwise 5616
authorized in this state to furnish health care services. 5617

~~(Y)~~(BB) "Provider sponsored organization" means a 5618
corporation, as defined in division ~~(H)~~(I) of this section, that 5619
is at least eighty per cent owned or controlled by one or more 5620
hospitals, as defined in section 3727.01 of the Revised Code, or 5621
one or more physicians licensed to practice medicine or surgery or 5622
osteopathic medicine and surgery under Chapter 4731. of the 5623
Revised Code, or any combination of such physicians and hospitals. 5624
Such control is presumed to exist if at least eighty per cent of 5625
the voting rights or governance rights of a provider sponsored 5626
organization are directly or indirectly owned, controlled, or 5627
otherwise held by any combination of the physicians and hospitals 5628
described in this division. 5629

~~(Z)~~(CC) "Solicitation document" means the written materials 5630
provided to prospective subscribers or enrollees, or both, and 5631
used for advertising and marketing to induce enrollment in the 5632
health care plans of a health insuring corporation. 5633

~~(AA)~~(DD) "Subscriber" means a person who is responsible for 5634
making payments to a health insuring corporation for participation 5635
in a health care plan, or an enrollee whose employment or other 5636
status is the basis of eligibility for enrollment in a health 5637

insuring corporation. 5638

~~(BB)~~(EE) "Urgent care services" means those health care 5639
services that are appropriately provided for an unforeseen 5640
condition of a kind that usually requires medical attention 5641
without delay but that does not pose a threat to the life, limb, 5642
or permanent health of the injured or ill person, and may include 5643
such health care services provided out of the health insuring 5644
corporation's approved service area pursuant to indemnity payments 5645
or service agreements. 5646

Sec. 1751.04. (A) Except as provided by division (F) of this 5647
section, upon the receipt by the superintendent of insurance of a 5648
complete application for a certificate of authority to establish 5649
or operate a health insuring corporation, which application sets 5650
forth or is accompanied by the information and documents required 5651
by division (A) of section 1751.03 of the Revised Code, the 5652
superintendent shall transmit copies of the application and 5653
accompanying documents to the director of health. 5654

(B) The director shall review the application and 5655
accompanying documents and make findings as to whether the 5656
applicant for a certificate of authority has done all of the 5657
following with respect to any basic health care services and 5658
supplemental health care services to be furnished: 5659

(1) Demonstrated the willingness and potential ability to 5660
ensure that all basic health care services and supplemental health 5661
care services described in the evidence of coverage will be 5662
provided to all its enrollees as promptly as is appropriate and in 5663
a manner that assures continuity; 5664

(2) Made effective arrangements to ensure that its enrollees 5665
have reliable access to qualified providers in those specialties 5666
that are generally available in the geographic area or areas to be 5667
served by the applicant and that are necessary to provide all 5668

basic health care services and supplemental health care services 5669
described in the evidence of coverage; 5670

(3) Made appropriate arrangements for the availability of 5671
short-term health care services in emergencies within the 5672
geographic area or areas to be served by the applicant, 5673
twenty-four hours per day, seven days per week, and for the 5674
provision of adequate coverage whenever an out-of-area emergency 5675
arises; 5676

(4) Made appropriate arrangements for an ongoing evaluation 5677
and assurance of the quality of health care services provided to 5678
enrollees, including, if applicable, the development of a quality 5679
assurance program complying with the requirements of sections 5680
1751.73 to 1751.75 of the Revised Code, and the adequacy of the 5681
personnel, facilities, and equipment by or through which the 5682
services are rendered; 5683

(5) Developed a procedure to gather and report statistics 5684
relating to the cost and effectiveness of its operations, the 5685
pattern of utilization of its services, and the quality, 5686
availability, and accessibility of its services. 5687

(C) Within ninety days of the director's receipt of the 5688
application for issuance of a certificate of authority, the 5689
director shall certify to the superintendent whether or not the 5690
applicant meets the requirements of division (B) of this section 5691
and sections 3702.51 to 3702.62 of the Revised Code. If the 5692
director certifies that the applicant does not meet these 5693
requirements, the director shall specify in what respects it is 5694
deficient. However, the director shall not certify that the 5695
requirements of this section are not met unless the applicant has 5696
been given an opportunity for a hearing. 5697

(D) If the applicant requests a hearing, the director shall 5698
hold a hearing before certifying that the applicant does not meet 5699

the requirements of this section. The hearing shall be held in 5700
accordance with Chapter 119. of the Revised Code. 5701

(E) The ninety-day review period provided for under division 5702
(C) of this section shall cease to run as of the date on which the 5703
notice of the applicant's right to request a hearing is mailed and 5704
shall remain suspended until the director issues a final 5705
certification order. 5706

(F) Nothing in this section requires the director to review 5707
or make findings with regard to an application and accompanying 5708
documents to establish or operate a any of the following: 5709

(1) A health insuring corporation to cover solely medicaid 5710
recipients of assistance under the medicaid program operated 5711
pursuant to Chapter 5111. of the Revised Code, a; 5712

(2) A health insuring corporation to cover solely recipients 5713
of assistance under the federal medicare program under Title XVIII 5714
of the "Social Security Act," 49 Stat. 62 (1935), 42 U.S.C. 301, 5715
as amended, or a beneficiaries; 5716

(3) A health insuring corporation to cover solely medicaid 5717
recipients of assistance under both the medicaid and medicare 5718
programs beneficiaries; 5719

(4) A health insuring corporation to cover solely 5720
participants of the children's buy-in program; 5721

(5) A health insuring corporation to cover solely medicaid 5722
recipients and participants of the children's buy-in program; 5723

(6) A health insuring corporation to cover solely medicaid 5724
recipients, medicare beneficiaries, and participants of the 5725
children's buy-in program. 5726

Sec. 1751.05. (A) The superintendent of insurance shall issue 5727
or deny a certificate of authority to health insuring corporations 5728
within the deadlines specified as follows: 5729

(1) For a health insuring corporation filing an application 5730
pursuant to section 1751.03 of the Revised Code, forty-five days 5731
from the superintendent's receipt of the certification from the 5732
director of health under division (C) of section 1751.04 of the 5733
Revised Code; 5734

~~(2) For a health insuring corporation that covers solely 5735
recipients of assistance under the medicaid program operated 5736
pursuant to Chapter 5111. of the Revised Code, one One hundred 5737
thirty-five days from the superintendent's receipt of a complete 5738
application and accompanying documents if the health insuring 5739
corporation is to cover solely the following: 5740~~

(a) Medicaid recipients; 5741

(b) Medicare beneficiaries; 5742

(c) Medicaid recipients and medicare beneficiaries; 5743

(d) Participants of the children's buy-in program; 5744

(e) Medicaid recipients and participants of the children's 5745
buy-in program; 5746

(f) Medicaid recipients, medicare beneficiaries, and 5747
participants of the children's buy-in program. 5748

(B) A certificate of authority shall be issued upon payment 5749
of the application fee prescribed in section 1751.44 of the 5750
Revised Code if the superintendent is satisfied that the following 5751
conditions are met: 5752

(1) The persons responsible for the conduct of the affairs of 5753
the applicant are competent, trustworthy, and possess good 5754
reputations. 5755

(2) The director certifies, in accordance with division (C) 5756
of section 1751.04 of the Revised Code, that the organization's 5757
proposed plan of operation meets the requirements of division (B) 5758
of that section and sections 3702.51 to 3702.62 of the Revised 5759

Code. If, after the director has certified compliance, the 5760
application is amended in a manner that affects its approval under 5761
section 1751.04 of the Revised Code, the superintendent shall 5762
request the director to review and recertify the amended plan of 5763
operation. Within forty-five days of receipt of the amended plan 5764
from the superintendent, the director shall certify to the 5765
superintendent, pursuant to section 1751.04 of the Revised Code, 5766
whether or not the amended plan meets the requirements of section 5767
1751.04 of the Revised Code. The superintendent's forty-five-day 5768
review period shall cease to run as of the date on which the 5769
amended plan is transmitted to the director and shall remain 5770
suspended until the superintendent receives a new certification 5771
from the director. 5772

(3) The applicant constitutes an appropriate mechanism to 5773
effectively provide or arrange for the provision of the basic 5774
health care services, supplemental health care services, or 5775
specialty health care services to be provided to enrollees. 5776

(4) The applicant is financially responsible, complies with 5777
section 1751.28 of the Revised Code, and may reasonably be 5778
expected to meet its obligations to enrollees and prospective 5779
enrollees. In making this determination, the superintendent may 5780
consider: 5781

(a) The financial soundness of the applicant's arrangements 5782
for health care services, including the applicant's proposed 5783
contractual periodic prepayments or premiums and the use of 5784
copayments and deductibles; 5785

(b) The adequacy of working capital; 5786

(c) Any agreement with an insurer, a government, or any other 5787
person for insuring the payment of the cost of health care 5788
services or providing for automatic applicability of an 5789
alternative coverage in the event of discontinuance of the health 5790

insuring corporation's operations;	5791
(d) Any agreement with providers or health care facilities for the provision of health care services;	5792 5793
(e) Any deposit of securities submitted in accordance with section 1751.27 of the Revised Code as a guarantee that the obligations will be performed.	5794 5795 5796
(5) The applicant has submitted documentation of an arrangement to provide health care services to its enrollees until 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:	5797 5798 5799 5800 5801 5802 5803 5804
(a) The maintenance of insolvency insurance;	5805
(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;	5806 5807 5808
(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;	5809 5810 5811 5812
(d) Such other methods as approved by the superintendent.	5813
(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.	5814 5815 5816 5817 5818
(7) Any deficiencies certified by the director have been corrected.	5819 5820

(8) The applicant has deposited securities as set forth in 5821
section 1751.27 of the Revised Code. 5822

(C) If an applicant elects to fulfill the requirements of 5823
division (A)(5) of this section through an agreement with other 5824
health insuring corporations or insurers, the agreement shall 5825
require those health insuring corporations or insurers to give 5826
thirty days' notice to the superintendent prior to cancellation or 5827
discontinuation of the agreement for any reason. 5828

(D) A certificate of authority shall be denied only after 5829
compliance with the requirements of section 1751.36 of the Revised 5830
Code. 5831

Sec. 1751.11. (A) Every subscriber of a health insuring 5832
corporation is entitled to an evidence of coverage for the health 5833
care plan under which health care benefits are provided. 5834

(B) Every subscriber of a health insuring corporation that 5835
offers basic health care services is entitled to an identification 5836
card or similar document that specifies the health insuring 5837
corporation's name as stated in its articles of incorporation, and 5838
any trade or fictitious names used by the health insuring 5839
corporation. The identification card or document shall list at 5840
least one toll-free telephone number that provides the subscriber 5841
with access, to information on a twenty-four-hours-per-day, 5842
seven-days-per-week basis, as to how health care services may be 5843
obtained. The identification card or document shall also list at 5844
least one toll-free number that, during normal business hours, 5845
provides the subscriber with access to information on the coverage 5846
available under the subscriber's health care plan and information 5847
on the health care plan's internal and external review processes. 5848

(C) No evidence of coverage, or amendment to the evidence of 5849
coverage, shall be delivered, issued for delivery, renewed, or 5850
used, until the form of the evidence of coverage or amendment has 5851

been filed by the health insuring corporation with the 5852
superintendent of insurance. If the superintendent does not 5853
disapprove the evidence of coverage or amendment within sixty days 5854
after it is filed it shall be deemed approved, unless the 5855
superintendent sooner gives approval for the evidence of coverage 5856
or amendment. With respect to an amendment to an approved evidence 5857
of coverage, the superintendent only may disapprove provisions 5858
amended or added to the evidence of coverage. If the 5859
superintendent determines within the sixty-day period that any 5860
evidence of coverage or amendment fails to meet the requirements 5861
of this section, the superintendent shall so notify the health 5862
insuring corporation and it shall be unlawful for the health 5863
insuring corporation to use such evidence of coverage or 5864
amendment. At any time, the superintendent, upon at least thirty 5865
days' written notice to a health insuring corporation, may 5866
withdraw an approval, deemed or actual, of any evidence of 5867
coverage or amendment on any of the grounds stated in this 5868
section. Such disapproval shall be effected by a written order, 5869
which shall state the grounds for disapproval and shall be issued 5870
in accordance with Chapter 119. of the Revised Code. 5871

(D) No evidence of coverage or amendment shall be delivered, 5872
issued for delivery, renewed, or used: 5873

(1) If it contains provisions or statements that are 5874
inequitable, untrue, misleading, or deceptive; 5875

(2) Unless it contains a clear, concise, and complete 5876
statement of the following: 5877

(a) The health care services and insurance or other benefits, 5878
if any, to which an enrollee is entitled under the health care 5879
plan; 5880

(b) Any exclusions or limitations on the health care 5881
services, type of health care services, benefits, or type of 5882

benefits to be provided, including copayments and deductibles;	5883
(c) An enrollee's personal financial obligation for noncovered services;	5884 5885
(d) Where and in what manner general information and information as to how health care services may be obtained is available, including a toll-free telephone number;	5886 5887 5888
(e) The premium rate with respect to individual and conversion contracts, and relevant copayment and deductible provisions with respect to all contracts. The statement of the premium rate, however, may be contained in a separate insert.	5889 5890 5891 5892
(f) The method utilized by the health insuring corporation for resolving enrollee complaints;	5893 5894
(g) The utilization review, internal review, and external review procedures established under sections 1751.77 to 1751.85 of the Revised Code.	5895 5896 5897
(3) Unless it provides for the continuation of an enrollee's coverage, in the event that the enrollee's coverage under the group policy, contract, certificate, or agreement terminates while the enrollee is receiving inpatient care in a hospital. This continuation of coverage shall terminate at the earliest occurrence of any of the following:	5898 5899 5900 5901 5902 5903
(a) The enrollee's discharge from the hospital;	5904
(b) The determination by the enrollee's attending physician that inpatient care is no longer medically indicated for the enrollee; however, nothing in division (D)(3)(b) of this section precludes a health insuring corporation from engaging in utilization review as described in the evidence of coverage.	5905 5906 5907 5908 5909
(c) The enrollee's reaching the limit for contractual benefits;	5910 5911
(d) The effective date of any new coverage.	5912

(4) Unless it contains a provision that states, in substance, 5913
that the health insuring corporation is not a member of any 5914
guaranty fund, and that in the event of the health insuring 5915
corporation's insolvency, an enrollee is protected only to the 5916
extent that the hold harmless provision required by section 5917
1751.13 of the Revised Code applies to the health care services 5918
rendered; 5919

(5) Unless it contains a provision that states, in substance, 5920
that in the event of the insolvency of the health insuring 5921
corporation, an enrollee may be financially responsible for health 5922
care services rendered by a provider or health care facility that 5923
is not under contract to the health insuring corporation, whether 5924
or not the health insuring corporation authorized the use of the 5925
provider or health care facility. 5926

(E) Notwithstanding divisions (C) and (D) of this section, a 5927
health insuring corporation may use an evidence of coverage that 5928
provides for the coverage of beneficiaries enrolled in ~~Title XVIII~~ 5929
~~of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A.~~ 5930
~~301, as amended, medicare~~ pursuant to a medicare contract, or an 5931
evidence of coverage that provides for the coverage of 5932
beneficiaries enrolled in the federal employees health benefits 5933
program pursuant to 5 U.S.C.A. 8905, or an evidence of coverage 5934
that provides for the coverage of ~~beneficiaries enrolled in Title~~ 5935
~~XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A.~~ 5936
~~301, as amended, known as the medical assistance program or~~ 5937
~~medicaid, provided by the Ohio department of job and family~~ 5938
~~services under Chapter 5111. of the Revised Code recipients, or an~~ 5939
evidence of coverage that provides for coverage of participants of 5940
the children's buy-in program, or an evidence of coverage that 5941
provides for the coverage of beneficiaries under any other federal 5942
health care program regulated by a federal regulatory body, or an 5943
evidence of coverage that provides for the coverage of 5944

beneficiaries under any contract covering officers or employees of 5945
the state that has been entered into by the department of 5946
administrative services, if both of the following apply: 5947

(1) The evidence of coverage has been approved by the United 5948
States department of health and human services, the United States 5949
office of personnel management, the Ohio department of job and 5950
family services, or the department of administrative services. 5951

(2) The evidence of coverage is filed with the superintendent 5952
of insurance prior to use and is accompanied by documentation of 5953
approval from the United States department of health and human 5954
services, the United States office of personnel management, the 5955
Ohio department of job and family services, or the department of 5956
administrative services. 5957

Sec. 1751.111. (A)(1) This section applies to both of the 5958
following: 5959

(a) A health insuring corporation that issues or requires the 5960
use of a standardized identification card or an electronic 5961
technology for submission and routing of prescription drug claims 5962
pursuant to a policy, contract, or agreement for health care 5963
services; 5964

(b) A person or entity that a health insuring corporation 5965
contracts with to issue a standardized identification card or an 5966
electronic technology described in division (A)(1)(a) of this 5967
section. 5968

(2) Notwithstanding division (A)(1) of this section, this 5969
section does not apply to the issuance or required use of a 5970
standardized identification card or an electronic technology for 5971
submission and routing of prescription drug claims in connection 5972
with any of the following: 5973

(a) Coverage provided under the medicare advantage program 5974

operated pursuant to Part C of Title XVIII of the "Social Security Act," 49 Stat. 62 (1935), 42 U.S.C. 301, as amended. 5975
5976

(b) Coverage provided under medicaid, ~~as defined in section 5111.01 of the Revised Code.~~ 5977
5978

(c) Coverage provided under the children's buy-in program. 5979

(d) Coverage provided under an employer's self-insurance plan 5980
or by any of its administrators, as defined in section 3959.01 of 5981
the Revised Code, to the extent that federal law supersedes, 5982
preempts, prohibits, or otherwise precludes the application of 5983
this section to the plan and its administrators. 5984

(B) A standardized identification card or an electronic 5985
technology issued or required to be used as provided in division 5986
(A)(1) of this section shall contain uniform prescription drug 5987
information in accordance with either division (B)(1) or (2) of 5988
this section. 5989

(1) The standardized identification card or the electronic 5990
technology shall be in a format and contain information fields 5991
approved by the national council for prescription drug programs or 5992
a successor organization, as specified in the council's or 5993
successor organization's pharmacy identification card 5994
implementation guide in effect on the first day of October most 5995
immediately preceding the issuance or required use of the 5996
standardized identification card or the electronic technology. 5997

(2) If the health insuring corporation or the person under 5998
contract with the corporation to issue a standardized 5999
identification card or an electronic technology requires the 6000
information for the submission and routing of a claim, the 6001
standardized identification card or the electronic technology 6002
shall contain any of the following information: 6003

(a) The health insuring corporation's name; 6004

(b) The subscriber's name, group number, and identification number; 6005
6006

(c) A telephone number to inquire about pharmacy-related issues; 6007
6008

(d) The issuer's international identification number, labeled as "ANSI BIN" or "RxBIN"; 6009
6010

(e) The processor's control number, labeled as "RxPCN"; 6011

(f) The subscriber's pharmacy benefits group number if different from the subscriber's medical group number, labeled as "RxGrp." 6012
6013
6014

(C) If the standardized identification card or the electronic technology issued or required to be used as provided in division (A)(1) of this section is also used for submission and routing of nonpharmacy claims, the designation "Rx" is required to be included as part of the labels identified in divisions (B)(2)(d) and (e) of this section if the issuer's international identification number or the processor's control number is different for medical and pharmacy claims. 6015
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(D) Each health insuring corporation described in division (A) of this section shall annually file a certificate with the superintendent of insurance certifying that it or any person it contracts with to issue a standardized identification card or electronic technology for submission and routing of prescription drug claims complies with this section. 6023
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(E)(1) Except as provided in division (E)(2) of this section, if there is a change in the information contained in the standardized identification card or the electronic technology issued to a subscriber, the health insuring corporation or person under contract with the corporation to issue a standardized identification card or an electronic technology shall issue a new card or electronic technology to the subscriber. 6029
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(2) A health insuring corporation or person under contract 6036
with the corporation is not required under division (E)(1) of this 6037
section to issue a new card or electronic technology to a 6038
subscriber more than once during a twelve-month period. 6039

(F) Nothing in this section shall be construed as requiring a 6040
health insuring corporation to produce more than one standardized 6041
identification card or one electronic technology for use by 6042
subscribers accessing health care benefits provided under a 6043
policy, contract, or agreement for health care services. 6044

Sec. 1751.12. (A)(1) No contractual periodic prepayment and 6045
no premium rate for nongroup and conversion policies for health 6046
care services, or any amendment to them, may be used by any health 6047
insuring corporation at any time until the contractual periodic 6048
prepayment and premium rate, or amendment, have been filed with 6049
the superintendent of insurance, and shall not be effective until 6050
the expiration of sixty days after their filing unless the 6051
superintendent sooner gives approval. The filing shall be 6052
accompanied by an actuarial certification in the form prescribed 6053
by the superintendent. The superintendent shall disapprove the 6054
filing, if the superintendent determines within the sixty-day 6055
period that the contractual periodic prepayment or premium rate, 6056
or amendment, is not in accordance with sound actuarial principles 6057
or is not reasonably related to the applicable coverage and 6058
characteristics of the applicable class of enrollees. The 6059
superintendent shall notify the health insuring corporation of the 6060
disapproval, and it shall thereafter be unlawful for the health 6061
insuring corporation to use the contractual periodic prepayment or 6062
premium rate, or amendment. 6063

(2) No contractual periodic prepayment for group policies for 6064
health care services shall be used until the contractual periodic 6065
prepayment has been filed with the superintendent. The filing 6066

shall be accompanied by an actuarial certification in the form 6067
prescribed by the superintendent. The superintendent may reject a 6068
filing made under division (A)(2) of this section at any time, 6069
with at least thirty days' written notice to a health insuring 6070
corporation, if the contractual periodic prepayment is not in 6071
accordance with sound actuarial principles or is not reasonably 6072
related to the applicable coverage and characteristics of the 6073
applicable class of enrollees. 6074

(3) At any time, the superintendent, upon at least thirty 6075
days' written notice to a health insuring corporation, may 6076
withdraw the approval given under division (A)(1) of this section, 6077
deemed or actual, of any contractual periodic prepayment or 6078
premium rate, or amendment, based on information that either of 6079
the following applies: 6080

(a) The contractual periodic prepayment or premium rate, or 6081
amendment, is not in accordance with sound actuarial principles. 6082

(b) The contractual periodic prepayment or premium rate, or 6083
amendment, is not reasonably related to the applicable coverage 6084
and characteristics of the applicable class of enrollees. 6085

(4) Any disapproval under division (A)(1) of this section, 6086
any rejection of a filing made under division (A)(2) of this 6087
section, or any withdrawal of approval under division (A)(3) of 6088
this section, shall be effected by a written notice, which shall 6089
state the specific basis for the disapproval, rejection, or 6090
withdrawal and shall be issued in accordance with Chapter 119. of 6091
the Revised Code. 6092

(B) Notwithstanding division (A) of this section, a health 6093
insuring corporation may use a contractual periodic prepayment or 6094
premium rate for policies used for the coverage of beneficiaries 6095
enrolled in ~~Title XVIII of the "Social Security Act," 49 Stat. 620~~ 6096
~~(1935), 42 U.S.C.A. 301, as amended, medicare~~ pursuant to a 6097

medicare risk contract or medicare cost contract, or for policies 6098
used for the coverage of beneficiaries enrolled in the federal 6099
employees health benefits program pursuant to 5 U.S.C.A. 8905, or 6100
for policies used for the coverage of ~~beneficiaries enrolled in~~ 6101
~~Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42~~ 6102
~~U.S.C.A. 301, as amended, known as the medical assistance program~~ 6103
~~or medicaid, provided by the department of job and family services~~ 6104
~~under Chapter 5111. of the Revised Code~~ recipients, or for 6105
policies used for coverage of participants of the children's 6106
buy-in program, or for policies used for the coverage of 6107
beneficiaries under any other federal health care program 6108
regulated by a federal regulatory body, or for policies used for 6109
the coverage of beneficiaries under any contract covering officers 6110
or employees of the state that has been entered into by the 6111
department of administrative services, if both of the following 6112
apply: 6113

(1) The contractual periodic prepayment or premium rate has 6114
been approved by the United States department of health and human 6115
services, the United States office of personnel management, the 6116
department of job and family services, or the department of 6117
administrative services. 6118

(2) The contractual periodic prepayment or premium rate is 6119
filed with the superintendent prior to use and is accompanied by 6120
documentation of approval from the United States department of 6121
health and human services, the United States office of personnel 6122
management, the department of job and family services, or the 6123
department of administrative services. 6124

(C) The administrative expense portion of all contractual 6125
periodic prepayment or premium rate filings submitted to the 6126
superintendent for review must reflect the actual cost of 6127
administering the product. The superintendent may require that the 6128
administrative expense portion of the filings be itemized and 6129

supported. 6130

(D)(1) Copayments must be reasonable and must not be a 6131
barrier to the necessary utilization of services by enrollees. 6132

(2) A health insuring corporation, in order to ensure that 6133
copayments are reasonable and not a barrier to the necessary 6134
utilization of basic health care services by enrollees, may do one 6135
of the following: 6136

(a) Impose copayment charges on any single covered basic 6137
health care service that does not exceed forty per cent of the 6138
average cost to the health insuring corporation of providing the 6139
service; 6140

(b) Impose copayment charges that annually do not exceed 6141
twenty per cent of the total annual cost to the health insuring 6142
corporation of providing all covered basic health care services, 6143
including physician office visits, urgent care services, and 6144
emergency health services, when aggregated as to all persons 6145
covered under the filed product in question. In addition, annual 6146
copayment charges as to each enrollee shall not exceed twenty per 6147
cent of the total annual cost to the health insuring corporation 6148
of providing all covered basic health care services, including 6149
physician office visits, urgent care services, and emergency 6150
health services, as to such enrollee. The total annual cost of 6151
providing a health care service is the cost to the health insuring 6152
corporation of providing the health care service to its enrollees 6153
as reduced by any applicable provider discount. 6154

(3) To ensure that copayments are reasonable and not a 6155
barrier to the utilization of basic health care services, a health 6156
insuring corporation may not impose, in any contract year, on any 6157
subscriber or enrollee, copayments that exceed two hundred per 6158
cent of the average annual premium rate to subscribers or 6159
enrollees. 6160

(4) For purposes of division (D) of this section, both of the following apply:

(a) Copayments imposed by health insuring corporations in connection with a high deductible health plan that is linked to a health savings account are reasonable and are not a barrier to the necessary utilization of services by enrollees.

(b) Divisions (D)(2) and (3) of this section do not apply to a high deductible health plan that is linked to a health savings account.

(E) A health insuring corporation shall not impose lifetime maximums on basic health care services. However, a health insuring corporation may establish a benefit limit for inpatient hospital services that are provided pursuant to a policy, contract, certificate, or agreement for supplemental health care services.

(F) A health insuring corporation may require that an enrollee pay an annual deductible that does not exceed one thousand dollars per enrollee or two thousand dollars per family, except that:

(1) A health insuring corporation may impose higher deductibles for high deductible health plans that are linked to health savings accounts;

(2) The superintendent may adopt rules allowing different annual deductible amounts for plans with a medical savings account, health reimbursement arrangement, flexible spending account, or similar account;

(3) A health insuring corporation may impose higher deductibles under health plans if requested by the group contract, policy, certificate, or agreement holder, or an individual seeking coverage under an individual health plan. This shall not be construed as requiring the health insuring corporation to create customized health plans for group contract holders or individuals.

(G) As used in this section, "health savings account" and 6192
"high deductible health plan" have the same meanings as in the 6193
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 223, as 6194
amended. 6195

Sec. 1751.13. (A)(1)(a) A health insuring corporation shall, 6196
either directly or indirectly, enter into contracts for the 6197
provision of health care services with a sufficient number and 6198
types of providers and health care facilities to ensure that all 6199
covered health care services will be accessible to enrollees from 6200
a contracted provider or health care facility. 6201

(b) A health insuring corporation shall not refuse to 6202
contract with a physician for the provision of health care 6203
services or refuse to recognize a physician as a specialist on the 6204
basis that the physician attended an educational program or a 6205
residency program approved or certified by the American 6206
osteopathic association. A health insuring corporation shall not 6207
refuse to contract with a health care facility for the provision 6208
of health care services on the basis that the health care facility 6209
is certified or accredited by the American osteopathic association 6210
or that the health care facility is an osteopathic hospital as 6211
defined in section 3702.51 of the Revised Code. 6212

(c) Nothing in division (A)(1)(b) of this section shall be 6213
construed to require a health insuring corporation to make a 6214
benefit payment under a closed panel plan to a physician or health 6215
care facility with which the health insuring corporation does not 6216
have a contract, provided that none of the bases set forth in that 6217
division are used as a reason for failing to make a benefit 6218
payment. 6219

(2) When a health insuring corporation is unable to provide a 6220
covered health care service from a contracted provider or health 6221
care facility, the health insuring corporation must provide that 6222

health care service from a noncontracted provider or health care 6223
facility consistent with the terms of the enrollee's policy, 6224
contract, certificate, or agreement. The health insuring 6225
corporation shall either ensure that the health care service be 6226
provided at no greater cost to the enrollee than if the enrollee 6227
had obtained the health care service from a contracted provider or 6228
health care facility, or make other arrangements acceptable to the 6229
superintendent of insurance. 6230

(3) Nothing in this section shall prohibit a health insuring 6231
corporation from entering into contracts with out-of-state 6232
providers or health care facilities that are licensed, certified, 6233
accredited, or otherwise authorized in that state. 6234

(B)(1) A health insuring corporation shall, either directly 6235
or indirectly, enter into contracts with all providers and health 6236
care facilities through which health care services are provided to 6237
its enrollees. 6238

(2) A health insuring corporation, upon written request, 6239
shall assist its contracted providers in finding stop-loss or 6240
reinsurance carriers. 6241

(C) A health insuring corporation shall file an annual 6242
certificate with the superintendent certifying that all provider 6243
contracts and contracts with health care facilities through which 6244
health care services are being provided contain the following: 6245

(1) A description of the method by which the provider or 6246
health care facility will be notified of the specific health care 6247
services for which the provider or health care facility will be 6248
responsible, including any limitations or conditions on such 6249
services; 6250

(2) The specific hold harmless provision specifying 6251
protection of enrollees set forth as follows: 6252

"[Provider/Health Care Facility] agrees that in no event, 6253

including but not limited to nonpayment by the health insuring 6254
corporation, insolvency of the health insuring corporation, or 6255
breach of this agreement, shall [Provider/Health Care Facility] 6256
bill, charge, collect a deposit from, seek remuneration or 6257
reimbursement from, or have any recourse against, a subscriber, 6258
enrollee, person to whom health care services have been provided, 6259
or person acting on behalf of the covered enrollee, for health 6260
care services provided pursuant to this agreement. This does not 6261
prohibit [Provider/Health Care Facility] from collecting 6262
co-insurance, deductibles, or copayments as specifically provided 6263
in the evidence of coverage, or fees for uncovered health care 6264
services delivered on a fee-for-service basis to persons 6265
referenced above, nor from any recourse against the health 6266
insuring corporation or its successor." 6267

(3) Provisions requiring the provider or health care facility 6268
to continue to provide covered health care services to enrollees 6269
in the event of the health insuring corporation's insolvency or 6270
discontinuance of operations. The provisions shall require the 6271
provider or health care facility to continue to provide covered 6272
health care services to enrollees as needed to complete any 6273
medically necessary procedures commenced but unfinished at the 6274
time of the health insuring corporation's insolvency or 6275
discontinuance of operations. The completion of a medically 6276
necessary procedure shall include the rendering of all covered 6277
health care services that constitute medically necessary follow-up 6278
care for that procedure. If an enrollee is receiving necessary 6279
inpatient care at a hospital, the provisions may limit the 6280
required provision of covered health care services relating to 6281
that inpatient care in accordance with division (D)(3) of section 6282
1751.11 of the Revised Code, and may also limit such required 6283
provision of covered health care services to the period ending 6284
thirty days after the health insuring corporation's insolvency or 6285
discontinuance of operations. 6286

The provisions required by division (C)(3) of this section 6287
shall not require any provider or health care facility to continue 6288
to provide any covered health care service after the occurrence of 6289
any of the following: 6290

(a) The end of the thirty-day period following the entry of a 6291
liquidation order under Chapter 3903. of the Revised Code; 6292

(b) The end of the enrollee's period of coverage for a 6293
contractual prepayment or premium; 6294

(c) The enrollee obtains equivalent coverage with another 6295
health insuring corporation or insurer, or the enrollee's employer 6296
obtains such coverage for the enrollee; 6297

(d) The enrollee or the enrollee's employer terminates 6298
coverage under the contract; 6299

(e) A liquidator effects a transfer of the health insuring 6300
corporation's obligations under the contract under division (A)(8) 6301
of section 3903.21 of the Revised Code. 6302

(4) A provision clearly stating the rights and 6303
responsibilities of the health insuring corporation, and of the 6304
contracted providers and health care facilities, with respect to 6305
administrative policies and programs, including, but not limited 6306
to, payments systems, utilization review, quality assurance, 6307
assessment, and improvement programs, credentialing, 6308
confidentiality requirements, and any applicable federal or state 6309
programs; 6310

(5) A provision regarding the availability and 6311
confidentiality of those health records maintained by providers 6312
and health care facilities to monitor and evaluate the quality of 6313
care, to conduct evaluations and audits, and to determine on a 6314
concurrent or retrospective basis the necessity of and 6315
appropriateness of health care services provided to enrollees. The 6316
provision shall include terms requiring the provider or health 6317

care facility to make these health records available to 6318
appropriate state and federal authorities involved in assessing 6319
the quality of care or in investigating the grievances or 6320
complaints of enrollees, and requiring the provider or health care 6321
facility to comply with applicable state and federal laws related 6322
to the confidentiality of medical or health records. 6323

(6) A provision that states that contractual rights and 6324
responsibilities may not be assigned or delegated by the provider 6325
or health care facility without the prior written consent of the 6326
health insuring corporation; 6327

(7) A provision requiring the provider or health care 6328
facility to maintain adequate professional liability and 6329
malpractice insurance. The provision shall also require the 6330
provider or health care facility to notify the health insuring 6331
corporation not more than ten days after the provider's or health 6332
care facility's receipt of notice of any reduction or cancellation 6333
of such coverage. 6334

(8) A provision requiring the provider or health care 6335
facility to observe, protect, and promote the rights of enrollees 6336
as patients; 6337

(9) A provision requiring the provider or health care 6338
facility to provide health care services without discrimination on 6339
the basis of a patient's participation in the health care plan, 6340
age, sex, ethnicity, religion, sexual preference, health status, 6341
or disability, and without regard to the source of payments made 6342
for health care services rendered to a patient. This requirement 6343
shall not apply to circumstances when the provider or health care 6344
facility appropriately does not render services due to limitations 6345
arising from the provider's or health care facility's lack of 6346
training, experience, or skill, or due to licensing restrictions. 6347

(10) A provision containing the specifics of any obligation 6348

on the primary care provider to provide, or to arrange for the 6349
provision of, covered health care services twenty-four hours per 6350
day, seven days per week; 6351

(11) A provision setting forth procedures for the resolution 6352
of disputes arising out of the contract; 6353

(12) A provision stating that the hold harmless provision 6354
required by division (C)(2) of this section shall survive the 6355
termination of the contract with respect to services covered and 6356
provided under the contract during the time the contract was in 6357
effect, regardless of the reason for the termination, including 6358
the insolvency of the health insuring corporation; 6359

(13) A provision requiring those terms that are used in the 6360
contract and that are defined by this chapter, be used in the 6361
contract in a manner consistent with those definitions. 6362

This division does not apply to the coverage of beneficiaries 6363
enrolled in ~~Title XVIII of the "Social Security Act," 49 Stat. 620~~ 6364
~~(1935), 42 U.S.C.A. 301, as amended, medicare~~ pursuant to a 6365
medicare risk contract or medicare cost contract, or to the 6366
coverage of beneficiaries enrolled in the federal employee health 6367
benefits program pursuant to 5 U.S.C.A. 8905, or to the coverage 6368
of ~~beneficiaries enrolled in Title XIX of the "Social Security~~ 6369
~~Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, known as~~ 6370
~~the medical assistance program or medicaid, provided by the~~ 6371
~~department of job and family services under Chapter 5111. of the~~ 6372
~~Revised Code recipients~~, or to the coverage of beneficiaries under 6373
any federal health care program regulated by a federal regulatory 6374
body, or to the coverage of participants of the children's buy-in 6375
program, or to the coverage of beneficiaries under any contract 6376
covering officers or employees of the state that has been entered 6377
into by the department of administrative services. 6378

(D)(1) No health insuring corporation contract with a 6379

provider or health care facility shall contain any of the 6380
following: 6381

(a) A provision that directly or indirectly offers an 6382
inducement to the provider or health care facility to reduce or 6383
limit medically necessary health care services to a covered 6384
enrollee; 6385

(b) A provision that penalizes a provider or health care 6386
facility that assists an enrollee to seek a reconsideration of the 6387
health insuring corporation's decision to deny or limit benefits 6388
to the enrollee; 6389

(c) A provision that limits or otherwise restricts the 6390
provider's or health care facility's ethical and legal 6391
responsibility to fully advise enrollees about their medical 6392
condition and about medically appropriate treatment options; 6393

(d) A provision that penalizes a provider or health care 6394
facility for principally advocating for medically necessary health 6395
care services; 6396

(e) A provision that penalizes a provider or health care 6397
facility for providing information or testimony to a legislative 6398
or regulatory body or agency. This shall not be construed to 6399
prohibit a health insuring corporation from penalizing a provider 6400
or health care facility that provides information or testimony 6401
that is libelous or slanderous or that discloses trade secrets 6402
which the provider or health care facility has no privilege or 6403
permission to disclose. 6404

(f) A provision that violates Chapter 3963. of the Revised 6405
Code. 6406

(2) Nothing in this division shall be construed to prohibit a 6407
health insuring corporation from doing either of the following: 6408

(a) Making a determination not to reimburse or pay for a 6409

particular medical treatment or other health care service; 6410

(b) Enforcing reasonable peer review or utilization review 6411
protocols, or determining whether a particular provider or health 6412
care facility has complied with these protocols. 6413

(E) Any contract between a health insuring corporation and an 6414
intermediary organization shall clearly specify that the health 6415
insuring corporation must approve or disapprove the participation 6416
of any provider or health care facility with which the 6417
intermediary organization contracts. 6418

(F) If an intermediary organization that is not a health 6419
delivery network contracting solely with self-insured employers 6420
subcontracts with a provider or health care facility, the 6421
subcontract with the provider or health care facility shall do all 6422
of the following: 6423

(1) Contain the provisions required by divisions (C) and (G) 6424
of this section, as made applicable to an intermediary 6425
organization, without the inclusion of inducements or penalties 6426
described in division (D) of this section; 6427

(2) Acknowledge that the health insuring corporation is a 6428
third-party beneficiary to the agreement; 6429

(3) Acknowledge the health insuring corporation's role in 6430
approving the participation of the provider or health care 6431
facility, pursuant to division (E) of this section. 6432

(G) Any provider contract or contract with a health care 6433
facility shall clearly specify the health insuring corporation's 6434
statutory responsibility to monitor and oversee the offering of 6435
covered health care services to its enrollees. 6436

(H)(1) A health insuring corporation shall maintain its 6437
provider contracts and its contracts with health care facilities 6438
at one or more of its places of business in this state, and shall 6439

provide copies of these contracts to facilitate regulatory review 6440
upon written notice by the superintendent of insurance. 6441

(2) Any contract with an intermediary organization that 6442
accepts compensation shall include provisions requiring the 6443
intermediary organization to provide the superintendent with 6444
regulatory access to all books, records, financial information, 6445
and documents related to the provision of health care services to 6446
subscribers and enrollees under the contract. The contract shall 6447
require the intermediary organization to maintain such books, 6448
records, financial information, and documents at its principal 6449
place of business in this state and to preserve them for at least 6450
three years in a manner that facilitates regulatory review. 6451

(I)(1) A health insuring corporation shall notify its 6452
affected enrollees of the termination of a contract for the 6453
provision of health care services between the health insuring 6454
corporation and a primary care physician or hospital, by mail, 6455
within thirty days after the termination of the contract. 6456

(a) Notice shall be given to subscribers of the termination 6457
of a contract with a primary care physician if the subscriber, or 6458
a dependent covered under the subscriber's health care coverage, 6459
has received health care services from the primary care physician 6460
within the previous twelve months or if the subscriber or 6461
dependent has selected the physician as the subscriber's or 6462
dependent's primary care physician within the previous twelve 6463
months. 6464

(b) Notice shall be given to subscribers of the termination 6465
of a contract with a hospital if the subscriber, or a dependent 6466
covered under the subscriber's health care coverage, has received 6467
health care services from that hospital within the previous twelve 6468
months. 6469

(2) The health insuring corporation shall pay, in accordance 6470

with the terms of the contract, for all covered health care 6471
services rendered to an enrollee by a primary care physician or 6472
hospital between the date of the termination of the contract and 6473
five days after the notification of the contract termination is 6474
mailed to a subscriber at the subscriber's last known address. 6475

(J) Divisions (A) and (B) of this section do not apply to any 6476
health insuring corporation that, on June 4, 1997, holds a 6477
certificate of authority or license to operate under Chapter 1740. 6478
of the Revised Code. 6479

(K) Nothing in this section shall restrict the governing body 6480
of a hospital from exercising the authority granted it pursuant to 6481
section 3701.351 of the Revised Code. 6482

Sec. 1751.15. (A) After a health insuring corporation has 6483
furnished, directly or indirectly, basic health care services for 6484
a period of twenty-four months, and if it currently meets the 6485
financial requirements set forth in section 1751.28 of the Revised 6486
Code and had net income as reported to the superintendent of 6487
insurance for at least one of the preceding four calendar 6488
quarters, it shall hold an annual open enrollment period of not 6489
less than thirty days during its month of licensure for 6490
individuals who are not federally eligible individuals at the time 6491
they apply for enrollment. 6492

(B) During the open enrollment period described in division 6493
(A) of this section, the health insuring corporation shall accept 6494
applicants and their dependents in the order in which they apply 6495
for enrollment and in accordance with any of the following: 6496

(1) Up to its capacity, as determined by the health insuring 6497
corporation subject to review by the superintendent; 6498

(2) If less than its capacity, one per cent of the health 6499
insuring corporation's total number of subscribers residing in 6500

this state as of the immediately preceding thirty-first day of 6501
December. 6502

(C) Where a health insuring corporation demonstrates to the 6503
satisfaction of the superintendent that such open enrollment would 6504
jeopardize its economic viability, the superintendent may do any 6505
of the following: 6506

(1) Waive the requirement for open enrollment; 6507

(2) Impose a limit on the number of applicants and their 6508
dependents that must be enrolled; 6509

(3) Authorize such underwriting restrictions upon open 6510
enrollment as are necessary to do any of the following: 6511

(a) Preserve its financial stability; 6512

(b) Prevent excessive adverse selection; 6513

(c) Avoid unreasonably high or unmarketable charges for 6514
coverage of health care services. 6515

(D)(1) A request to the superintendent under division (C) of 6516
this section for any restriction, limit, or waiver during an open 6517
enrollment period must be accompanied by supporting documentation, 6518
including financial data. In reviewing the request, the 6519
superintendent may consider various factors, including the size of 6520
the health insuring corporation, the health insuring corporation's 6521
net worth and profitability, the health insuring corporation's 6522
delivery system structure, and the effect on profitability of 6523
prior open enrollments. 6524

(2) Any action taken by the superintendent under division (C) 6525
of this section shall be effective for a period of not more than 6526
one year. At the expiration of such time, a new demonstration of 6527
the health insuring corporation's need for the restriction, limit, 6528
or waiver shall be made before a new restriction, limit, or waiver 6529
is granted by the superintendent. 6530

(3) Irrespective of the granting of any restriction, limit, 6531
or waiver by the superintendent, a health insuring corporation may 6532
reject an applicant or a dependent of the applicant during its 6533
open enrollment period if the applicant or dependent: 6534

(a) Was eligible for and was covered under any 6535
employer-sponsored health care coverage, or if employer-sponsored 6536
health care coverage was available at the time of open enrollment; 6537

(b) Is eligible for continuation coverage under state or 6538
federal law; 6539

(c) Is eligible for medicare, and the health insuring 6540
corporation does not have an agreement on appropriate payment 6541
mechanisms with the governmental agency administering the medicare 6542
program. 6543

(E) A health insuring corporation shall not be required 6544
either to enroll applicants or their dependents who are confined 6545
to a health care facility because of chronic illness, permanent 6546
injury, or other infirmity that would cause economic impairment to 6547
the health insuring corporation if such applicants or their 6548
dependents were enrolled or to make the effective date of benefits 6549
for applicants or their dependents enrolled under this section 6550
earlier than ninety days after the date of enrollment. 6551

(F) A health insuring corporation shall not be required to 6552
cover the fees or costs, or both, for any basic health care 6553
service related to a transplant of a body organ if the transplant 6554
occurs within one year after the effective date of an enrollee's 6555
coverage under this section. This limitation on coverage does not 6556
apply to a newly born child who meets the requirements for 6557
coverage under section 1751.61 of the Revised Code. 6558

(G) Each health insuring corporation required to hold an open 6559
enrollment pursuant to division (A) of this section shall file 6560
with the superintendent, not later than sixty days prior to the 6561

commencement of the proposed open enrollment period, the following 6562
documents: 6563

(1) The proposed public notice of open enrollment; 6564

(2) The evidence of coverage approved pursuant to section 6565
1751.11 of the Revised Code that will be used during open 6566
enrollment; 6567

(3) The contractual periodic prepayment and premium rate 6568
approved pursuant to section 1751.12 of the Revised Code that will 6569
be applicable during open enrollment; 6570

(4) Any solicitation document approved pursuant to section 6571
1751.31 of the Revised Code to be sent to applicants, including 6572
the application form that will be used during open enrollment; 6573

(5) A list of the proposed dates of publication of the public 6574
notice, and the names of the newspapers in which the notice will 6575
appear; 6576

(6) Any request for a restriction, limit, or waiver with 6577
respect to the open enrollment period, along with any supporting 6578
documentation. 6579

(H)(1) An open enrollment period shall not satisfy the 6580
requirements of this section unless the health insuring 6581
corporation provides adequate public notice in accordance with 6582
divisions (H)(2) and (3) of this section. No public notice shall 6583
be used until the form of the public notice has been filed by the 6584
health insuring corporation with the superintendent. If the 6585
superintendent does not disapprove the public notice within sixty 6586
days after it is filed, it shall be deemed approved, unless the 6587
superintendent sooner gives approval for the public notice. If the 6588
superintendent determines within this sixty-day period that the 6589
public notice fails to meet the requirements of this section, the 6590
superintendent shall so notify the health insuring corporation and 6591
it shall be unlawful for the health insuring corporation to use 6592

the public notice. Such disapproval shall be effected by a written order, which shall state the grounds for disapproval and shall be issued in accordance with Chapter 119. of the Revised Code.

(2) A public notice pursuant to division (H)(1) of this section shall be published in at least one newspaper of general circulation in each county in the health insuring corporation's service area, at least once in each of the two weeks immediately preceding the month in which the open enrollment is to occur and 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 6624
applicable for applicants; 6625

(g) Any limitation granted by the superintendent on the 6626
number of applications that will be accepted by the health 6627
insuring corporation. 6628

(4) Within thirty days after the end of an open enrollment 6629
period, the health insuring corporation shall submit to the 6630
superintendent proof of publication for the public notices, and 6631
shall report the total number of applicants and their dependents 6632
enrolled during the open enrollment period. 6633

(I)(1) No health insuring corporation may employ any scheme, 6634
plan, or device that restricts the ability of any person to enroll 6635
during open enrollment. 6636

(2) No health insuring corporation may require enrollment to 6637
be made in person. Every health insuring corporation shall permit 6638
application for coverage by mail. A representative of the health 6639
insuring corporation may visit an applicant who has submitted an 6640
application by mail, in order to explain the operations of the 6641
health insuring corporation and to answer any questions the 6642
applicant may have. Every health insuring corporation shall make 6643
open enrollment applications and solicitation documents readily 6644
available to any potential applicant who requests such material. 6645

(J) An application postmarked on the last day of an open 6646
enrollment period shall qualify as a valid application, regardless 6647
of the date on which it is received by the health insuring 6648
corporation. 6649

(K) This section does not apply to any of the following: 6650

(1) Any health insuring corporation that offers only 6651
supplemental health care services or specialty health care 6652
services, ~~or to any;~~ 6653

(2) Any health insuring corporation that offers plans only 6654
through ~~Title XVIII or Title XIX of the "Social Security Act," 49~~ 6655
~~Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ medicare, medicaid, 6656
or the children's buy-in program and that has no other commercial 6657
enrollment, ~~or to any;~~ 6658

(3) Any health insuring corporation that offers plans only 6659
through other federal health care programs regulated by federal 6660
regulatory bodies and that has no other commercial enrollment, ~~or~~ 6661
~~to any;~~ 6662

(4) Any health insuring corporation that offers plans only 6663
through contracts covering officers or employees of the state that 6664
have been entered into by the department of administrative 6665
services and that has no other commercial enrollment. 6666

(L) Each health insuring corporation shall accept federally 6667
eligible individuals for open enrollment coverage as provided in 6668
section 3923.581 of the Revised Code. A health insuring 6669
corporation may reinsure coverage of any federally eligible 6670
individual acquired under that section with the open enrollment 6671
reinsurance program in accordance with division (G) of section 6672
3924.11 of the Revised Code. Fixed periodic prepayment rates 6673
charged for coverage reinsured by the program shall be established 6674
in accordance with section 3924.12 of the Revised Code. 6675

(M) As used in this section, "federally eligible individual" 6676
means an eligible individual as defined in 45 C.F.R. 148.103. 6677

Sec. 1751.16. (A) Except as provided in division (F) of this 6678
section, every group contract issued by a health insuring 6679
corporation shall provide an option for conversion to an 6680
individual contract issued on a direct-payment basis to any 6681
subscriber covered by the group contract who terminates employment 6682
or membership in the group, unless: 6683

(1) Termination of the conversion option or contract is based 6684
upon nonpayment of premium after reasonable notice in writing has 6685
been given by the health insuring corporation to the subscriber. 6686

(2) The subscriber is, or is eligible to be, covered for 6687
benefits at least comparable to the group contract under any of 6688
the following: 6689

(a) ~~Title XVIII of the "Social Security Act," 49 Stat. 620~~ 6690
~~(1935), 42 U.S.C.A. 301, as amended Medicare;~~ 6691

(b) Any act of congress or law under this or any other state 6692
of the United States providing coverage at least comparable to the 6693
benefits under division (A)(2)(a) of this section; 6694

(c) Any policy of insurance or health care plan providing 6695
coverage at least comparable to the benefits under division 6696
(A)(2)(a) of this section. 6697

(B)(1) The direct-payment contract offered by the health 6698
insuring corporation pursuant to division (A) of this section 6699
shall provide the following: 6700

(a) In the case of an individual who is not a federally 6701
eligible individual, benefits comparable to benefits in any of the 6702
individual contracts then being issued to individual subscribers 6703
by the health insuring corporation; 6704

(b) In the case of a federally eligible individual, a basic 6705
and standard plan established by the board of directors of the 6706
Ohio health reinsurance program or plans substantially similar to 6707
the basic and standard plan in benefit design and scope of covered 6708
services. For purposes of division (B)(1)(b) of this section, the 6709
superintendent of insurance shall determine whether a plan is 6710
substantially similar to the basic or standard plan in benefit 6711
design and scope of covered services. The contractual periodic 6712
prepayments charged for such plans may not exceed an amount that 6713
is two times the midpoint of the standard rate charged any other 6714

individual of a group to which the organization is currently 6715
accepting new business and for which similar copayments and 6716
deductibles are applied. 6717

(2) The direct payment contract offered pursuant to division 6718
(A) of this section may include a coordination of benefits 6719
provision as approved by the superintendent. 6720

(3) For purposes of division (B) of this section "federally 6721
eligible individual" means an eligible individual as defined in 45 6722
C.F.R. 148.103. 6723

(C) The option for conversion shall be available: 6724

(1) Upon the death of the subscriber, to the surviving spouse 6725
with respect to such of the spouse and dependents as are then 6726
covered by the group contract; 6727

(2) To a child solely with respect to the child upon the 6728
child's attaining the limiting age of coverage under the group 6729
contract while covered as a dependent under the contract; 6730

(3) Upon the divorce, dissolution, or annulment of the 6731
marriage of the subscriber, to the divorced spouse, or, in the 6732
event of annulment, to the former spouse of the subscriber. 6733

(D) No health insuring corporation shall use age as the basis 6734
for refusing to renew a converted contract. 6735

(E) Written notice of the conversion option provided by this 6736
section shall be given to the subscriber by the health insuring 6737
corporation by mail. The notice shall be sent to the subscriber's 6738
address in the records of the employer upon receipt of notice from 6739
the employer of the event giving rise to the conversion option. If 6740
the subscriber has not received notice of the conversion privilege 6741
at least fifteen days prior to the expiration of the thirty-day 6742
conversion period, then the subscriber shall have an additional 6743
period within which to exercise the privilege. This additional 6744

period shall expire fifteen days after the subscriber receives 6745
notice, but in no event shall the period extend beyond sixty days 6746
after the expiration of the thirty-day conversion period. 6747

(F) This section does not apply to any group contract 6748
offering only supplemental health care services or specialty 6749
health care services. 6750

Sec. 1751.17. (A) As used in this section, "nongroup 6751
contract" means a contract issued by a health insuring corporation 6752
to an individual who makes direct application for coverage under 6753
the contract and who, if required by the health insuring 6754
corporation, submits to medical underwriting. "Nongroup contract" 6755
does not include group conversion coverage, coverage obtained 6756
through open enrollment, or coverage issued on the basis of 6757
membership in a group. 6758

(B) Except as provided in division (C) of this section, every 6759
nongroup contract that is issued by a health insuring corporation 6760
and that makes available basic health care services shall provide 6761
an option for conversion to a contract issued on a direct-payment 6762
basis to an enrollee covered by the nongroup contract. The option 6763
for conversion shall be available: 6764

(1) Upon the death of the subscriber, to the surviving spouse 6765
with respect to the spouse or dependents who were then covered by 6766
the nongroup contract; 6767

(2) Upon the divorce, dissolution, or annulment of the 6768
marriage of the subscriber, to the divorced spouse, or, in the 6769
event of annulment, to the former spouse of the subscriber; 6770

(3) To a child solely with respect to the child, upon the 6771
child's attaining the limiting age of coverage under the nongroup 6772
contract while covered as a dependent under the contract. 6773

(C) The direct payment contract offered pursuant to division 6774

(B) of this section shall not be made available to an enrollee if 6775
any of the following applies: 6776

(1) The enrollee is, or is eligible to be, covered for 6777
benefits at least comparable to the nongroup contract under any of 6778
the following: 6779

(a) ~~The medical assistance program under Chapter 5111. of the~~ 6780
~~Revised Code Medicaid;~~ 6781

(b) ~~Title XVIII of the "Social Security Act," 49 Stat. 620~~ 6782
~~(1935), 42 U.S.C.A. 301, as amended~~ The children's buy-in program; 6783

(c) Medicare; 6784

(d) Any act of congress or law under this or any other state 6785
of the United States providing coverage at least comparable to the 6786
benefits offered under division (C)(1)(a) ~~or~~ (b), or (c) of this 6787
section. 6788

(2) The nongroup contract under which the enrollee was 6789
covered was terminated due to nonpayment of a premium rate. 6790

(3) The enrollee is eligible for group coverage provided by, 6791
or available through, an employer or association and the group 6792
coverage provides benefits comparable to the benefits provided 6793
under a direct payment contract. 6794

(D) The direct payment contract offered pursuant to division 6795
(B) of this section shall provide benefits that are at least 6796
comparable to the benefits provided by the nongroup contract under 6797
which the enrollee was covered at the time of the occurrence of 6798
any of the events set forth in division (B) of this section. The 6799
coverage provided under the direct payment contract shall be 6800
continuous, provided that the enrollee makes the required premium 6801
rate payment within the thirty-day period immediately following 6802
the occurrence of the event, and may be terminated for nonpayment 6803
of any required premium rate payment. 6804

(E) The evidence of coverage of every nongroup contract shall contain notice that an option for conversion to a contract issued on a direct-payment basis is available, in accordance with this section, to any enrollee covered by the contract.

(F) Benefits otherwise payable to an enrollee under a direct payment contract shall be reduced by the amount of any benefits available to the enrollee under any applicable group health insuring corporation contract or group sickness and accident insurance policy.

(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 6836
shall not be required to accept a recipient of medicare or medical 6837
assistance, if an agreement has not been reached on appropriate 6838
payment mechanisms between the health insuring corporation and the 6839
governmental agency administering these programs. Further, except 6840
during a period of open enrollment under section 1751.15 of the 6841
Revised Code, a health insuring corporation may reject an 6842
applicant for nongroup enrollment on the basis of any health 6843
status-related factor in relation to the applicant. 6844

6845

(B) A health insuring corporation may cancel or decide not to 6846
renew the coverage of an enrollee if the enrollee has performed an 6847
act or practice that constitutes fraud or intentional 6848
misrepresentation of material fact under the terms of the coverage 6849
and if the cancellation or nonrenewal is not based, either 6850
directly or indirectly, on any health status-related factor in 6851
relation to the enrollee. 6852

(C) An enrollee may appeal any action or decision of a health 6853
insuring corporation taken pursuant to section 2742(b) to (e) of 6854
the "Health Insurance Portability and Accountability Act of 1996," 6855
Pub. L. No. 104-191, 110 Stat. 1955, 42 U.S.C.A. 300gg-42, as 6856
amended. To appeal, the enrollee may submit a written complaint to 6857
the health insuring corporation pursuant to section 1751.19 of the 6858
Revised Code. The enrollee may, within thirty days after receiving 6859
a written response from the health insuring corporation, appeal 6860
the health insuring corporation's action or decision to the 6861
superintendent. 6862

(D) As used in this section, "health status-related factor" 6863
means any of the following: 6864

(1) Health status; 6865

(2) Medical condition, including both physical and mental 6866

illnesses;	6867
(3) Claims experience;	6868
(4) Receipt of health care;	6869
(5) Medical history;	6870
(6) Genetic information;	6871
(7) Evidence of insurability, including conditions arising out of acts of domestic violence;	6872 6873
(8) Disability.	6874
 Sec. 1751.20. (A) No health insuring corporation, or agent, employee, or representative of a health insuring corporation, shall use any advertisement or solicitation document, or shall engage in any activity, that is unfair, untrue, misleading, or deceptive.	6875 6876 6877 6878 6879
(B) No health insuring corporation shall use a name that is deceptively similar to the name or description of any insurance or surety corporation doing business in this state.	6880 6881 6882
(C) All solicitation documents, advertisements, evidences of coverage, and enrollee identification cards used by a health insuring corporation shall contain the health insuring corporation's name. The use of a trade name, an insurance group designation, the name of a parent company, the name of a division of an affiliated insurance company, a service mark, a slogan, a symbol, or other device, without the name of the health insuring corporation as stated in its articles of incorporation, shall not satisfy this requirement if the usage would have the capacity and tendency to mislead or deceive persons as to the true identity of the health insuring corporation.	6883 6884 6885 6886 6887 6888 6889 6890 6891 6892 6893
(D) No solicitation document or advertisement used by a health insuring corporation shall contain any words, symbols, or	6894 6895

physical materials that are so similar in content, phraseology, 6896
shape, color, or other characteristic to those used by an agency 6897
of the federal government or this state, that prospective 6898
enrollees may be led to believe that the solicitation document or 6899
advertisement is connected with an agency of the federal 6900
government or this state. 6901

(E) A health insuring corporation that provides basic health 6902
care services may use the phrase "health maintenance organization" 6903
or the abbreviation "HMO" in its marketing name, advertising, 6904
solicitation documents, or marketing literature, or in reference 6905
to the phrase "doing business as" or the abbreviation "DBA." 6906

(F) This section does not apply to the coverage of 6907
beneficiaries enrolled in ~~Title XVIII of the "Social Security~~ 6908
~~Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, medicare~~ 6909
pursuant to a medicare risk contract or medicare cost contract, or 6910
to the coverage of beneficiaries enrolled in the federal employee 6911
health benefits program pursuant to 5 U.S.C.A. 8905, or to the 6912
coverage of ~~beneficiaries enrolled in Title XIX of the "Social~~ 6913
~~Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ 6914
~~known as the medical assistance program or medicaid, provided by~~ 6915
~~the Ohio department of job and family services under Chapter 5111.~~ 6916
~~of the Revised Code recipients, or to the coverage of participants~~ 6917
~~of the children's buy-in program,~~ or to the coverage of 6918
beneficiaries under any federal health care program regulated by a 6919
federal regulatory body, or to the coverage of beneficiaries under 6920
any contract covering officers or employees of the state that has 6921
been entered into by the department of administrative services. 6922
6923

Sec. 1751.31. (A) Any changes in a health insuring 6924
corporation's solicitation document shall be filed with the 6925
superintendent of insurance. The superintendent, within sixty days 6926

of filing, may disapprove any solicitation document or amendment 6927
to it on any of the grounds stated in this section. Such 6928
disapproval shall be effected by written notice to the health 6929
insuring corporation. The notice shall state the grounds for 6930
disapproval and shall be issued in accordance with Chapter 119. of 6931
the Revised Code. 6932

(B) The solicitation document shall contain all information 6933
necessary to enable a consumer to make an informed choice as to 6934
whether or not to enroll in the health insuring corporation. The 6935
information shall include a specific description of the health 6936
care services to be available and the approximate number and type 6937
of full-time equivalent medical practitioners. The information 6938
shall be presented in the solicitation document in a manner that 6939
is clear, concise, and intelligible to prospective applicants in 6940
the proposed service area. 6941

(C) Every potential applicant whose subscription to a health 6942
care plan is solicited shall receive, at or before the time of 6943
solicitation, a solicitation document approved by the 6944
superintendent. 6945

(D) Notwithstanding division (A) of this section, a health 6946
insuring corporation may use a solicitation document that the 6947
corporation uses in connection with policies for medicare 6948
~~beneficiaries of Title XVIII of the "Social Security Act," 49~~ 6949
~~Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ pursuant to a 6950
medicare risk contract or medicare cost contract, or for policies 6951
for beneficiaries of the federal employees health benefits program 6952
pursuant to 5 U.S.C.A. 8905, or for policies for ~~beneficiaries of~~ 6953
~~Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42~~ 6954
~~U.S.C.A. 301, as amended, known as the medical assistance program~~ 6955
~~er medicaid, provided by the department of job and family services~~ 6956
~~under Chapter 5111. of the Revised Code~~ recipients, or for 6957
policies for beneficiaries of any other federal health care 6958

program regulated by a federal regulatory body, or for policies 6959
for participants of the children's buy-in program, or for policies 6960
for beneficiaries of contracts covering officers or employees of 6961
the state entered into by the department of administrative 6962
services, if both of the following apply: 6963

(1) The solicitation document has been approved by the United 6964
States department of health and human services, the United States 6965
office of personnel management, the department of job and family 6966
services, or the department of administrative services. 6967

(2) The solicitation document is filed with the 6968
superintendent of insurance prior to use and is accompanied by 6969
documentation of approval from the United States department of 6970
health and human services, the United States office of personnel 6971
management, the department of job and family services, or the 6972
department of administrative services. 6973

(E) No health insuring corporation, or its agents or 6974
representatives, shall use monetary or other valuable 6975
consideration, engage in misleading or deceptive practices, or 6976
make untrue, misleading, or deceptive representations to induce 6977
enrollment. Nothing in this division shall prohibit incentive 6978
forms of remuneration such as commission sales programs for the 6979
health insuring corporation's employees and agents. 6980

(F) Any person obligated for any part of a premium rate in 6981
connection with an enrollment agreement, in addition to any right 6982
otherwise available to revoke an offer, may cancel such agreement 6983
within seventy-two hours after having signed the agreement or 6984
offer to enroll. Cancellation occurs when written notice of the 6985
cancellation is given to the health insuring corporation or its 6986
agents or other representatives. A notice of cancellation mailed 6987
to the health insuring corporation shall be considered to have 6988
been filed on its postmark date. 6989

(G) Nothing in this section shall prohibit healthy lifestyle programs. 6990
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Sec. 1751.34. (A) Each health insuring corporation and each applicant for a certificate of authority under this chapter shall be subject to examination by the superintendent of insurance in accordance with section 3901.07 of the Revised Code. Section 3901.07 of the Revised Code shall govern every aspect of the examination, including the circumstances under and frequency with which it is conducted, the authority of the superintendent and any examiner or other person appointed by the superintendent, the liability for the assessment of expenses incurred in conducting the examination, and the remittance of the assessment to the superintendent's examination fund. 6992
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(B) The director of health shall make an examination concerning the matters subject to the director's consideration in section 1751.04 of the Revised Code as often as the director considers it necessary for the protection of the interests of the people of this state, but not less frequently than once every three years. The expenses of such examinations shall be assessed against the health insuring corporation being examined in the manner in which expenses of examinations are assessed against an insurance company under section 3901.07 of the Revised Code. Nothing in this division requires the director to make an examination of a any of the following: 7003
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(1) A health insuring corporation that covers solely medicaid recipients ~~of assistance under the medicaid program operated pursuant to Chapter 5111. of the Revised Code, a;~~

(2) A health insuring corporation that covers solely recipients of assistance under the federal medicare program under Title XVIII of the "Social Security Act," 49 Stat. 62 (1935), 42 U.S.C. 301, as amended, or a medicare beneficiaries; 7014
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(3) A health insuring corporation that covers solely 7021
recipients of assistance under both the medicaid recipients and 7022
medicare programs beneficiaries; 7023

(4) A health insuring corporation that covers solely 7024
participants of the children's buy-in program; 7025

(5) A health insuring corporation that covers solely medicaid 7026
recipients and participants of the children's buy-in program; 7027

(6) A health insuring corporation that covers solely medicaid 7028
recipients, medicare beneficiaries, and participants of the 7029
children's buy-in program. 7030

(C) An examination, pursuant to section 3901.07 of the 7031
Revised Code, of an insurance company holding a certificate of 7032
authority under this chapter to organize and operate a health 7033
insuring corporation shall include an examination of the health 7034
insuring corporation pursuant to this section and the examination 7035
shall satisfy the requirements of divisions (A) and (B) of this 7036
section. 7037

(D) The superintendent may conduct market conduct 7038
examinations pursuant to section 3901.011 of the Revised Code of 7039
any health insuring corporation as often as the superintendent 7040
considers it necessary for the protection of the interests of 7041
subscribers and enrollees. The expenses of such market conduct 7042
examinations shall be assessed against the health insuring 7043
corporation being examined. All costs, assessments, or fines 7044
collected under this division shall be paid into the state 7045
treasury to the credit of the department of insurance operating 7046
fund. 7047

Sec. 1751.53. (A) As used in this section: 7048

(1) "Group contract" means a group health insuring 7049
corporation contract covering employees that meets either of the 7050

following conditions: 7051

(a) The contract was issued by an entity that, on ~~the~~ 7052
~~effective date of this section~~ June 4, 1997, holds a certificate 7053
of authority or license to operate under Chapter 1738. or 1742. of 7054
the Revised Code, and covers an employee at the time the 7055
employee's employment is terminated. 7056

(b) The contract is delivered, issued for delivery, or 7057
renewed in this state after ~~the effective date of this section~~ 7058
June 4, 1997, and covers an employee at the time the employee's 7059
employment is terminated. 7060

(2) "Eligible employee" means an employee to whom all of the 7061
following apply: 7062

(a) The employee has been continuously covered under a group 7063
contract or under the contract and any prior similar group 7064
coverage replaced by the contract, during the entire three-month 7065
period preceding the termination of the employee's employment. 7066

(b) The employee is entitled, at the time of the termination 7067
of this employment, to unemployment compensation benefits under 7068
Chapter 4141. of the Revised Code. 7069

(c) The employee is not, and does not become, covered by or 7070
eligible for coverage by medicare ~~under Title XVIII of the "Social~~ 7071
~~Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended.~~ 7072

(d) The employee is not, and does not become, covered by or 7073
eligible for coverage by any other insured or uninsured 7074
arrangement that provides hospital, surgical, or medical coverage 7075
for individuals in a group and under which the employee was not 7076
covered immediately prior to the termination of employment. A 7077
person eligible for continuation of coverage under this section, 7078
who is also eligible for coverage under section 3923.123 of the 7079
Revised Code, may elect either coverage, but not both. A person 7080
who elects continuation of coverage may elect any coverage 7081

available under section 3923.123 of the Revised Code upon the 7082
termination of the continuation of coverage. 7083

(B) A group contract shall provide that any eligible employee 7084
may continue the coverage under the contract, for the employee and 7085
the employee's eligible dependents, for a period of six months 7086
after the date that the group coverage would otherwise terminate 7087
by reason of the termination of the employee's employment. Each 7088
certificate of coverage issued to employees under the contract 7089
shall include a notice of the employee's privilege of 7090
continuation. 7091

(C) All of the following apply to the continuation of group 7092
coverage required under division (B) of this section: 7093

(1) Continuation need not include any supplemental health 7094
care services benefits or specialty health care services benefits 7095
provided by the group contract. 7096

(2) The employer shall notify the employee of the right of 7097
continuation at the time the employer notifies the employee of the 7098
termination of employment. The notice shall inform the employee of 7099
the amount of contribution required by the employer under division 7100
(C)(4) of this section. 7101

(3) The employee shall file a written election of 7102
continuation with the employer and pay the employer the first 7103
contribution required under division (C)(4) of this section. The 7104
request and payment must be received by the employer no later than 7105
the earlier of any of the following dates: 7106

(a) Thirty-one days after the date on which the employee's 7107
coverage would otherwise terminate; 7108

(b) Ten days after the date on which the employee's coverage 7109
would otherwise terminate, if the employer has notified the 7110
employee of the right of continuation prior to this date; 7111

(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:

(a) The employee ceases to be an eligible employee under division (A)(2)(c) or (d) of this section;

(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;

(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;

(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:

(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.

(ii) The minimum level of benefits under the replacement

coverage shall be the applicable level of benefits of the contract 7142
replaced reduced by any benefits payable under the contract 7143
replaced. 7144

(iii) The contract replaced shall continue to provide 7145
benefits to the extent of its accrued liabilities and extensions 7146
of benefits as if the replacement had not occurred. 7147

(D) This section does not apply to any group contract 7148
offering only supplemental health care services or specialty 7149
health care services. 7150

Sec. 1751.60. (A) Except as provided for in divisions (E) and 7151
(F) of this section, every provider or health care facility that 7152
contracts with a health insuring corporation to provide health 7153
care services to the health insuring corporation's enrollees or 7154
subscribers shall seek compensation for covered services solely 7155
from the health insuring corporation and not, under any 7156
circumstances, from the enrollees or subscribers, except for 7157
approved copayments and deductibles. 7158

(B) No subscriber or enrollee of a health insuring 7159
corporation is liable to any contracting provider or health care 7160
facility for the cost of any covered health care services, if the 7161
subscriber or enrollee has acted in accordance with the evidence 7162
of coverage. 7163

(C) Except as provided for in divisions (E) and (F) of this 7164
section, every contract between a health insuring corporation and 7165
provider or health care facility shall contain a provision 7166
approved by the superintendent of insurance requiring the provider 7167
or health care facility to seek compensation solely from the 7168
health insuring corporation and not, under any circumstances, from 7169
the subscriber or enrollee, except for approved copayments and 7170
deductibles. 7171

(D) Nothing in this section shall be construed as preventing 7172
a provider or health care facility from billing the enrollee or 7173
subscriber of a health insuring corporation for noncovered 7174
services. 7175

(E) Upon application by a health insuring corporation and a 7176
provider or health care facility, the superintendent may waive the 7177
requirements of divisions (A) and (C) of this section when, in 7178
addition to the reserve requirements contained in section 1751.28 7179
of the Revised Code, the health insuring corporation provides 7180
sufficient assurances to the superintendent that the provider or 7181
health care facility has been provided with financial guarantees. 7182
No waiver of the requirements of divisions (A) and (C) of this 7183
section is effective as to enrollees or subscribers for whom the 7184
health insuring corporation is compensated under a provider 7185
agreement or risk contract entered into pursuant to Chapter 5111. 7186
or 5115. of the Revised Code or under the children's buy-in 7187
program. 7188

(F) The requirements of divisions (A) to (C) of this section 7189
apply only to health care services provided to an enrollee or 7190
subscriber prior to the effective date of a termination of a 7191
contract between the health insuring corporation and the provider 7192
or health care facility. 7193

Sec. 1751.89. Sections 1751.77 to 1751.85 of the Revised Code 7194
do not apply to either of the following: 7195

(A) Coverage provided to beneficiaries enrolled in the 7196
medicare-~~...~~choice program operated under Title XVIII of the 7197
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 7198
amended; 7199

(B) Coverage provided to medicaid recipients ~~of assistance~~ 7200
~~under the medicaid program operated pursuant to Chapter 5111. of~~ 7201
~~the Revised Code;~~ 7202

(C) Coverage provided to participants of the children's 7203
buy-in program. 7204

Sec. 2743.49. (A)(1) In January of each odd-numbered year, 7205
the auditor of state, in accordance with this division and 7206
division (A)(2) of this section, shall adjust the actual dollar 7207
figure specified in division (E)(2)(b) of section 2743.48 of the 7208
Revised Code or the actual dollar amount determined pursuant to 7209
this section. The adjustment shall be based on the yearly average 7210
of the previous two years of the consumer price index for all 7211
urban consumers or its successive equivalent, as determined by the 7212
United States department of labor, bureau of labor statistics, or 7213
its successor in responsibility, for all items, Series A. ~~The~~ 7214
~~auditor of state shall calculate the adjustment in the following~~ 7215
~~manner:~~ 7216

~~(a) First, using the yearly average for the immediately~~ 7217
~~preceding odd numbered year as the base year, the auditor of state~~ 7218
~~shall compare the most current average consumer price index with~~ 7219
~~that determined in the even numbered year immediately preceding~~ 7220
~~that odd numbered year and shall determine the percentage increase~~ 7221
~~or decrease. The auditor of state shall multiply the percentage~~ 7222
~~increase or decrease by the actual dollar figure specified in~~ 7223
~~division (E)(2)(b) of section 2743.48 of the Revised Code or the~~ 7224
~~actual dollar figure determined for the previous odd numbered year~~ 7225
~~under this section and shall add the product to or subtract the~~ 7226
~~product from its corresponding actual dollar figure, as~~ 7227
~~applicable, for the previous odd numbered year.~~ 7228

~~(b) Second, using~~ Using the yearly average for the 7229
immediately preceding even-numbered year as the base year, the 7230
auditor of state shall compare the most current average consumer 7231
price index with that determined in the preceding odd-numbered 7232
year ~~immediately preceding that even numbered year~~ and shall 7233

determine the percentage increase or decrease. The auditor of 7234
state shall multiply the percentage increase or decrease by the 7235
actual dollar figure specified in division (E)(2)(b) of section 7236
2743.48 of the Revised Code or the actual dollar figure determined 7237
under ~~division (A)(1)(a) of~~ this section for the previous 7238
~~even-numbered~~ odd-numbered year and shall add the product to or 7239
subtract the product from its corresponding actual dollar figure, 7240
as applicable, for the previous odd-numbered year. ~~The resulting~~ 7241
~~figure is the adjusted dollar amount determined under this section~~ 7242
~~for purposes of this section and section 2743.48 of the Revised~~ 7243
~~Code.~~ 7244

(2) The auditor of state shall calculate the adjustment under 7245
division (A)(1) of this section on or before the thirty-first day 7246
of January of each odd-numbered year. The auditor of state shall 7247
base the adjustment on the most current consumer price index that 7248
is described in division (A)(1) of this section and that is in 7249
effect as of the first day of January of each odd-numbered year. 7250

(B)(1) The auditor of state shall certify the calculations 7251
made under division (A) of this section on or before the 7252
thirty-first day of January of each odd-numbered year. 7253

(2) On or before the fifteenth day of February of each 7254
odd-numbered year, the auditor of state shall prepare a report 7255
setting forth the amount that a wrongfully imprisoned individual 7256
is entitled to for each full year of imprisonment in the state 7257
correctional institution for the offense of which the wrongfully 7258
imprisoned individual was found guilty as provided in division 7259
(E)(2)(b) of section ~~2743.49~~ 2743.48 of the Revised Code and as 7260
calculated in accordance with this section. The report and all 7261
documents relating to the calculations contained in the report are 7262
public records. The report shall contain an indication of the 7263
period in which the calculated amount applies, a summary of how 7264
the amount was calculated, and a statement that the report and all 7265

related documents are available for inspection and copying at the 7266
office of the auditor of state. 7267

(3) On or before the fifteenth day of February of each 7268
odd-numbered year, the auditor of state shall transmit the report 7269
to the general assembly and to the court of claims. 7270

Sec. 2744.05. Notwithstanding any other provisions of the 7271
Revised Code or rules of a court to the contrary, in an action 7272
against a political subdivision to recover damages for injury, 7273
death, or loss to person or property caused by an act or omission 7274
in connection with a governmental or proprietary function: 7275

(A) Punitive or exemplary damages shall not be awarded. 7276

(B)(1) If a claimant receives or is entitled to receive 7277
benefits for injuries or loss allegedly incurred from a policy or 7278
policies of insurance or any other source, the benefits shall be 7279
disclosed to the court, and the amount of the benefits shall be 7280
deducted from any award against a political subdivision recovered 7281
by that claimant. No insurer or other person is entitled to bring 7282
an action under a subrogation provision in an insurance or other 7283
contract against a political subdivision with respect to those 7284
benefits. 7285

The amount of the benefits shall be deducted from an award 7286
against a political subdivision under division (B)(1) of this 7287
section regardless of whether the claimant may be under an 7288
obligation to pay back the benefits upon recovery, in whole or in 7289
part, for the claim. A claimant whose benefits have been deducted 7290
from an award under division (B)(1) of this section is not 7291
considered fully compensated and shall not be required to 7292
reimburse a subrogated claim for benefits deducted from an award 7293
pursuant to division (B)(1) of this section. 7294

(2) Nothing in division (B)(1) of this section shall be 7295

construed to do either of the following:	7296
(a) Limit the rights of a beneficiary under a life insurance policy or the rights of sureties under fidelity or surety bonds;	7297 7298
(b) Prohibit the department of job and family services from recovering from the political subdivision, pursuant to section 5101.58 of the Revised Code, the cost of medical assistance benefits provided under <u>sections 5101.5211 to 5101.5216</u> or Chapter 5107., 5111., or 5115. of the Revised Code.	7299 7300 7301 7302 7303
(C)(1) There shall not be any limitation on compensatory damages that represent the actual loss of the person who is awarded the damages. However, except in wrongful death actions brought pursuant to Chapter 2125. of the Revised Code, damages that arise from the same cause of action, transaction or occurrence, or series of transactions or occurrences and that do not represent the actual loss of the person who is awarded the damages shall not exceed two hundred fifty thousand dollars in favor of any one person. The limitation on damages that do not represent the actual loss of the person who is awarded the damages provided in this division does not apply to court costs that are awarded to a plaintiff, or to interest on a judgment rendered in favor of a plaintiff, in an action against a political subdivision.	7304 7305 7306 7307 7308 7309 7310 7311 7312 7313 7314 7315 7316 7317
(2) As used in this division, "the actual loss of the person who is awarded the damages" includes all of the following:	7318 7319
(a) All wages, salaries, or other compensation lost by the person injured as a result of the injury, including wages, salaries, or other compensation lost as of the date of a judgment and future expected lost earnings of the person injured;	7320 7321 7322 7323
(b) All expenditures of the person injured or another person on behalf of the person injured for medical care or treatment, for rehabilitation services, or for other care, treatment, services,	7324 7325 7326

products, or accommodations that were necessary because of the 7327
injury; 7328

(c) All expenditures to be incurred in the future, as 7329
determined by the court, by the person injured or another person 7330
on behalf of the person injured for medical care or treatment, for 7331
rehabilitation services, or for other care, treatment, services, 7332
products, or accommodations that will be necessary because of the 7333
injury; 7334

(d) All expenditures of a person whose property was injured 7335
or destroyed or of another person on behalf of the person whose 7336
property was injured or destroyed in order to repair or replace 7337
the property that was injured or destroyed; 7338

(e) All expenditures of the person injured or of the person 7339
whose property was injured or destroyed or of another person on 7340
behalf of the person injured or of the person whose property was 7341
injured or destroyed in relation to the actual preparation or 7342
presentation of the claim involved; 7343

(f) Any other expenditures of the person injured or of the 7344
person whose property was injured or destroyed or of another 7345
person on behalf of the person injured or of the person whose 7346
property was injured or destroyed that the court determines 7347
represent an actual loss experienced because of the personal or 7348
property injury or property loss. 7349

"The actual loss of the person who is awarded the damages" 7350
does not include any fees paid or owed to an attorney for any 7351
services rendered in relation to a personal or property injury or 7352
property loss, and does not include any damages awarded for pain 7353
and suffering, for the loss of society, consortium, companionship, 7354
care, assistance, attention, protection, advice, guidance, 7355
counsel, instruction, training, or education of the person 7356
injured, for mental anguish, or for any other intangible loss. 7357

Sec. 2903.213. (A) Except when the complaint involves a 7358
person who is a family or household member as defined in section 7359
2919.25 of the Revised Code, upon the filing of a complaint that 7360
alleges a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 7361
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 7362
a municipal ordinance substantially similar to section 2903.13, 7363
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 7364
the commission of a sexually oriented offense, the complainant, 7365
the alleged victim, or a family or household member of an alleged 7366
victim may file a motion that requests the issuance of a 7367
protection order as a pretrial condition of release of the alleged 7368
offender, in addition to any bail set under Criminal Rule 46. The 7369
motion shall be filed with the clerk of the court that has 7370
jurisdiction of the case at any time after the filing of the 7371
complaint. If the complaint involves a person who is a family or 7372
household member, the complainant, the alleged victim, or the 7373
family or household member may file a motion for a temporary 7374
protection order pursuant to section 2919.26 of the Revised Code. 7375

(B) A motion for a protection order under this section shall 7376
be prepared on a form that is provided by the clerk of the court, 7377
and the form shall be substantially as follows: 7378

"Motion for Protection Order 7379
..... 7380
Name and address of court 7381

State of Ohio 7382

v. No. 7383

..... 7384

Name of Defendant 7385

(Name of person), moves the court to issue a protection order 7386
containing terms designed to ensure the safety and protection of 7387
the complainant or the alleged victim in the above-captioned case, 7388

in relation to the named defendant, pursuant to its authority to 7389
issue a protection order under section 2903.213 of the Revised 7390
Code. 7391

A complaint, a copy of which has been attached to this 7392
motion, has been filed in this court charging the named defendant 7393
with a violation of section 2903.11, 2903.12, 2903.13, 2903.21, 7394
2903.211, 2903.22, or 2911.211 of the Revised Code, a violation of 7395
a municipal ordinance substantially similar to section 2903.13, 7396
2903.21, 2903.211, 2903.22, or 2911.211 of the Revised Code, or 7397
the commission of a sexually oriented offense. 7398

I understand that I must appear before the court, at a time 7399
set by the court not later than the next day that the court is in 7400
session after the filing of this motion, for a hearing on the 7401
motion, and that any protection order granted pursuant to this 7402
motion is a pretrial condition of release and is effective only 7403
until the disposition of the criminal proceeding arising out of 7404
the attached complaint or until the issuance under section 7405
2903.214 of the Revised Code of a protection order arising out of 7406
the same activities as those that were the basis of the attached 7407
complaint. 7408

..... 7409

Signature of person 7410

..... 7411

Address of person" 7412

(C)(1) As soon as possible after the filing of a motion that 7413
requests the issuance of a protection order under this section, 7414
but not later than the next day that the court is in session after 7415
the filing of the motion, the court shall conduct a hearing to 7416
determine whether to issue the order. The person who requested the 7417
order shall appear before the court and provide the court with the 7418
information that it requests concerning the basis of the motion. 7419

If the court finds that the safety and protection of the complainant or the alleged victim may be impaired by the continued presence of the alleged offender, the court may issue a protection order under this section, as a pretrial condition of release, that contains terms designed to ensure the safety and protection of the complainant or the alleged victim, including a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant or the alleged victim.

(2)(a) If the court issues a protection order under this section that includes a requirement that the alleged offender refrain from entering the residence, school, business, or place of employment of the complainant or the alleged victim, the order shall clearly state that the order cannot be waived or nullified by an invitation to the alleged offender from the complainant, the alleged victim, or a family or household member to enter the residence, school, business, or place of employment or by the alleged offender's entry into one of those places otherwise upon the consent of the complainant, the alleged victim, or a family or household member.

(b) Division (C)(2)(a) of this section does not limit any discretion of a court to determine that an alleged offender 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 under this section, did not commit the violation or was not in contempt of court.

(D)(1) Except when the complaint involves a person who is a family or household member as defined in section 2919.25 of the Revised Code, upon the filing of a complaint that alleges a violation specified in division (A) of this section, the court,

upon its own motion, may issue a protection order under this 7452
section as a pretrial condition of release of the alleged offender 7453
if it finds that the safety and protection of the complainant or 7454
the alleged victim may be impaired by the continued presence of 7455
the alleged offender. 7456

(2) If the court issues a protection order under this section 7457
as an ex parte order, it shall conduct, as soon as possible after 7458
the issuance of the order but not later than the next day that the 7459
court is in session after its issuance, a hearing to determine 7460
whether the order should remain in effect, be modified, or be 7461
revoked. The hearing shall be conducted under the standards set 7462
forth in division (C) of this section. 7463

(3) If a municipal court or a county court issues a 7464
protection order under this section and if, subsequent to the 7465
issuance of the order, the alleged offender who is the subject of 7466
the order is bound over to the court of common pleas for 7467
prosecution of a felony arising out of the same activities as 7468
those that were the basis of the complaint upon which the order is 7469
based, notwithstanding the fact that the order was issued by a 7470
municipal court or county court, the order shall remain in effect, 7471
as though it were an order of the court of common pleas, while the 7472
charges against the alleged offender are pending in the court of 7473
common pleas, for the period of time described in division (E)(2) 7474
of this section, and the court of common pleas has exclusive 7475
jurisdiction to modify the order issued by the municipal court or 7476
county court. This division applies when the alleged offender is 7477
bound over to the court of common pleas as a result of the person 7478
waiving a preliminary hearing on the felony charge, as a result of 7479
the municipal court or county court having determined at a 7480
preliminary hearing that there is probable cause to believe that 7481
the felony has been committed and that the alleged offender 7482
committed it, as a result of the alleged offender having been 7483

indicted for the felony, or in any other manner. 7484

(E) A protection order that is issued as a pretrial condition 7485
of release under this section: 7486

(1) Is in addition to, but shall not be construed as a part 7487
of, any bail set under Criminal Rule 46; 7488

(2) Is effective only until the disposition, by the court 7489
that issued the order or, in the circumstances described in 7490
division (D)(3) of this section, by the court of common pleas to 7491
which the alleged offender is bound over for prosecution, of the 7492
criminal proceeding arising out of the complaint upon which the 7493
order is based or until the issuance under section 2903.214 of the 7494
Revised Code of a protection order arising out of the same 7495
activities as those that were the basis of the complaint filed 7496
under this section; 7497

(3) Shall not be construed as a finding that the alleged 7498
offender committed the alleged offense and shall not be introduced 7499
as evidence of the commission of the offense at the trial of the 7500
alleged offender on the complaint upon which the order is based. 7501

(F) A person who meets the criteria for bail under Criminal 7502
Rule 46 and who, if required to do so pursuant to that rule, 7503
executes or posts bond or deposits cash or securities as bail, 7504
shall not be held in custody pending a hearing before the court on 7505
a motion requesting a protection order under this section. 7506

(G)(1) A copy of a protection order that is issued under this 7507
section shall be issued by the court to the complainant, to the 7508
alleged victim, to the person who requested the order, to the 7509
defendant, and to all law enforcement agencies that have 7510
jurisdiction to enforce the order. The court shall direct that a 7511
copy of the order be delivered to the defendant on the same day 7512
that the order is entered. If a municipal court or a county court 7513
issues a protection order under this section and if, subsequent to 7514

the issuance of the order, the defendant who is the subject of the 7515
order is bound over to the court of common pleas for prosecution 7516
as described in division (D)(3) of this section, the municipal 7517
court or county court shall direct that a copy of the order be 7518
delivered to the court of common pleas to which the defendant is 7519
bound over. 7520

(2) Upon the issuance of a protection order under this 7521
section, the court shall provide the parties to the order with the 7522
following notice orally or by form: 7523

"NOTICE 7524

If you are convicted of a misdemeanor crime involving 7525
violence in which you are or were a spouse, intimate partner, 7526
parent, or guardian of the victim or are or were involved in 7527
another, similar relationship with the victim, it may be unlawful 7528
for you to possess or purchase a firearm, including a rifle, 7529
pistol, or revolver, or ammunition pursuant to federal law under 7530
18 U.S.C. 922(g)(9). If you have any questions whether this law 7531
makes it illegal for you to possess or purchase a firearm or 7532
ammunition, you should consult an attorney." 7533

(3) All law enforcement agencies shall establish and maintain 7534
an index for the protection orders delivered to the agencies 7535
pursuant to division (G)(1) of this section. With respect to each 7536
order delivered, each agency shall note on the index the date and 7537
time of the agency's receipt of the order. 7538

~~(3)~~(4) Regardless of whether the petitioner has registered 7539
the protection order in the county in which the officer's agency 7540
has jurisdiction, any officer of a law enforcement agency shall 7541
enforce a protection order issued pursuant to this section in 7542
accordance with the provisions of the order. 7543

(H) Upon a violation of a protection order issued pursuant to 7544
this section, the court may issue another protection order under 7545

this section, as a pretrial condition of release, that modifies 7546
the terms of the order that was violated. 7547

(I) Notwithstanding any provision of law to the contrary and 7548
regardless of whether a protection order is issued or a consent 7549
agreement is approved by a court of another county or by a court 7550
of another state, no court or unit of state or local government 7551
shall charge any fee, cost, deposit, or money in connection with 7552
the filing of a motion pursuant to this section, in connection 7553
with the filing, issuance, registration, or service of a 7554
protection order or consent agreement, or for obtaining certified 7555
copies of a protection order or consent agreement. 7556

(J) As used in this section, "sexually oriented offense" has 7557
the same meaning as in section 2950.01 of the Revised Code. 7558

Sec. 2903.214. (A) As used in this section: 7559

(1) "Court" means the court of common pleas of the county in 7560
which the person to be protected by the protection order resides. 7561

(2) "Victim advocate" means a person who provides support and 7562
assistance for a person who files a petition under this section. 7563

(3) "Family or household member" has the same meaning as in 7564
section 3113.31 of the Revised Code. 7565

(4) "Protection order issued by a court of another state" has 7566
the same meaning as in section 2919.27 of the Revised Code. 7567

(5) "Sexually oriented offense" has the same meaning as in 7568
section 2950.01 of the Revised Code. 7569

(B) The court has jurisdiction over all proceedings under 7570
this section. 7571

(C) A person may seek relief under this section for the 7572
person, or any parent or adult household member may seek relief 7573
under this section on behalf of any other family or household 7574

member, by filing a petition with the court. The petition shall 7575
contain or state both of the following: 7576

(1) An allegation that the respondent engaged in a violation 7577
of section 2903.211 of the Revised Code against the person to be 7578
protected by the protection order or committed a sexually oriented 7579
offense against the person to be protected by the protection 7580
order, including a description of the nature and extent of the 7581
violation; 7582

(2) A request for relief under this section. 7583

(D)(1) If a person who files a petition pursuant to this 7584
section requests an ex parte order, the court shall hold an ex 7585
parte hearing as soon as possible after the petition is filed, but 7586
not later than the next day that the court is in session after the 7587
petition is filed. The court, for good cause shown at the ex parte 7588
hearing, may enter any temporary orders, with or without bond, 7589
that the court finds necessary for the safety and protection of 7590
the person to be protected by the order. Immediate and present 7591
danger to the person to be protected by the protection order 7592
constitutes good cause for purposes of this section. Immediate and 7593
present danger includes, but is not limited to, situations in 7594
which the respondent has threatened the person to be protected by 7595
the protection order with bodily harm or in which the respondent 7596
previously has been convicted of or pleaded guilty to a violation 7597
of section 2903.211 of the Revised Code or a sexually oriented 7598
offense against the person to be protected by the protection 7599
order. 7600

(2)(a) If the court, after an ex parte hearing, issues a 7601
protection order described in division (E) of this section, the 7602
court shall schedule a full hearing for a date that is within ten 7603
court days after the ex parte hearing. The court shall give the 7604
respondent notice of, and an opportunity to be heard at, the full 7605
hearing. The court shall hold the full hearing on the date 7606

scheduled under this division unless the court grants a 7607
continuance of the hearing in accordance with this division. Under 7608
any of the following circumstances or for any of the following 7609
reasons, the court may grant a continuance of the full hearing to 7610
a reasonable time determined by the court: 7611

(i) Prior to the date scheduled for the full hearing under 7612
this division, the respondent has not been served with the 7613
petition filed pursuant to this section and notice of the full 7614
hearing. 7615

(ii) The parties consent to the continuance. 7616

(iii) The continuance is needed to allow a party to obtain 7617
counsel. 7618

(iv) The continuance is needed for other good cause. 7619

(b) An ex parte order issued under this section does not 7620
expire because of a failure to serve notice of the full hearing 7621
upon the respondent before the date set for the full hearing under 7622
division (D)(2)(a) of this section or because the court grants a 7623
continuance under that division. 7624

(3) If a person who files a petition pursuant to this section 7625
does not request an ex parte order, or if a person requests an ex 7626
parte order but the court does not issue an ex parte order after 7627
an ex parte hearing, the court shall proceed as in a normal civil 7628
action and grant a full hearing on the matter. 7629

(E)(1) After an ex parte or full hearing, the court may issue 7630
any protection order, with or without bond, that contains terms 7631
designed to ensure the safety and protection of the person to be 7632
protected by the protection order, including, but not limited to, 7633
a requirement that the respondent refrain from entering the 7634
residence, school, business, or place of employment of the 7635
petitioner or family or household member. If the court includes a 7636
requirement that the respondent refrain from entering the 7637

residence, school, business, or place of employment of the 7638
petitioner or family or household member in the order, it also 7639
shall include in the order provisions of the type described in 7640
division (E)(5) of this section. 7641

(2)(a) Any protection order issued pursuant to this section 7642
shall be valid until a date certain but not later than five years 7643
from the date of its issuance. 7644

(b) Any protection order issued pursuant to this section may 7645
be renewed in the same manner as the original order was issued. 7646

(3) A court may not issue a protection order that requires a 7647
petitioner to do or to refrain from doing an act that the court 7648
may require a respondent to do or to refrain from doing under 7649
division (E)(1) of this section unless all of the following apply: 7650

(a) The respondent files a separate petition for a protection 7651
order in accordance with this section. 7652

(b) The petitioner is served with notice of the respondent's 7653
petition at least forty-eight hours before the court holds a 7654
hearing with respect to the respondent's petition, or the 7655
petitioner waives the right to receive this notice. 7656

(c) If the petitioner has requested an ex parte order 7657
pursuant to division (D) of this section, the court does not delay 7658
any hearing required by that division beyond the time specified in 7659
that division in order to consolidate the hearing with a hearing 7660
on the petition filed by the respondent. 7661

(d) After a full hearing at which the respondent presents 7662
evidence in support of the request for a protection order and the 7663
petitioner is afforded an opportunity to defend against that 7664
evidence, the court determines that the petitioner has committed a 7665
violation of section 2903.211 of the Revised Code against the 7666
person to be protected by the protection order issued pursuant to 7667
this section, has committed a sexually oriented offense against 7668

the person to be protected by the protection order, or has 7669
violated a protection order issued pursuant to section 2903.213 of 7670
the Revised Code relative to the person to be protected by the 7671
protection order issued pursuant to this section. 7672

(4) No protection order issued pursuant to this section shall 7673
in any manner affect title to any real property. 7674

(5)(a) If the court issues a protection order under this 7675
section that includes a requirement that the alleged offender 7676
refrain from entering the residence, school, business, or place of 7677
employment of the petitioner or a family or household member, the 7678
order shall clearly state that the order cannot be waived or 7679
nullified by an invitation to the alleged offender from the 7680
complainant to enter the residence, school, business, or place of 7681
employment or by the alleged offender's entry into one of those 7682
places otherwise upon the consent of the petitioner or family or 7683
household member. 7684

(b) Division (E)(5)(a) of this section does not limit any 7685
discretion of a court to determine that an alleged offender 7686
charged with a violation of section 2919.27 of the Revised Code, 7687
with a violation of a municipal ordinance substantially equivalent 7688
to that section, or with contempt of court, which charge is based 7689
on an alleged violation of a protection order issued under this 7690
section, did not commit the violation or was not in contempt of 7691
court. 7692

(F)(1) The court shall cause the delivery of a copy of any 7693
protection order that is issued under this section to the 7694
petitioner, to the respondent, and to all law enforcement agencies 7695
that have jurisdiction to enforce the order. The court shall 7696
direct that a copy of the order be delivered to the respondent on 7697
the same day that the order is entered. 7698

(2) Upon the issuance of a protection order under this 7699

section, the court shall provide the parties to the order with the 7700
following notice orally or by form: 7701

"NOTICE 7702

As a result of this order, it may be unlawful for you to 7703
possess or purchase a firearm, including a rifle, pistol, or 7704
revolver, or ammunition pursuant to federal law under 18 U.S.C. 7705
922(g)(8). If you have any questions whether this law makes it 7706
illegal for you to possess or purchase a firearm or ammunition, 7707
you should consult an attorney." 7708

(3) All law enforcement agencies shall establish and maintain 7709
an index for the protection orders delivered to the agencies 7710
pursuant to division (F)(1) of this section. With respect to each 7711
order delivered, each agency shall note on the index the date and 7712
time that it received the order. 7713

~~(3)~~(4) Regardless of whether the petitioner has registered 7714
the protection order in the county in which the officer's agency 7715
has jurisdiction pursuant to division (M) of this section, any 7716
officer of a law enforcement agency shall enforce a protection 7717
order issued pursuant to this section by any court in this state 7718
in accordance with the provisions of the order, including removing 7719
the respondent from the premises, if appropriate. 7720

(G) Any proceeding under this section shall be conducted in 7721
accordance with the Rules of Civil Procedure, except that a 7722
protection order may be obtained under this section with or 7723
without bond. An order issued under this section, other than an ex 7724
parte order, that grants a protection order, or that refuses to 7725
grant a protection order, is a final, appealable order. The 7726
remedies and procedures provided in this section are in addition 7727
to, and not in lieu of, any other available civil or criminal 7728
remedies. 7729

(H) The filing of proceedings under this section does not 7730

excuse a person from filing any report or giving any notice 7731
required by section 2151.421 of the Revised Code or by any other 7732
law. 7733

(I) Any law enforcement agency that investigates an alleged 7734
violation of section 2903.211 of the Revised Code or an alleged 7735
commission of a sexually oriented offense shall provide 7736
information to the victim and the family or household members of 7737
the victim regarding the relief available under this section and 7738
section 2903.213 of the Revised Code. 7739

(J) Notwithstanding any provision of law to the contrary and 7740
regardless of whether a protection order is issued or a consent 7741
agreement is approved by a court of another county or by a court 7742
of another state, no court or unit of state or local government 7743
shall charge any fee, cost, deposit, or money in connection with 7744
the filing of a petition pursuant to this section, in connection 7745
with the filing, issuance, registration, or service of a 7746
protection order or consent agreement, or for obtaining a 7747
certified copy of a protection order or consent agreement. 7748

(K)(1) A person who violates a protection order issued under 7749
this section is subject to the following sanctions: 7750

(a) Criminal prosecution for a violation of section 2919.27 7751
of the Revised Code, if the violation of the protection order 7752
constitutes a violation of that section; 7753

(b) Punishment for contempt of court. 7754

(2) The punishment of a person for contempt of court for 7755
violation of a protection order issued under this section does not 7756
bar criminal prosecution of the person for a violation of section 7757
2919.27 of the Revised Code. However, a person punished for 7758
contempt of court is entitled to credit for the punishment imposed 7759
upon conviction of a violation of that section, and a person 7760
convicted of a violation of that section shall not subsequently be 7761

punished for contempt of court arising out of the same activity. 7762

(L) In all stages of a proceeding under this section, a 7763
petitioner may be accompanied by a victim advocate. 7764

(M)(1) A petitioner who obtains a protection order under this 7765
section or a protection order under section 2903.213 of the 7766
Revised Code may provide notice of the issuance or approval of the 7767
order to the judicial and law enforcement officials in any county 7768
other than the county in which the order is issued by registering 7769
that order in the other county pursuant to division (M)(2) of this 7770
section and filing a copy of the registered order with a law 7771
enforcement agency in the other county in accordance with that 7772
division. A person who obtains a protection order issued by a 7773
court of another state may provide notice of the issuance of the 7774
order to the judicial and law enforcement officials in any county 7775
of this state by registering the order in that county pursuant to 7776
section 2919.272 of the Revised Code and filing a copy of the 7777
registered order with a law enforcement agency in that county. 7778

(2) A petitioner may register a protection order issued 7779
pursuant to this section or section 2903.213 of the Revised Code 7780
in a county other than the county in which the court that issued 7781
the order is located in the following manner: 7782

(a) The petitioner shall obtain a certified copy of the order 7783
from the clerk of the court that issued the order and present that 7784
certified copy to the clerk of the court of common pleas or the 7785
clerk of a municipal court or county court in the county in which 7786
the order is to be registered. 7787

(b) Upon accepting the certified copy of the order for 7788
registration, the clerk of the court of common pleas, municipal 7789
court, or county court shall place an endorsement of registration 7790
on the order and give the petitioner a copy of the order that 7791
bears that proof of registration. 7792

(3) The clerk of each court of common pleas, municipal court, 7793
or county court shall maintain a registry of certified copies of 7794
protection orders that have been issued by courts in other 7795
counties pursuant to this section or section 2903.213 of the 7796
Revised Code and that have been registered with the clerk. 7797

Sec. 2907.10. (A)(1) A peace officer, prosecutor, or other 7798
public official shall not ask or require a victim of an alleged 7799
sex offense to submit to a polygraph examination as a condition 7800
for proceeding with the investigation of the alleged sex offense. 7801

(2) The refusal of the victim of an alleged sex offense to 7802
submit to a polygraph examination shall not prevent the 7803
investigation of the alleged sex offense, the filing of criminal 7804
charges with respect to the alleged sex offense, or the 7805
prosecution of the alleged perpetrator of the alleged sex offense. 7806

(B) As used in this section: 7807

(1) "Peace officer" has the same meaning as in section 7808
2921.51 of the Revised Code. 7809

(2) "Polygraph examination" means any mechanical or 7810
electrical instrument or device of any type used or allegedly used 7811
to examine, test, or question an individual for the purpose of 7812
determining the individual's truthfulness. 7813

(3) "Prosecution" means the prosecution of criminal charges 7814
in a criminal prosecution or the prosecution of a delinquent child 7815
complaint in a delinquency proceeding. 7816

(4) "Prosecutor" has the same meaning as in section 2935.01 7817
of the Revised Code. 7818

(5) "Public official" has the same meaning as in section 7819
117.01 of the Revised Code. 7820

(6) "Sex offense" means a violation of any provision of 7821
sections 2907.02 to 2907.09 of the Revised Code. 7822

Sec. 2915.101. Except as otherwise provided by law, a 7823
charitable organization that conducts instant bingo shall 7824
distribute the net profit from the proceeds of the sale of instant 7825
bingo as follows: 7826

(A)(1) If a veteran's organization, a fraternal organization, 7827
or a sporting organization conducted the instant bingo, the 7828
organization shall distribute the net profit from the proceeds of 7829
the sale of instant bingo, as follows: 7830

(a) For the first ~~seventy-five~~ one hundred fifty thousand 7831
dollars, or a greater amount prescribed by the attorney general to 7832
adjust for changes in prices as measured by the consumer price 7833
index as defined in section 325.18 of the Revised Code and other 7834
factors affecting the organization's expenses as defined in 7835
division (LL) of section 2915.01 of the Revised Code, or less of 7836
net profit from the proceeds of the sale of instant bingo 7837
generated in a calendar year: 7838

(i) At least twenty-five per cent shall be distributed to an 7839
organization described in division (Z)(1) of section 2915.01 of 7840
the Revised Code or to a department or agency of the federal 7841
government, the state, or any political subdivision. 7842

(ii) Not more than seventy-five per cent may be deducted and 7843
retained by the organization for reimbursement of or for the 7844
organization's expenses, as defined in division (LL) of section 7845
2915.01 of the Revised Code, in conducting the instant bingo game. 7846

(b) For any net profit from the proceeds of the sale of 7847
instant bingo of more than ~~seventy-five~~ one hundred fifty thousand 7848
dollars or an adjusted amount generated in a calendar year: 7849

(i) A minimum of fifty per cent shall be distributed to an 7850
organization described in division (Z)(1) of section 2915.01 of 7851
the Revised Code or to a department or agency of the federal 7852

government, the state, or any political subdivision. 7853

(ii) Five per cent may be distributed for the organization's 7854
own charitable purposes or to a community action agency. 7855

(iii) Forty-five per cent may be deducted and retained by the 7856
organization for reimbursement of or for the organization's 7857
expenses, as defined in division (LL) of section 2915.01 of the 7858
Revised Code, in conducting the instant bingo game. 7859

(2) If a veteran's organization, a fraternal organization, or 7860
a sporting organization does not distribute the full percentages 7861
specified in divisions (A)(1)(a) and (b) of this section for the 7862
purposes specified in those divisions, the organization shall 7863
distribute the balance of the net profit from the proceeds of the 7864
sale of instant bingo not distributed or retained for those 7865
purposes to an organization described in division (Z)(1) of 7866
section 2915.01 of the Revised Code. 7867

(B) If a charitable organization other than a veteran's 7868
organization, a fraternal organization, or a sporting organization 7869
conducted the instant bingo, the organization shall distribute one 7870
hundred per cent of the net profit from the proceeds of the sale 7871
of instant bingo to an organization described in division (Z)(1) 7872
of section 2915.01 of the Revised Code or to a department or 7873
agency of the federal government, the state, or any political 7874
subdivision. 7875

(C) Nothing in this section prohibits a veteran's 7876
organization, a fraternal organization, or a sporting organization 7877
from distributing any net profit from the proceeds of the sale of 7878
instant bingo to an organization that is described in subsection 7879
501(c)(3) of the Internal Revenue Code when the organization that 7880
is described in subsection 501(c)(3) of the Internal Revenue Code 7881
is one that makes donations to other organizations and permits 7882
donors to advise or direct such donations so long as the donations 7883

comply with requirements established in or pursuant to subsection 7884
501(c)(3) of the Internal Revenue Code. 7885

Sec. 2919.26. (A)(1) Upon the filing of a complaint that 7886
alleges a violation of section 2909.06, 2909.07, 2911.12, or 7887
2911.211 of the Revised Code if the alleged victim of the 7888
violation was a family or household member at the time of the 7889
violation, a violation of a municipal ordinance that is 7890
substantially similar to any of those sections if the alleged 7891
victim of the violation was a family or household member at the 7892
time of the violation, any offense of violence if the alleged 7893
victim of the offense was a family or household member at the time 7894
of the commission of the offense, or any sexually oriented offense 7895
if the alleged victim of the offense was a family or household 7896
member at the time of the commission of the offense, the 7897
complainant, the alleged victim, or a family or household member 7898
of an alleged victim may file, or, if in an emergency the alleged 7899
victim is unable to file, a person who made an arrest for the 7900
alleged violation or offense under section 2935.03 of the Revised 7901
Code may file on behalf of the alleged victim, a motion that 7902
requests the issuance of a temporary protection order as a 7903
pretrial condition of release of the alleged offender, in addition 7904
to any bail set under Criminal Rule 46. The motion shall be filed 7905
with the clerk of the court that has jurisdiction of the case at 7906
any time after the filing of the complaint. 7907

(2) For purposes of section 2930.09 of the Revised Code, all 7908
stages of a proceeding arising out of a complaint alleging the 7909
commission of a violation, offense of violence, or sexually 7910
oriented offense described in division (A)(1) of this section, 7911
including all proceedings on a motion for a temporary protection 7912
order, are critical stages of the case, and a victim may be 7913
accompanied by a victim advocate or another person to provide 7914
support to the victim as provided in that section. 7915

(B) The motion shall be prepared on a form that is provided 7916
by the clerk of the court, which form shall be substantially as 7917
follows: 7918

"MOTION FOR TEMPORARY PROTECTION ORDER 7919

..... Court 7920

Name and address of court 7921

State of Ohio 7922

v. No. 7923

..... 7924

Name of Defendant 7925

(name of person), moves the court to issue a temporary protection 7926
order containing terms designed to ensure the safety and 7927
protection of the complainant, alleged victim, and other family or 7928
household members, in relation to the named defendant, pursuant to 7929
its authority to issue such an order under section 2919.26 of the 7930
Revised Code. 7931

A complaint, a copy of which has been attached to this 7932
motion, has been filed in this court charging the named defendant 7933
with (name of the specified violation, 7934
the offense of violence, or sexually oriented offense charged) in 7935
circumstances in which the victim was a family or household member 7936
in violation of (section of the Revised Code designating the 7937
specified violation, offense of violence, or sexually oriented 7938
offense charged), or charging the named defendant with a violation 7939
of a municipal ordinance that is substantially similar to 7940
..... (section of the Revised Code designating 7941
the specified violation, offense of violence, or sexually oriented 7942
offense charged) involving a family or household member. 7943

I understand that I must appear before the court, at a time 7944
set by the court within twenty-four hours after the filing of this 7945
motion, for a hearing on the motion or that, if I am unable to 7946

appear because of hospitalization or a medical condition resulting 7947
from the offense alleged in the complaint, a person who can 7948
provide information about my need for a temporary protection order 7949
must appear before the court in lieu of my appearing in court. I 7950
understand that any temporary protection order granted pursuant to 7951
this motion is a pretrial condition of release and is effective 7952
only until the disposition of the criminal proceeding arising out 7953
of the attached complaint, or the issuance of a civil protection 7954
order or the approval of a consent agreement, arising out of the 7955
same activities as those that were the basis of the complaint, 7956
under section 3113.31 of the Revised Code. 7957

..... 7958

Signature of person 7959

(or signature of the arresting officer who filed the motion on 7960
behalf of the alleged victim) 7961

..... 7962

Address of person (or office address of the arresting officer who 7963
filed the motion on behalf of the alleged victim)" 7964

(C)(1) As soon as possible after the filing of a motion that 7965
requests the issuance of a temporary protection order, but not 7966
later than twenty-four hours after the filing of the motion, the 7967
court shall conduct a hearing to determine whether to issue the 7968
order. The person who requested the order shall appear before the 7969
court and provide the court with the information that it requests 7970
concerning the basis of the motion. If the person who requested 7971
the order is unable to appear and if the court finds that the 7972
failure to appear is because of the person's hospitalization or 7973
medical condition resulting from the offense alleged in the 7974
complaint, another person who is able to provide the court with 7975
the information it requests may appear in lieu of the person who 7976
requested the order. If the court finds that the safety and 7977

protection of the complainant, alleged victim, or any other family 7978
or household member of the alleged victim may be impaired by the 7979
continued presence of the alleged offender, the court may issue a 7980
temporary protection order, as a pretrial condition of release, 7981
that contains terms designed to ensure the safety and protection 7982
of the complainant, alleged victim, or the family or household 7983
member, including a requirement that the alleged offender refrain 7984
from entering the residence, school, business, or place of 7985
employment of the complainant, alleged victim, or the family or 7986
household member. 7987

(2)(a) If the court issues a temporary protection order that 7988
includes a requirement that the alleged offender refrain from 7989
entering the residence, school, business, or place of employment 7990
of the complainant, the alleged victim, or the family or household 7991
member, the order shall state clearly that the order cannot be 7992
waived or nullified by an invitation to the alleged offender from 7993
the complainant, alleged victim, or family or household member to 7994
enter the residence, school, business, or place of employment or 7995
by the alleged offender's entry into one of those places otherwise 7996
upon the consent of the complainant, alleged victim, or family or 7997
household member. 7998

(b) Division (C)(2)(a) of this section does not limit any 7999
discretion of a court to determine that an alleged offender 8000
charged with a violation of section 2919.27 of the Revised Code, 8001
with a violation of a municipal ordinance substantially equivalent 8002
to that section, or with contempt of court, which charge is based 8003
on an alleged violation of a temporary protection order issued 8004
under this section, did not commit the violation or was not in 8005
contempt of court. 8006

(D)(1) Upon the filing of a complaint that alleges a 8007
violation of section 2909.06, 2909.07, 2911.12, or 2911.211 of the 8008
Revised Code if the alleged victim of the violation was a family 8009

or household member at the time of the violation, a violation of a 8010
municipal ordinance that is substantially similar to any of those 8011
sections if the alleged victim of the violation was a family or 8012
household member at the time of the violation, any offense of 8013
violence if the alleged victim of the offense was a family or 8014
household member at the time of the commission of the offense, or 8015
any sexually oriented offense if the alleged victim of the offense 8016
was a family or household member at the time of the commission of 8017
the offense, the court, upon its own motion, may issue a temporary 8018
protection order as a pretrial condition of release if it finds 8019
that the safety and protection of the complainant, alleged victim, 8020
or other family or household member of the alleged offender may be 8021
impaired by the continued presence of the alleged offender. 8022

(2) If the court issues a temporary protection order under 8023
this section as an ex parte order, it shall conduct, as soon as 8024
possible after the issuance of the order, a hearing in the 8025
presence of the alleged offender not later than the next day on 8026
which the court is scheduled to conduct business after the day on 8027
which the alleged offender was arrested or at the time of the 8028
appearance of the alleged offender pursuant to summons to 8029
determine whether the order should remain in effect, be modified, 8030
or be revoked. The hearing shall be conducted under the standards 8031
set forth in division (C) of this section. 8032

(3) An order issued under this section shall contain only 8033
those terms authorized in orders issued under division (C) of this 8034
section. 8035

(4) If a municipal court or a county court issues a temporary 8036
protection order under this section and if, subsequent to the 8037
issuance of the order, the alleged offender who is the subject of 8038
the order is bound over to the court of common pleas for 8039
prosecution of a felony arising out of the same activities as 8040
those that were the basis of the complaint upon which the order is 8041

based, notwithstanding the fact that the order was issued by a 8042
municipal court or county court, the order shall remain in effect, 8043
as though it were an order of the court of common pleas, while the 8044
charges against the alleged offender are pending in the court of 8045
common pleas, for the period of time described in division (E)(2) 8046
of this section, and the court of common pleas has exclusive 8047
jurisdiction to modify the order issued by the municipal court or 8048
county court. This division applies when the alleged offender is 8049
bound over to the court of common pleas as a result of the person 8050
waiving a preliminary hearing on the felony charge, as a result of 8051
the municipal court or county court having determined at a 8052
preliminary hearing that there is probable cause to believe that 8053
the felony has been committed and that the alleged offender 8054
committed it, as a result of the alleged offender having been 8055
indicted for the felony, or in any other manner. 8056

(E) A temporary protection order that is issued as a pretrial 8057
condition of release under this section: 8058

(1) Is in addition to, but shall not be construed as a part 8059
of, any bail set under Criminal Rule 46; 8060

(2) Is effective only until the occurrence of either of the 8061
following: 8062

(a) The disposition, by the court that issued the order or, 8063
in the circumstances described in division (D)(4) of this section, 8064
by the court of common pleas to which the alleged offender is 8065
bound over for prosecution, of the criminal proceeding arising out 8066
of the complaint upon which the order is based; 8067

(b) The issuance of a protection order or the approval of a 8068
consent agreement, arising out of the same activities as those 8069
that were the basis of the complaint upon which the order is 8070
based, under section 3113.31 of the Revised Code; 8071

(3) Shall not be construed as a finding that the alleged 8072

offender committed the alleged offense, and shall not be 8073
introduced as evidence of the commission of the offense at the 8074
trial of the alleged offender on the complaint upon which the 8075
order is based. 8076

(F) A person who meets the criteria for bail under Criminal 8077
Rule 46 and who, if required to do so pursuant to that rule, 8078
executes or posts bond or deposits cash or securities as bail, 8079
shall not be held in custody pending a hearing before the court on 8080
a motion requesting a temporary protection order. 8081

(G)(1) A copy of any temporary protection order that is 8082
issued under this section shall be issued by the court to the 8083
complainant, to the alleged victim, to the person who requested 8084
the order, to the defendant, and to all law enforcement agencies 8085
that have jurisdiction to enforce the order. The court shall 8086
direct that a copy of the order be delivered to the defendant on 8087
the same day that the order is entered. If a municipal court or a 8088
county court issues a temporary protection order under this 8089
section and if, subsequent to the issuance of the order, the 8090
defendant who is the subject of the order is bound over to the 8091
court of common pleas for prosecution as described in division 8092
(D)(4) of this section, the municipal court or county court shall 8093
direct that a copy of the order be delivered to the court of 8094
common pleas to which the defendant is bound over. 8095

(2) Upon the issuance of a protection order under this 8096
section, the court shall provide the parties to the order with the 8097
following notice orally or by form: 8098

"NOTICE 8099

If you are convicted of a misdemeanor crime involving 8100
violence in which you are or were a spouse, intimate partner, 8101
parent, or guardian of the victim or are or were involved in 8102
another, similar relationship with the victim, it may be unlawful 8103
for you to possess or purchase a firearm, including a rifle, 8104

pistol, or revolver, or ammunition pursuant to federal law under 8105
18 U.S.C. 922(g)(9). If you have any questions whether this law 8106
makes it illegal for you to possess or purchase a firearm or 8107
ammunition, you should consult an attorney." 8108

(3) All law enforcement agencies shall establish and maintain 8109
an index for the temporary protection orders delivered to the 8110
agencies pursuant to division (G)(1) of this section. With respect 8111
to each order delivered, each agency shall note on the index, the 8112
date and time of the receipt of the order by the agency. 8113

~~(3)~~(4) A complainant, alleged victim, or other person who 8115
obtains a temporary protection order under this section may 8116
provide notice of the issuance of the temporary protection order 8117
to the judicial and law enforcement officials in any county other 8118
than the county in which the order is issued by registering that 8119
order in the other county in accordance with division (N) of 8120
section 3113.31 of the Revised Code and filing a copy of the 8121
registered protection order with a law enforcement agency in the 8122
other county in accordance with that division. 8123

~~(4)~~(5) Any officer of a law enforcement agency shall enforce 8124
a temporary protection order issued by any court in this state in 8125
accordance with the provisions of the order, including removing 8126
the defendant from the premises, regardless of whether the order 8127
is registered in the county in which the officer's agency has 8128
jurisdiction as authorized by division (G)~~(3)~~(4) of this section. 8129

(H) Upon a violation of a temporary protection order, the 8130
court may issue another temporary protection order, as a pretrial 8131
condition of release, that modifies the terms of the order that 8132
was violated. 8133

(I)(1) As used in divisions (I)(1) and (2) of this section, 8134
"defendant" means a person who is alleged in a complaint to have 8135

committed a violation, offense of violence, or sexually oriented 8136
offense of the type described in division (A) of this section. 8137

(2) If a complaint is filed that alleges that a person 8138
committed a violation, offense of violence, or sexually oriented 8139
offense of the type described in division (A) of this section, the 8140
court may not issue a temporary protection order under this 8141
section that requires the complainant, the alleged victim, or 8142
another family or household member of the defendant to do or 8143
refrain from doing an act that the court may require the defendant 8144
to do or refrain from doing under a temporary protection order 8145
unless both of the following apply: 8146

(a) The defendant has filed a separate complaint that alleges 8147
that the complainant, alleged victim, or other family or household 8148
member in question who would be required under the order to do or 8149
refrain from doing the act committed a violation or offense of 8150
violence of the type described in division (A) of this section. 8151

(b) The court determines that both the complainant, alleged 8152
victim, or other family or household member in question who would 8153
be required under the order to do or refrain from doing the act 8154
and the defendant acted primarily as aggressors, that neither the 8155
complainant, alleged victim, or other family or household member 8156
in question who would be required under the order to do or refrain 8157
from doing the act nor the defendant acted primarily in 8158
self-defense, and, in accordance with the standards and criteria 8159
of this section as applied in relation to the separate complaint 8160
filed by the defendant, that it should issue the order to require 8161
the complainant, alleged victim, or other family or household 8162
member in question to do or refrain from doing the act. 8163

(J) Notwithstanding any provision of law to the contrary and 8164
regardless of whether a protection order is issued or a consent 8165
agreement is approved by a court of another county or a court of 8166
another state, no court or unit of state or local government shall 8167

charge any fee, cost, deposit, or money in connection with the 8168
filing of a motion pursuant to this section, in connection with 8169
the filing, issuance, registration, or service of a protection 8170
order or consent agreement, or for obtaining a certified copy of a 8171
protection order or consent agreement. 8172

(K) As used in this section: 8173

(1) "Sexually oriented offense" has the same meaning as in 8174
section 2950.01 of the Revised Code. 8175

(2) "Victim advocate" means a person who provides support and 8176
assistance for a victim of an offense during court proceedings. 8177

Sec. 2921.13. (A) No person shall knowingly make a false 8178
statement, or knowingly swear or affirm the truth of a false 8179
statement previously made, when any of the following applies: 8180

(1) The statement is made in any official proceeding. 8181

(2) The statement is made with purpose to incriminate 8182
another. 8183

(3) The statement is made with purpose to mislead a public 8184
official in performing the public official's official function. 8185

(4) The statement is made with purpose to secure the payment 8186
of unemployment compensation; Ohio works first; prevention, 8187
retention, and contingency benefits and services; disability 8188
financial assistance; retirement benefits; economic development 8189
assistance, as defined in section 9.66 of the Revised Code; or 8190
other benefits administered by a governmental agency or paid out 8191
of a public treasury. 8192

(5) The statement is made with purpose to secure the issuance 8193
by a governmental agency of a license, permit, authorization, 8194
certificate, registration, release, or provider agreement. 8195

(6) The statement is sworn or affirmed before a notary public 8196

or another person empowered to administer oaths. 8197

(7) The statement is in writing on or in connection with a 8198
report or return that is required or authorized by law. 8199

(8) The statement is in writing and is made with purpose to 8200
induce another to extend credit to or employ the offender, to 8201
confer any degree, diploma, certificate of attainment, award of 8202
excellence, or honor on the offender, or to extend to or bestow 8203
upon the offender any other valuable benefit or distinction, when 8204
the person to whom the statement is directed relies upon it to 8205
that person's detriment. 8206

(9) The statement is made with purpose to commit or 8207
facilitate the commission of a theft offense. 8208

(10) The statement is knowingly made to a probate court in 8209
connection with any action, proceeding, or other matter within its 8210
jurisdiction, either orally or in a written document, including, 8211
but not limited to, an application, petition, complaint, or other 8212
pleading, or an inventory, account, or report. 8213

(11) The statement is made on an account, form, record, 8214
stamp, label, or other writing that is required by law. 8215

(12) The statement is made in connection with the purchase of 8216
a firearm, as defined in section 2923.11 of the Revised Code, and 8217
in conjunction with the furnishing to the seller of the firearm of 8218
a fictitious or altered driver's or commercial driver's license or 8219
permit, a fictitious or altered identification card, or any other 8220
document that contains false information about the purchaser's 8221
identity. 8222

(13) The statement is made in a document or instrument of 8223
writing that purports to be a judgment, lien, or claim of 8224
indebtedness and is filed or recorded with the secretary of state, 8225
a county recorder, or the clerk of a court of record. 8226

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

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

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

(B) No person, in connection with the purchase of a firearm, as defined in section 2923.11 of the Revised Code, shall knowingly furnish to the seller of the firearm a fictitious or altered driver's or commercial driver's license or permit, a fictitious or altered identification card, or any other document that contains false information about the purchaser's identity.

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

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

(E) If contradictory statements relating to the same fact are made by the offender within the period of the statute of limitations for falsification, it is not necessary for the

prosecution to prove which statement was false but only that one 8258
or the other was false. 8259

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 8260
(6), (7), (8), (10), (11), (13), (14), or (16) of this section is 8261
guilty of falsification, a misdemeanor of the first degree. 8262

(2) Whoever violates division (A)(9) of this section is 8263
guilty of falsification in a theft offense. Except as otherwise 8264
provided in this division, falsification in a theft offense is a 8265
misdemeanor of the first degree. If the value of the property or 8266
services stolen is five hundred dollars or more and is less than 8267
five thousand dollars, falsification in a theft offense is a 8268
felony of the fifth degree. If the value of the property or 8269
services stolen is five thousand dollars or more and is less than 8270
one hundred thousand dollars, falsification in a theft offense is 8271
a felony of the fourth degree. If the value of the property or 8272
services stolen is one hundred thousand dollars or more, 8273
falsification in a theft offense is a felony of the third degree. 8274

(3) Whoever violates division (A)(12) or (B) of this section 8275
is guilty of falsification to purchase a firearm, a felony of the 8276
fifth degree. 8277

(4) Whoever violates division (A)(15) or (C) of this section 8278
is guilty of falsification to obtain a concealed handgun license, 8279
a felony of the fourth degree. 8280

(G) A person who violates this section is liable in a civil 8281
action to any person harmed by the violation for injury, death, or 8282
loss to person or property incurred as a result of the commission 8283
of the offense and for reasonable attorney's fees, court costs, 8284
and other expenses incurred as a result of prosecuting the civil 8285
action commenced under this division. A civil action under this 8286
division is not the exclusive remedy of a person who incurs 8287
injury, death, or loss to person or property as a result of a 8288

violation of this section. 8289

Sec. 2923.11. As used in sections 2923.11 to 2923.24 of the 8290
Revised Code: 8291

(A) "Deadly weapon" means any instrument, device, or thing 8292
capable of inflicting death, and designed or specially adapted for 8293
use as a weapon, or possessed, carried, or used as a weapon. 8294

(B)(1) "Firearm" means any deadly weapon capable of expelling 8295
or propelling one or more projectiles by the action of an 8296
explosive or combustible propellant. "Firearm" includes an 8297
unloaded firearm, and any firearm that is inoperable but that can 8298
readily be rendered operable. 8299

(2) When determining whether a firearm is capable of 8300
expelling or propelling one or more projectiles by the action of 8301
an explosive or combustible propellant, the trier of fact may rely 8302
upon circumstantial evidence, including, but not limited to, the 8303
representations and actions of the individual exercising control 8304
over the firearm. 8305

(C) "Handgun" means any of the following: 8306

(1) Any firearm that has a short stock and is designed to be 8307
held and fired by the use of a single hand; 8308

(2) Any combination of parts from which a firearm of a type 8309
described in division (C)(1) of this section can be assembled. 8310

(D) "Semi-automatic firearm" means any firearm designed or 8311
specially adapted to fire a single cartridge and automatically 8312
chamber a succeeding cartridge ready to fire, with a single 8313
function of the trigger. 8314

(E) "Automatic firearm" means any firearm designed or 8315
specially adapted to fire a succession of cartridges with a single 8316
function of the trigger. "Automatic firearm" also means any 8317
semi-automatic firearm designed or specially adapted to fire more 8318

than thirty-one cartridges without reloading, other than a firearm 8319
chambering only .22 caliber short, long, or long-rifle cartridges. 8320

(F) "Sawed-off firearm" means a shotgun with a barrel less 8321
than eighteen inches long, or a rifle with a barrel less than 8322
sixteen inches long, or a shotgun or rifle less than twenty-six 8323
inches long overall. 8324

(G) "Zip-gun" means any of the following: 8325

(1) Any firearm of crude and extemporized manufacture; 8326

(2) Any device, including without limitation a starter's 8327
pistol, that is not designed as a firearm, but that is specially 8328
adapted for use as a firearm; 8329

(3) Any industrial tool, signalling device, or safety device, 8330
that is not designed as a firearm, but that as designed is capable 8331
of use as such, when possessed, carried, or used as a firearm. 8332

(H) "Explosive device" means any device designed or specially 8333
adapted to cause physical harm to persons or property by means of 8334
an explosion, and consisting of an explosive substance or agency 8335
and a means to detonate it. "Explosive device" includes without 8336
limitation any bomb, any explosive demolition device, any blasting 8337
cap or detonator containing an explosive charge, and any pressure 8338
vessel that has been knowingly tampered with or arranged so as to 8339
explode. 8340

(I) "Incendiary device" means any firebomb, and any device 8341
designed or specially adapted to cause physical harm to persons or 8342
property by means of fire, and consisting of an incendiary 8343
substance or agency and a means to ignite it. 8344

(J) "Ballistic knife" means a knife with a detachable blade 8345
that is propelled by a spring-operated mechanism. 8346

(K) "Dangerous ordnance" means any of the following, except 8347
as provided in division (L) of this section: 8348

(1) Any automatic or sawed-off firearm, zip-gun, or ballistic knife;	8349 8350
(2) Any explosive device or incendiary device;	8351
(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentolite, pecretol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder, and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating, or demolitions;	8352 8353 8354 8355 8356 8357 8358 8359 8360 8361
(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition for that weapon;	8362 8363 8364 8365
(5) Any firearm muffler or silencer;	8366
(6) Any combination of parts that is intended by the owner for use in converting any firearm or other device into a dangerous ordnance.	8367 8368 8369
(L) "Dangerous ordnance" does not include any of the following:	8370 8371
(1) Any firearm, including a military weapon and the ammunition for that weapon, and regardless of its actual age, that employs a percussion cap or other obsolete ignition system, or that is designed and safe for use only with black powder;	8372 8373 8374 8375
(2) Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition for that weapon, unless the firearm	8376 8377 8378

is an automatic or sawed-off firearm; 8379

(3) Any cannon or other artillery piece that, regardless of 8380
its actual age, is of a type in accepted use prior to 1887, has no 8381
mechanical, hydraulic, pneumatic, or other system for absorbing 8382
recoil and returning the tube into battery without displacing the 8383
carriage, and is designed and safe for use only with black powder; 8384

(4) Black powder, priming quills, and percussion caps 8385
possessed and lawfully used to fire a cannon of a type defined in 8386
division (L)(3) of this section during displays, celebrations, 8387
organized matches or shoots, and target practice, and smokeless 8388
and black powder, primers, and percussion caps possessed and 8389
lawfully used as a propellant or ignition device in small-arms or 8390
small-arms ammunition; 8391

(5) Dangerous ordnance that is inoperable or inert and cannot 8392
readily be rendered operable or activated, and that is kept as a 8393
trophy, souvenir, curio, or museum piece. 8394

(6) Any device that is expressly excepted from the definition 8395
of a destructive device pursuant to the "Gun Control Act of 1968," 8396
82 Stat. 1213, 18 U.S.C. 921(a)(4), as amended, and regulations 8397
issued under that act. 8398

(M) "Explosive" means any chemical compound, mixture, or 8399
device, the primary or common purpose of which is to function by 8400
explosion. "Explosive" includes all materials that have been 8401
classified as ~~class A, class B, or class C~~ division 1.1, division 8402
1.2, division 1.3, or division 1.4 explosives by the United States 8403
department of transportation in its regulations and includes, but 8404
is not limited to, dynamite, black powder, pellet powders, 8405
initiating explosives, blasting caps, electric blasting caps, 8406
safety fuses, fuse igniters, squibs, cordeau detonant fuses, 8407
instantaneous fuses, and igniter cords and igniters. "Explosive" 8408
does not include "fireworks," as defined in section 3743.01 of the 8409

Revised Code, or any substance or material otherwise meeting the 8410
definition of explosive that is not subject to regulation under 8411
set forth in this section that is manufactured, sold, possessed, 8412
transported, stored, or used in any activity described in section 8413
3743.80 of the Revised Code, provided the activity is conducted in 8414
accordance with all applicable laws, rules, and regulations, 8415
including, but not limited to, the provisions of section 3743.80 8416
of the Revised Code and the rules of the fire marshal adopted 8417
pursuant to section 3737.82 of the Revised Code. 8418

Sec. 2935.01. As used in this chapter: 8419

(A) "Magistrate" has the same meaning as in section 2931.01 8420
of the Revised Code. 8421

(B) "Peace officer" includes, except as provided in section 8422
2935.081 of the Revised Code, a sheriff; deputy sheriff; marshal; 8423
deputy marshal; member of the organized police department of any 8424
municipal corporation, including a member of the organized police 8425
department of a municipal corporation in an adjoining state 8426
serving in Ohio under a contract pursuant to section 737.04 of the 8427
Revised Code; member of a police force employed by a metropolitan 8428
housing authority under division (D) of section 3735.31 of the 8429
Revised Code; member of a police force employed by a regional 8430
transit authority under division (Y) of section 306.05 of the 8431
Revised Code; state university law enforcement officer appointed 8432
under section 3345.04 of the Revised Code; enforcement agent of 8433
the department of public safety designated under section 5502.14 8434
of the Revised Code; employee of the department of taxation to 8435
whom investigation powers have been delegated under section 8436
5743.45 of the Revised Code; employee of the department of natural 8437
resources who is a natural resources law enforcement staff officer 8438
designated pursuant to section 1501.013 of the Revised Code, a 8439
forest officer designated pursuant to section 1503.29 of the 8440

Revised Code, a preserve officer designated pursuant to section 8441
1517.10 of the Revised Code, a wildlife officer designated 8442
pursuant to section 1531.13 of the Revised Code, a park officer 8443
designated pursuant to section 1541.10 of the Revised Code, or a 8444
state watercraft officer designated pursuant to section 1547.521 8445
of the Revised Code; individual designated to perform law 8446
enforcement duties under section 511.232, 1545.13, or 6101.75 of 8447
the Revised Code; veterans' home police officer appointed under 8448
section 5907.02 of the Revised Code; special police officer 8449
employed by a port authority under section 4582.04 or 4582.28 of 8450
the Revised Code; police constable of any township; police officer 8451
of a township or joint township police district; a special police 8452
officer employed by a municipal corporation at a municipal 8453
airport, or other municipal air navigation facility, that has 8454
scheduled operations, as defined in section 119.3 of Title 14 of 8455
the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and 8456
that is required to be under a security program and is governed by 8457
aviation security rules of the transportation security 8458
administration of the United States department of transportation 8459
as provided in Parts 1542. and 1544. of Title 49 of the Code of 8460
Federal Regulations, as amended; the house of representatives 8461
sergeant at arms if the house of representatives sergeant at arms 8462
has arrest authority pursuant to division (E)(1) of section 8463
101.311 of the Revised Code; and an assistant house of 8464
representatives sergeant at arms; officer or employee of the 8465
bureau of criminal identification and investigation established 8466
pursuant to section 109.51 of the Revised Code who has been 8467
awarded a certificate by the executive director of the Ohio peace 8468
officer training commission attesting to the officer's or 8469
employee's satisfactory completion of an approved state, county, 8470
municipal, or department of natural resources peace officer basic 8471
training program and who is providing assistance upon request to a 8472
law enforcement officer or emergency assistance to a peace officer 8473

pursuant to section 109.54 or 109.541 of the Revised Code; a state 8474
fire marshal law enforcement officer described in division (A)(23) 8475
of section 109.71 of the Revised Code; and, for the purpose of 8476
arrests within those areas, for the purposes of Chapter 5503. of 8477
the Revised Code, and the filing of and service of process 8478
relating to those offenses witnessed or investigated by them, the 8479
superintendent and troopers of the state highway patrol. 8480

(C) "Prosecutor" includes the county prosecuting attorney and 8481
any assistant prosecutor designated to assist the county 8482
prosecuting attorney, and, in the case of courts inferior to 8483
courts of common pleas, includes the village solicitor, city 8484
director of law, or similar chief legal officer of a municipal 8485
corporation, any such officer's assistants, or any attorney 8486
designated by the prosecuting attorney of the county to appear for 8487
the prosecution of a given case. 8488

(D) "Offense," except where the context specifically 8489
indicates otherwise, includes felonies, misdemeanors, and 8490
violations of ordinances of municipal corporations and other 8491
public bodies authorized by law to adopt penal regulations. 8492

Sec. 2935.03. (A)(1) A sheriff, deputy sheriff, marshal, 8493
deputy marshal, municipal police officer, township constable, 8494
police officer of a township or joint township police district, 8495
member of a police force employed by a metropolitan housing 8496
authority under division (D) of section 3735.31 of the Revised 8497
Code, member of a police force employed by a regional transit 8498
authority under division (Y) of section 306.35 of the Revised 8499
Code, state university law enforcement officer appointed under 8500
section 3345.04 of the Revised Code, veterans' home police officer 8501
appointed under section 5907.02 of the Revised Code, special 8502
police officer employed by a port authority under section 4582.04 8503
or 4582.28 of the Revised Code, or a special police officer 8504

employed by a municipal corporation at a municipal airport, or 8505
other municipal air navigation facility, that has scheduled 8506
operations, as defined in section 119.3 of Title 14 of the Code of 8507
Federal Regulations, 14 C.F.R. 119.3, as amended, and that is 8508
required to be under a security program and is governed by 8509
aviation security rules of the transportation security 8510
administration of the United States department of transportation 8511
as provided in Parts 1542. and 1544. of Title 49 of the Code of 8512
Federal Regulations, as amended, shall arrest and detain, until a 8513
warrant can be obtained, a person found violating, within the 8514
limits of the political subdivision, metropolitan housing 8515
authority housing project, regional transit authority facilities 8516
or areas of a municipal corporation that have been agreed to by a 8517
regional transit authority and a municipal corporation located 8518
within its territorial jurisdiction, college, university, 8519
veterans' home operated under Chapter 5907. of the Revised Code, 8520
port authority, or municipal airport or other municipal air 8521
navigation facility, in which the peace officer is appointed, 8522
employed, or elected, a law of this state, an ordinance of a 8523
municipal corporation, or a resolution of a township. 8524

(2) A peace officer of the department of natural resources, a 8525
state fire marshal law enforcement officer described in division 8526
(A)(23) of section 109.71 of the Revised Code, or an individual 8527
designated to perform law enforcement duties under section 8528
511.232, 1545.13, or 6101.75 of the Revised Code shall arrest and 8529
detain, until a warrant can be obtained, a person found violating, 8530
within the limits of the peace officer's, state fire marshal law 8531
enforcement officer's, or individual's territorial jurisdiction, a 8532
law of this state. 8533

(3) The house sergeant at arms if the house sergeant at arms 8534
has arrest authority pursuant to division (E)(1) of section 8535
101.311 of the Revised Code and an assistant house sergeant at 8536

arms shall arrest and detain, until a warrant can be obtained, a 8537
person found violating, within the limits of the sergeant at 8538
arms's or assistant sergeant at arms's territorial jurisdiction 8539
specified in division (D)(1)(a) of section 101.311 of the Revised 8540
Code or while providing security pursuant to division (D)(1)(f) of 8541
section 101.311 of the Revised Code, a law of this state, an 8542
ordinance of a municipal corporation, or a resolution of a 8543
township. 8544

(B)(1) When there is reasonable ground to believe that an 8545
offense of violence, the offense of criminal child enticement as 8546
defined in section 2905.05 of the Revised Code, the offense of 8547
public indecency as defined in section 2907.09 of the Revised 8548
Code, the offense of domestic violence as defined in section 8549
2919.25 of the Revised Code, the offense of violating a protection 8550
order as defined in section 2919.27 of the Revised Code, the 8551
offense of menacing by stalking as defined in section 2903.211 of 8552
the Revised Code, the offense of aggravated trespass as defined in 8553
section 2911.211 of the Revised Code, a theft offense as defined 8554
in section 2913.01 of the Revised Code, or a felony drug abuse 8555
offense as defined in section 2925.01 of the Revised Code, has 8556
been committed within the limits of the political subdivision, 8557
metropolitan housing authority housing project, regional transit 8558
authority facilities or those areas of a municipal corporation 8559
that have been agreed to by a regional transit authority and a 8560
municipal corporation located within its territorial jurisdiction, 8561
college, university, veterans' home operated under Chapter 5907. 8562
of the Revised Code, port authority, or municipal airport or other 8563
municipal air navigation facility, in which the peace officer is 8564
appointed, employed, or elected or within the limits of the 8565
territorial jurisdiction of the peace officer, a peace officer 8566
described in division (A) of this section may arrest and detain 8567
until a warrant can be obtained any person who the peace officer 8568
has reasonable cause to believe is guilty of the violation. 8569

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

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

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

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

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

(i) A person executes a written statement alleging that the person in question has committed the offense of domestic violence or the offense of violating a protection order against the person who executes the statement or against a child of the person who executes the statement.

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

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

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

domestic violence or the offense of violating a protection order 8634
has been committed and reasonable cause to believe that a 8635
particular person is guilty of committing the offense, it is the 8636
preferred course of action in this state that the officer arrest 8637
and detain that person pursuant to division (B)(1) of this section 8638
until a warrant can be obtained. 8639

If pursuant to division (B)(3)(a) of this section a peace 8640
officer has reasonable grounds to believe that the offense of 8641
domestic violence or the offense of violating a protection order 8642
has been committed and reasonable cause to believe that family or 8643
household members have committed the offense against each other, 8644
it is the preferred course of action in this state that the 8645
officer, pursuant to division (B)(1) of this section, arrest and 8646
detain until a warrant can be obtained the family or household 8647
member who committed the offense and whom the officer has 8648
reasonable cause to believe is the primary physical aggressor. 8649
There is no preferred course of action in this state regarding any 8650
other family or household member who committed the offense and 8651
whom the officer does not have reasonable cause to believe is the 8652
primary physical aggressor, but, pursuant to division (B)(1) of 8653
this section, the peace officer may arrest and detain until a 8654
warrant can be obtained any other family or household member who 8655
committed the offense and whom the officer does not have 8656
reasonable cause to believe is the primary physical aggressor. 8657

(c) If a peace officer described in division (A) of this 8658
section does not arrest and detain a person whom the officer has 8659
reasonable cause to believe committed the offense of domestic 8660
violence or the offense of violating a protection order when it is 8661
the preferred course of action in this state pursuant to division 8662
(B)(3)(b) of this section that the officer arrest that person, the 8663
officer shall articulate in the written report of the incident 8664
required by section 2935.032 of the Revised Code a clear statement 8665

of the officer's reasons for not arresting and detaining that person until a warrant can be obtained.

(d) In determining for purposes of division (B)(3)(b) of this section which family or household member is the primary physical aggressor in a situation in which family or household members have committed the offense of domestic violence or the offense of violating a protection order against each other, a peace officer described in division (A) of this section, in addition to any other relevant circumstances, should consider all of the following:

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

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

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

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

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

(ii) If a person is arrested for or charged with committing the offense of domestic violence or the offense of violating a protection order and if the victim of the offense does not

cooperate with the involved law enforcement or prosecuting 8697
authorities in the prosecution of the offense or, subsequent to 8698
the arrest or the filing of the charges, informs the involved law 8699
enforcement or prosecuting authorities that the victim does not 8700
wish the prosecution of the offense to continue or wishes to drop 8701
charges against the alleged offender relative to the offense, the 8702
involved prosecuting authorities, in determining whether to 8703
continue with the prosecution of the offense or whether to dismiss 8704
charges against the alleged offender relative to the offense and 8705
notwithstanding the victim's failure to cooperate or the victim's 8706
wishes, shall consider all facts and circumstances that are 8707
relevant to the offense, including, but not limited to, the 8708
statements and observations of the peace officers who responded to 8709
the incident that resulted in the arrest or filing of the charges 8710
and of all witnesses to that incident. 8711

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 8712
this section whether to arrest a person pursuant to division 8713
(B)(1) of this section, a peace officer described in division (A) 8714
of this section shall not consider as a factor any possible 8715
shortage of cell space at the detention facility to which the 8716
person will be taken subsequent to the person's arrest or any 8717
possibility that the person's arrest might cause, contribute to, 8718
or exacerbate overcrowding at that detention facility or at any 8719
other detention facility. 8720

(g) If a peace officer described in division (A) of this 8721
section intends pursuant to divisions (B)(3)(a) to (g) of this 8722
section to arrest a person pursuant to division (B)(1) of this 8723
section and if the officer is unable to do so because the person 8724
is not present, the officer promptly shall seek a warrant for the 8725
arrest of the person. 8726

(h) If a peace officer described in division (A) of this 8727
section responds to a report of an alleged incident of the offense 8728

of domestic violence or an alleged incident of the offense of 8729
violating a protection order and if the circumstances of the 8730
incident involved the use or threatened use of a deadly weapon or 8731
any person involved in the incident brandished a deadly weapon 8732
during or in relation to the incident, the deadly weapon that was 8733
used, threatened to be used, or brandished constitutes contraband, 8734
and, to the extent possible, the officer shall seize the deadly 8735
weapon as contraband pursuant to Chapter 2981. of the Revised 8736
Code. Upon the seizure of a deadly weapon pursuant to division 8737
(B)(3)(h) of this section, section 2981.12 of the Revised Code 8738
shall apply regarding the treatment and disposition of the deadly 8739
weapon. For purposes of that section, the "underlying criminal 8740
offense" that was the basis of the seizure of a deadly weapon 8741
under division (B)(3)(h) of this section and to which the deadly 8742
weapon had a relationship is any of the following that is 8743
applicable: 8744

(i) The alleged incident of the offense of domestic violence 8745
or the alleged incident of the offense of violating a protection 8746
order to which the officer who seized the deadly weapon responded; 8747

(ii) Any offense that arose out of the same facts and 8748
circumstances as the report of the alleged incident of the offense 8749
of domestic violence or the alleged incident of the offense of 8750
violating a protection order to which the officer who seized the 8751
deadly weapon responded. 8752

(4) If, in the circumstances described in divisions (B)(3)(a) 8753
to (g) of this section, a peace officer described in division (A) 8754
of this section arrests and detains a person pursuant to division 8755
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 8756
this section, a peace officer described in division (A) of this 8757
section seizes a deadly weapon, the officer, to the extent 8758
described in and in accordance with section 9.86 or 2744.03 of the 8759
Revised Code, is immune in any civil action for damages for 8760

injury, death, or loss to person or property that arises from or 8761
is related to the arrest and detention or the seizure. 8762

(C) When there is reasonable ground to believe that a 8763
violation of division (A)(1), (2), (3), (4), or (5) of section 8764
4506.15 or a violation of section 4511.19 of the Revised Code has 8765
been committed by a person operating a motor vehicle subject to 8766
regulation by the public utilities commission of Ohio under Title 8767
XLIX of the Revised Code, a peace officer with authority to 8768
enforce that provision of law may stop or detain the person whom 8769
the officer has reasonable cause to believe was operating the 8770
motor vehicle in violation of the division or section and, after 8771
investigating the circumstances surrounding the operation of the 8772
vehicle, may arrest and detain the person. 8773

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 8774
municipal police officer, member of a police force employed by a 8775
metropolitan housing authority under division (D) of section 8776
3735.31 of the Revised Code, member of a police force employed by 8777
a regional transit authority under division (Y) of section 306.35 8778
of the Revised Code, special police officer employed by a port 8779
authority under section 4582.04 or 4582.28 of the Revised Code, 8780
special police officer employed by a municipal corporation at a 8781
municipal airport or other municipal air navigation facility 8782
described in division (A) of this section, township constable, 8783
police officer of a township or joint township police district, 8784
state university law enforcement officer appointed under section 8785
3345.04 of the Revised Code, peace officer of the department of 8786
natural resources, individual designated to perform law 8787
enforcement duties under section 511.232, 1545.13, or 6101.75 of 8788
the Revised Code, the house sergeant at arms if the house sergeant 8789
at arms has arrest authority pursuant to division (E)(1) of 8790
section 101.311 of the Revised Code, or an assistant house 8791
sergeant at arms is authorized by division (A) or (B) of this 8792

section to arrest and detain, within the limits of the political 8793
subdivision, metropolitan housing authority housing project, 8794
regional transit authority facilities or those areas of a 8795
municipal corporation that have been agreed to by a regional 8796
transit authority and a municipal corporation located within its 8797
territorial jurisdiction, port authority, municipal airport or 8798
other municipal air navigation facility, college, or university in 8799
which the officer is appointed, employed, or elected or within the 8800
limits of the territorial jurisdiction of the peace officer, a 8801
person until a warrant can be obtained, the peace officer, outside 8802
the limits of that territory, may pursue, arrest, and detain that 8803
person until a warrant can be obtained if all of the following 8804
apply: 8805

(1) The pursuit takes place without unreasonable delay after 8806
the offense is committed; 8807

(2) The pursuit is initiated within the limits of the 8808
political subdivision, metropolitan housing authority housing 8809
project, regional transit authority facilities or those areas of a 8810
municipal corporation that have been agreed to by a regional 8811
transit authority and a municipal corporation located within its 8812
territorial jurisdiction, port authority, municipal airport or 8813
other municipal air navigation facility, college, or university in 8814
which the peace officer is appointed, employed, or elected or 8815
within the limits of the territorial jurisdiction of the peace 8816
officer; 8817

(3) The offense involved is a felony, a misdemeanor of the 8818
first degree or a substantially equivalent municipal ordinance, a 8819
misdemeanor of the second degree or a substantially equivalent 8820
municipal ordinance, or any offense for which points are 8821
chargeable pursuant to section 4510.036 of the Revised Code. 8822

(E) In addition to the authority granted under division (A) 8823
or (B) of this section: 8824

(1) A sheriff or deputy sheriff may arrest and detain, until 8825
a warrant can be obtained, any person found violating section 8826
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 8827
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 8828
portion of any street or highway that is located immediately 8829
adjacent to the boundaries of the county in which the sheriff or 8830
deputy sheriff is elected or appointed. 8831

(2) A member of the police force of a township police 8832
district created under section 505.48 of the Revised Code, a 8833
member of the police force of a joint township police district 8834
created under section 505.481 of the Revised Code, or a township 8835
constable appointed in accordance with section 509.01 of the 8836
Revised Code, who has received a certificate from the Ohio peace 8837
officer training commission under section 109.75 of the Revised 8838
Code, may arrest and detain, until a warrant can be obtained, any 8839
person found violating any section or chapter of the Revised Code 8840
listed in division (E)(1) of this section, other than sections 8841
4513.33 and 4513.34 of the Revised Code, on the portion of any 8842
street or highway that is located immediately adjacent to the 8843
boundaries of the township police district or joint township 8844
police district, in the case of a member of a township police 8845
district or joint township police district police force, or the 8846
unincorporated territory of the township, in the case of a 8847
township constable. However, if the population of the township 8848
that created the township police district served by the member's 8849
police force, or the townships that created the joint township 8850
police district served by the member's police force, or the 8851
township that is served by the township constable, is sixty 8852
thousand or less, the member of the township police district or 8853
joint police district police force or the township constable may 8854
not make an arrest under division (E)(2) of this section on a 8855
state highway that is included as part of the interstate system. 8856

(3) A police officer or village marshal appointed, elected, 8857
or employed by a municipal corporation may arrest and detain, 8858
until a warrant can be obtained, any person found violating any 8859
section or chapter of the Revised Code listed in division (E)(1) 8860
of this section on the portion of any street or highway that is 8861
located immediately adjacent to the boundaries of the municipal 8862
corporation in which the police officer or village marshal is 8863
appointed, elected, or employed. 8864

(4) A peace officer of the department of natural resources, a 8865
state fire marshal law enforcement officer described in division 8866
(A)(23) of section 109.71 of the Revised Code, or an individual 8867
designated to perform law enforcement duties under section 8868
511.232, 1545.13, or 6101.75 of the Revised Code may arrest and 8869
detain, until a warrant can be obtained, any person found 8870
violating any section or chapter of the Revised Code listed in 8871
division (E)(1) of this section, other than sections 4513.33 and 8872
4513.34 of the Revised Code, on the portion of any street or 8873
highway that is located immediately adjacent to the boundaries of 8874
the lands and waters that constitute the territorial jurisdiction 8875
of the peace officer or state fire marshal law enforcement 8876
officer. 8877

(F)(1) A department of mental health special police officer 8878
or a department of mental retardation and developmental 8879
disabilities special police officer may arrest without a warrant 8880
and detain until a warrant can be obtained any person found 8881
committing on the premises of any institution under the 8882
jurisdiction of the particular department a misdemeanor under a 8883
law of the state. 8884

A department of mental health special police officer or a 8885
department of mental retardation and developmental disabilities 8886
special police officer may arrest without a warrant and detain 8887
until a warrant can be obtained any person who has been 8888

hospitalized, institutionalized, or confined in an institution 8889
under the jurisdiction of the particular department pursuant to or 8890
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 8891
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 8892
found committing on the premises of any institution under the 8893
jurisdiction of the particular department a violation of section 8894
2921.34 of the Revised Code that involves an escape from the 8895
premises of the institution. 8896

(2)(a) If a department of mental health special police 8897
officer or a department of mental retardation and developmental 8898
disabilities special police officer finds any person who has been 8899
hospitalized, institutionalized, or confined in an institution 8900
under the jurisdiction of the particular department pursuant to or 8901
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 8902
2945.40, 2945.401, or 2945.402 of the Revised Code committing a 8903
violation of section 2921.34 of the Revised Code that involves an 8904
escape from the premises of the institution, or if there is 8905
reasonable ground to believe that a violation of section 2921.34 8906
of the Revised Code has been committed that involves an escape 8907
from the premises of an institution under the jurisdiction of the 8908
department of mental health or the department of mental 8909
retardation and developmental disabilities and if a department of 8910
mental health special police officer or a department of mental 8911
retardation and developmental disabilities special police officer 8912
has reasonable cause to believe that a particular person who has 8913
been hospitalized, institutionalized, or confined in the 8914
institution pursuant to or under authority of section 2945.37, 8915
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 8916
Revised Code is guilty of the violation, the special police 8917
officer, outside of the premises of the institution, may pursue, 8918
arrest, and detain that person for that violation of section 8919
2921.34 of the Revised Code, until a warrant can be obtained, if 8920
both of the following apply: 8921

(i) The pursuit takes place without unreasonable delay after 8922
the offense is committed; 8923

(ii) The pursuit is initiated within the premises of the 8924
institution from which the violation of section 2921.34 of the 8925
Revised Code occurred. 8926

(b) For purposes of division (F)(2)(a) of this section, the 8927
execution of a written statement by the administrator of the 8928
institution in which a person had been hospitalized, 8929
institutionalized, or confined pursuant to or under authority of 8930
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 8931
2945.402 of the Revised Code alleging that the person has escaped 8932
from the premises of the institution in violation of section 8933
2921.34 of the Revised Code constitutes reasonable ground to 8934
believe that the violation was committed and reasonable cause to 8935
believe that the person alleged in the statement to have committed 8936
the offense is guilty of the violation. 8937

(G) As used in this section: 8938

(1) A "department of mental health special police officer" 8939
means a special police officer of the department of mental health 8940
designated under section 5119.14 of the Revised Code who is 8941
certified by the Ohio peace officer training commission under 8942
section 109.77 of the Revised Code as having successfully 8943
completed an approved peace officer basic training program. 8944

(2) A "department of mental retardation and developmental 8945
disabilities special police officer" means a special police 8946
officer of the department of mental retardation and developmental 8947
disabilities designated under section 5123.13 of the Revised Code 8948
who is certified by the Ohio peace officer training council under 8949
section 109.77 of the Revised Code as having successfully 8950
completed an approved peace officer basic training program. 8951

(3) "Deadly weapon" has the same meaning as in section 8952

2923.11 of the Revised Code. 8953

(4) "Family or household member" has the same meaning as in 8954
section 2919.25 of the Revised Code. 8955

(5) "Street" or "highway" has the same meaning as in section 8956
4511.01 of the Revised Code. 8957

(6) "Interstate system" has the same meaning as in section 8958
5516.01 of the Revised Code. 8959

(7) "Peace officer of the department of natural resources" 8960
means an employee of the department of natural resources who is a 8961
natural resources law enforcement staff officer designated 8962
pursuant to section 1501.013 of the Revised Code, a forest officer 8963
designated pursuant to section 1503.29 of the Revised Code, a 8964
preserve officer designated pursuant to section 1517.10 of the 8965
Revised Code, a wildlife officer designated pursuant to section 8966
1531.13 of the Revised Code, a park officer designated pursuant to 8967
section 1541.10 of the Revised Code, or a state watercraft officer 8968
designated pursuant to section 1547.521 of the Revised Code. 8969

(8) "Portion of any street or highway" means all lanes of the 8970
street or highway irrespective of direction of travel, including 8971
designated turn lanes, and any berm, median, or shoulder. 8972

Sec. 2943.033. (A) As used in this section, "person living as 8973
a spouse" means a person who is living or has lived with the 8974
defendant in a common law marital relationship, who otherwise is 8975
cohabiting with the defendant, or who otherwise has cohabited with 8976
the defendant within five years prior to the date of the alleged 8977
commission of the act in question. 8978

(B) The notice required under division (C) of this section 8979
shall be provided to a defendant when the alleged victim is any of 8980
the following: 8981

(1) A spouse, person living as a spouse, or former spouse of 8982

<u>the defendant;</u>	8983
<u>(2) A parent or child of the defendant;</u>	8984
<u>(3) A parent or child of a spouse, person living as a spouse,</u> <u>or former spouse of the defendant;</u>	8985 8986
<u>(4) The natural parent of any child of whom the defendant is</u> <u>the other natural or putative natural parent.</u>	8987 8988
<u>(C) Prior to accepting a guilty plea or plea of no contest to</u> <u>an indictment, information, or complaint that charges a person</u> <u>with a misdemeanor offense of violence, the court shall inform the</u> <u>defendant either personally or in writing that under 18 U.S.C.</u> <u>922(g)(9) it may be unlawful for the person to ship, transport,</u> <u>purchase, or possess a firearm or ammunition as a result of any</u> <u>conviction for a misdemeanor offense of violence. The plea may not</u> <u>be vacated based on a failure to inform the person so charged</u> <u>regarding the restrictions under 18 U.S.C. 922(g)(9).</u>	8989 8990 8991 8992 8993 8994 8995 8996 8997
Sec. 2949.092. If a person is convicted of or pleads guilty to an offense and the court specifically is required, pursuant to section 2743.70, 2949.091, or 2949.093, <u>or 2949.094</u> 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.	8998 8999 9000 9001 9002 9003 9004 9005 9006 9007 9008
Sec. 2949.094. (A) <u>The court in which any person is convicted</u> <u>of or pleads guilty to any moving violation shall impose an</u> <u>additional court cost of ten dollars upon the offender. The court</u> <u>shall not waive the payment of the ten dollars unless the court</u>	9009 9010 9011 9012

determines that the offender is indigent and waives the payment of 9013
all court costs imposed upon the indigent offender. 9014

The clerk of the court shall transmit thirty-five per cent of 9015
all additional court costs collected pursuant to this division 9016
during a month on or before the twenty-third day of the following 9017
month to the division of criminal justice services, and the 9018
division of criminal justice services shall deposit the money so 9019
transmitted into the drug law enforcement fund created under 9020
section 5502.68 of the Revised Code. The clerk shall transmit 9021
fifteen per cent of all additional court costs so collected during 9022
a month on or before the twenty-third day of the following month 9023
to the state treasury to be credited to the indigent drivers 9024
alcohol treatment fund created under section 4511.191 of the 9025
Revised Code and to be distributed by the department of alcohol 9026
and drug addiction services as provided in division (H) of that 9027
section. The clerk shall transmit fifty per cent of all additional 9028
court costs so collected during a month on or before the 9029
twenty-third day of the following month to the state treasury to 9030
be credited to the indigent defense support fund created pursuant 9031
to section 120.08 of the Revised Code. 9032

(B) The juvenile court in which a child is found to be a 9033
juvenile traffic offender for an act that is a moving violation 9034
shall impose an additional court cost of ten dollars upon the 9035
juvenile traffic offender. The juvenile court shall not waive the 9036
payment of the ten dollars unless the court determines that the 9037
juvenile is indigent and waives the payment of all court costs 9038
imposed upon the indigent offender. 9039

The clerk of the court shall transmit thirty-five per cent of 9040
all additional court costs collected pursuant to this division 9041
during a month on or before the twenty-third day of the following 9042
month to the division of criminal justice services, and the 9043
division of criminal justice services shall deposit the money so 9044

transmitted into the drug law enforcement fund created under 9045
section 5502.68 of the Revised Code. The clerk shall transmit 9046
fifteen per cent of all additional court costs so collected during 9047
a month on or before the twenty-third day of the following month 9048
to the state treasury to be credited to the indigent drivers 9049
alcohol treatment fund created under that section 4511.191 of the 9050
Revised Code and to be distributed by the department of alcohol 9051
and drug addiction services as provided in division (H) of that 9052
section. The clerk shall transmit fifty per cent of all additional 9053
court costs so collected during a month on or before the 9054
twenty-third day of the following month to the state treasury to 9055
be credited to the indigent defense support fund created pursuant 9056
to section 120.08 of the Revised Code. 9057

(C) Whenever a person is charged with any offense that is a 9058
moving violation and posts bail, the court shall add to the amount 9059
of the bail the ten dollars required to be paid by division (A) of 9060
this section. The clerk of the court shall retain the ten dollars 9061
until the person is convicted, pleads guilty, forfeits bail, is 9062
found not guilty, or has the charges dismissed. If the person is 9063
convicted, pleads guilty, or forfeits bail, the clerk shall 9064
transmit three and fifty cents out of the ten dollars to the 9065
division of criminal justice services, and the division of 9066
criminal justice services shall deposit the money so transmitted 9067
into the drug law enforcement fund created under section 5502.68 9068
of the Revised Code, the clerk shall transmit one dollar and fifty 9069
cents out of the ten dollars to the state treasury to be credited 9070
to the indigent drivers alcohol treatment fund created under 9071
section 4511.191 of the Revised Code and to be distributed by the 9072
department of alcohol and drug addiction services as provided in 9073
division (H) of that section, and the clerk shall transmit five 9074
dollars out of the ten dollars to the state treasury to be 9075
credited to the indigent defense support fund created under 9076
section 120.08 of the Revised Code. If the person is found not 9077

guilty or the charges are dismissed, the clerk shall return the 9078
ten dollars to the person. 9079

(D) No person shall be placed or held in a detention facility 9080
for failing to pay the court cost or bail that is required to be 9081
paid by this section. 9082

(E) As used in this section: 9083

(1) "Bail" and "moving violation" have the same meanings as 9084
in section 2949.093 of the Revised Code. 9085

(2) "Detention facility" has the same meaning as in section 9086
2921.01 of the Revised Code. 9087

(3) "Division of criminal justice services" means the 9088
division of criminal justice services of the department of public 9089
safety, created by section 5502.62 of the Revised Code. 9090

Sec. 3107.018. (A) A prospective adoptive parent may apply to 9091
the department of job and family services for a loan from the 9092
state adoption assistance loan fund created under section 5101.143 9093
of the Revised Code. Subject to available funds, the department 9094
may approve a state adoption assistance loan application, in whole 9095
or in part, or deny the application. In reviewing a loan 9096
application submitted to the department, the department shall 9097
consider the financial need of the prospective adoptive parent in 9098
determining whether to approve a loan application, in whole or in 9099
part, or deny the application. If the department approves a loan 9100
application, in whole or in part, and the child being adopted 9101
resides in Ohio, the department shall loan a prospective adoptive 9102
parent not more than three thousand dollars from the state 9103
adoption assistance loan fund. If the department approves a loan 9104
application, in whole or in part, and the child being adopted does 9105
not reside in Ohio, the department shall loan a prospective 9106
adoptive parent not more than two thousand dollars from the state 9107

adoption assistance loan fund. 9108

(B) A prospective adoptive parent who receives a loan under 9109
division (A) of this section shall use that loan for only a 9110
disbursement listed under division (C) of section 3107.055 of the 9111
Revised Code or an expense related to adopting from the public 9112
child welfare system. 9113

(C) This section applies to adoptions arranged by an attorney 9114
or by any public or private organization certified, licensed, or 9115
otherwise specially empowered by law or rule to place minors for 9116
adoption. 9117

Sec. 3111.04. (A) An action to determine the existence or 9118
nonexistence of the father and child relationship may be brought 9119
by the child or the child's personal representative, the child's 9120
mother or her personal representative, a man alleged or alleging 9121
himself to be the child's father, the child support enforcement 9122
agency of the county in which the child resides if the child's 9123
mother, father, or alleged father is a recipient of public 9124
assistance or of services under Title IV-D of the "Social Security 9125
Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the 9126
alleged father's personal representative. 9127

(B) An agreement does not bar an action under this section. 9128

(C) If an action under this section is brought before the 9129
birth of the child and if the action is contested, all 9130
proceedings, except service of process and the taking of 9131
depositions to perpetuate testimony, may be stayed until after the 9132
birth. 9133

(D) A recipient of public assistance or of services under 9134
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 9135
U.S.C.A. 651, as amended, shall cooperate with the child support 9136
enforcement agency of the county in which a child resides to 9137

obtain an administrative determination pursuant to sections 9138
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 9139
determination pursuant to sections 3111.01 to 3111.18 of the 9140
Revised Code, of the existence or nonexistence of a parent and 9141
child relationship between the father and the child. If the 9142
recipient fails to cooperate, the agency may commence an action to 9143
determine the existence or nonexistence of a parent and child 9144
relationship between the father and the child pursuant to sections 9145
3111.01 to 3111.18 of the Revised Code. 9146

(E) As used in this section, "public assistance" means 9147
~~medical assistance~~ all of the following: 9148

(1) Medicaid under Chapter 5111. of the Revised Code, ~~7~~ 9149
~~assistance;~~ 9150

(2) Ohio works first under Chapter 5107. of the Revised Code, ~~7~~ 9151
~~disability;~~ 9152

(3) Disability financial assistance under Chapter 5115. of 9153
the Revised Code, ~~7~~ ~~or disability;~~ 9154

(4) Disability medical assistance under Chapter 5115. of the 9155
Revised Code; 9156

(5) Children's buy-in program under sections 5101.5211 to 9157
5101.5216 of the Revised Code. 9158

Sec. 3113.06. No father, or mother when she is charged with 9159
the maintenance, of a child under eighteen years of age, or a 9160
mentally or physically handicapped child under age twenty-one, who 9161
is legally a ward of a public children services agency or is the 9162
recipient of aid pursuant to sections 5101.5211 to 5101.5216 or 9163
Chapter 5107. or 5115. of the Revised Code, shall neglect or 9164
refuse to pay such agency the reasonable cost of maintaining such 9165
child when such father or mother is able to do so by reason of 9166
property, labor, or earnings. 9167

An offense under this section shall be held committed in the 9168
county in which the agency is located. The agency shall file 9169
charges against any parent who violates this section, unless the 9170
agency files charges under section 2919.21 of the Revised Code, or 9171
unless charges of nonsupport are filed by a relative or guardian 9172
of the child, or unless an action to enforce support is brought 9173
under Chapter 3115. of the Revised Code. 9174

Sec. 3113.31. (A) As used in this section: 9175

(1) "Domestic violence" means the occurrence of one or more 9176
of the following acts against a family or household member: 9177

(a) Attempting to cause or recklessly causing bodily injury; 9178

(b) Placing another person by the threat of force in fear of 9179
imminent serious physical harm or committing a violation of 9180
section 2903.211 or 2911.211 of the Revised Code; 9181

(c) Committing any act with respect to a child that would 9182
result in the child being an abused child, as defined in section 9183
2151.031 of the Revised Code; 9184

(d) Committing a sexually oriented offense. 9185

(2) "Court" means the domestic relations division of the 9186
court of common pleas in counties that have a domestic relations 9187
division, and the court of common pleas in counties that do not 9188
have a domestic relations division. 9189

(3) "Family or household member" means any of the following: 9190

(a) Any of the following who is residing with or has resided 9191
with the respondent: 9192

(i) A spouse, a person living as a spouse, or a former spouse 9193
of the respondent; 9194

(ii) A parent or a child of the respondent, or another person 9195
related by consanguinity or affinity to the respondent; 9196

(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.

(b) The natural parent of any child of whom the respondent is the other natural parent or is the putative other natural parent.

(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.

(5) "Victim advocate" means a person who provides support and assistance for a person who files a petition under this section.

(6) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(B) The court has jurisdiction over all proceedings under this section. The petitioner's right to relief under this section is not affected by the petitioner's leaving the residence or household to avoid further domestic violence.

(C) A person may seek relief under this section on the person's own behalf, 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:

(1) An allegation that the respondent engaged in domestic violence against a family or household member of the respondent, including a description of the nature and extent of the domestic violence;

(2) The relationship of the respondent to the petitioner, and

to the victim if other than the petitioner; 9227

(3) A request for relief under this section. 9228

(D)(1) If a person who files a petition pursuant to this 9229
section requests an ex parte order, the court shall hold an ex 9230
parte hearing on the same day that the petition is filed. The 9231
court, for good cause shown at the ex parte hearing, may enter any 9232
temporary orders, with or without bond, including, but not limited 9233
to, an order described in division (E)(1)(a), (b), or (c) of this 9234
section, that the court finds necessary to protect the family or 9235
household member from domestic violence. Immediate and present 9236
danger of domestic violence to the family or household member 9237
constitutes good cause for purposes of this section. Immediate and 9238
present danger includes, but is not limited to, situations in 9239
which the respondent has threatened the family or household member 9240
with bodily harm, in which the respondent has threatened the 9241
family or household member with a sexually oriented offense, or in 9242
which the respondent previously has been convicted of or pleaded 9243
guilty to an offense that constitutes domestic violence against 9244
the family or household member. 9245

(2)(a) If the court, after an ex parte hearing, issues an 9246
order described in division (E)(1)(b) or (c) of this section, the 9247
court shall schedule a full hearing for a date that is within 9248
seven court days after the ex parte hearing. If any other type of 9249
protection order that is authorized under division (E) of this 9250
section is issued by the court after an ex parte hearing, the 9251
court shall schedule a full hearing for a date that is within ten 9252
court days after the ex parte hearing. The court shall give the 9253
respondent notice of, and an opportunity to be heard at, the full 9254
hearing. The court shall hold the full hearing on the date 9255
scheduled under this division unless the court grants a 9256
continuance of the hearing in accordance with this division. Under 9257
any of the following circumstances or for any of the following 9258

reasons, the court may grant a continuance of the full hearing to 9259
a reasonable time determined by the court: 9260

(i) Prior to the date scheduled for the full hearing under 9261
this division, the respondent has not been served with the 9262
petition filed pursuant to this section and notice of the full 9263
hearing. 9264

(ii) The parties consent to the continuance. 9265

(iii) The continuance is needed to allow a party to obtain 9266
counsel. 9267

(iv) The continuance is needed for other good cause. 9268

(b) An ex parte order issued under this section does not 9269
expire because of a failure to serve notice of the full hearing 9270
upon the respondent before the date set for the full hearing under 9271
division (D)(2)(a) of this section or because the court grants a 9272
continuance under that division. 9273

(3) If a person who files a petition pursuant to this section 9274
does not request an ex parte order, or if a person requests an ex 9275
parte order but the court does not issue an ex parte order after 9276
an ex parte hearing, the court shall proceed as in a normal civil 9277
action and grant a full hearing on the matter. 9278

(E)(1) After an ex parte or full hearing, the court may grant 9279
any protection order, with or without bond, or approve any consent 9280
agreement to bring about a cessation of domestic violence against 9281
the family or household members. The order or agreement may: 9282

(a) Direct the respondent to refrain from abusing or from 9283
committing sexually oriented offenses against the family or 9284
household members; 9285

(b) Grant possession of the residence or household to the 9286
petitioner or other family or household member, to the exclusion 9287
of the respondent, by evicting the respondent, when the residence 9288

or household is owned or leased solely by the petitioner or other 9289
family or household member, or by ordering the respondent to 9290
vacate the premises, when the residence or household is jointly 9291
owned or leased by the respondent, and the petitioner or other 9292
family or household member; 9293

(c) When the respondent has a duty to support the petitioner 9294
or other family or household member living in the residence or 9295
household and the respondent is the sole owner or lessee of the 9296
residence or household, grant possession of the residence or 9297
household to the petitioner or other family or household member, 9298
to the exclusion of the respondent, by ordering the respondent to 9299
vacate the premises, or, in the case of a consent agreement, allow 9300
the respondent to provide suitable, alternative housing; 9301

(d) Temporarily allocate parental rights and responsibilities 9302
for the care of, or establish temporary parenting time rights with 9303
regard to, minor children, if no other court has determined, or is 9304
determining, the allocation of parental rights and 9305
responsibilities for the minor children or parenting time rights; 9306

(e) Require the respondent to maintain support, if the 9307
respondent customarily provides for or contributes to the support 9308
of the family or household member, or if the respondent has a duty 9309
to support the petitioner or family or household member; 9310

(f) Require the respondent, petitioner, victim of domestic 9311
violence, or any combination of those persons, to seek counseling; 9312

(g) Require the respondent to refrain from entering the 9313
residence, school, business, or place of employment of the 9314
petitioner or family or household member; 9315

(h) Grant other relief that the court considers equitable and 9316
fair, including, but not limited to, ordering the respondent to 9317
permit the use of a motor vehicle by the petitioner or other 9318
family or household member and the apportionment of household and 9319

family personal property. 9320

(2) If a protection order has been issued pursuant to this 9321
section in a prior action involving the respondent and the 9322
petitioner or one or more of the family or household members or 9323
victims, the court may include in a protection order that it 9324
issues a prohibition against the respondent returning to the 9325
residence or household. If it includes a prohibition against the 9326
respondent returning to the residence or household in the order, 9327
it also shall include in the order provisions of the type 9328
described in division (E)(7) of this section. This division does 9329
not preclude the court from including in a protection order or 9330
consent agreement, in circumstances other than those described in 9331
this division, a requirement that the respondent be evicted from 9332
or vacate the residence or household or refrain from entering the 9333
residence, school, business, or place of employment of the 9334
petitioner or a family or household member, and, if the court 9335
includes any requirement of that type in an order or agreement, 9336
the court also shall include in the order provisions of the type 9337
described in division (E)(7) of this section. 9338

(3)(a) Any protection order issued or consent agreement 9339
approved under this section shall be valid until a date certain, 9340
but not later than five years from the date of its issuance or 9341
approval unless modified or terminated as provided in division 9342
(E)(8) of this section. 9343

(b) Subject to the limitation on the duration of an order or 9344
agreement set forth in division (E)(3)(a) of this section, any 9345
order under division (E)(1)(d) of this section shall terminate on 9346
the date that a court in an action for divorce, dissolution of 9347
marriage, or legal separation brought by the petitioner or 9348
respondent issues an order allocating parental rights and 9349
responsibilities for the care of children or on the date that a 9350
juvenile court in an action brought by the petitioner or 9351

respondent issues an order awarding legal custody of minor 9352
children. Subject to the limitation on the duration of an order or 9353
agreement set forth in division (E)(3)(a) of this section, any 9354
order under division (E)(1)(e) of this section shall terminate on 9355
the date that a court in an action for divorce, dissolution of 9356
marriage, or legal separation brought by the petitioner or 9357
respondent issues a support order or on the date that a juvenile 9358
court in an action brought by the petitioner or respondent issues 9359
a support order. 9360

(c) Any protection order issued or consent agreement approved 9361
pursuant to this section may be renewed in the same manner as the 9362
original order or agreement was issued or approved. 9363

(4) A court may not issue a protection order that requires a 9364
petitioner to do or to refrain from doing an act that the court 9365
may require a respondent to do or to refrain from doing under 9366
division (E)(1)(a), (b), (c), (d), (e), (g), or (h) of this 9367
section unless all of the following apply: 9368

(a) The respondent files a separate petition for a protection 9369
order in accordance with this section. 9370

(b) The petitioner is served notice of the respondent's 9371
petition at least forty-eight hours before the court holds a 9372
hearing with respect to the respondent's petition, or the 9373
petitioner waives the right to receive this notice. 9374

(c) If the petitioner has requested an ex parte order 9375
pursuant to division (D) of this section, the court does not delay 9376
any hearing required by that division beyond the time specified in 9377
that division in order to consolidate the hearing with a hearing 9378
on the petition filed by the respondent. 9379

(d) After a full hearing at which the respondent presents 9380
evidence in support of the request for a protection order and the 9381
petitioner is afforded an opportunity to defend against that 9382

evidence, the court determines that the petitioner has committed 9383
an act of domestic violence or has violated a temporary protection 9384
order issued pursuant to section 2919.26 of the Revised Code, that 9385
both the petitioner and the respondent acted primarily as 9386
aggressors, and that neither the petitioner nor the respondent 9387
acted primarily in self-defense. 9388

(5) No protection order issued or consent agreement approved 9389
under this section shall in any manner affect title to any real 9390
property. 9391

(6)(a) If a petitioner, or the child of a petitioner, who 9392
obtains a protection order or consent agreement pursuant to 9393
division (E)(1) of this section or a temporary protection order 9394
pursuant to section 2919.26 of the Revised Code and is the subject 9395
of a parenting time order issued pursuant to section 3109.051 or 9396
3109.12 of the Revised Code or a visitation or companionship order 9397
issued pursuant to section 3109.051, 3109.11, or 3109.12 of the 9398
Revised Code or division (E)(1)(d) of this section granting 9399
parenting time rights to the respondent, the court may require the 9400
public children services agency of the county in which the court 9401
is located to provide supervision of the respondent's exercise of 9402
parenting time or visitation or companionship rights with respect 9403
to the child for a period not to exceed nine months, if the court 9404
makes the following findings of fact: 9405

(i) The child is in danger from the respondent; 9406

(ii) No other person or agency is available to provide the 9407
supervision. 9408

(b) A court that requires an agency to provide supervision 9409
pursuant to division (E)(6)(a) of this section shall order the 9410
respondent to reimburse the agency for the cost of providing the 9411
supervision, if it determines that the respondent has sufficient 9412
income or resources to pay that cost. 9413

(7)(a) If a protection order issued or consent agreement 9414
approved under this section includes a requirement that the 9415
respondent be evicted from or vacate the residence or household or 9416
refrain from entering the residence, school, business, or place of 9417
employment of the petitioner or a family or household member, the 9418
order or agreement shall state clearly that the order or agreement 9419
cannot be waived or nullified by an invitation to the respondent 9420
from the petitioner or other family or household member to enter 9421
the residence, school, business, or place of employment or by the 9422
respondent's entry into one of those places otherwise upon the 9423
consent of the petitioner or other family or household member. 9424

(b) Division (E)(7)(a) of this section does not limit any 9425
discretion of a court to determine that a respondent charged with 9426
a violation of section 2919.27 of the Revised Code, with a 9427
violation of a municipal ordinance substantially equivalent to 9428
that section, or with contempt of court, which charge is based on 9429
an alleged violation of a protection order issued or consent 9430
agreement approved under this section, did not commit the 9431
violation or was not in contempt of court. 9432

(8)(a) The court may modify or terminate as provided in 9433
division (E)(8) of this section a protection order or consent 9434
agreement that was issued after a full hearing under this section. 9435
The court that issued the protection order or approved the consent 9436
agreement shall hear a motion for modification or termination of 9437
the protection order or consent agreement pursuant to division 9438
(E)(8) of this section. 9439

(b) Either the petitioner or the respondent of the original 9440
protection order or consent agreement may bring a motion for 9441
modification or termination of a protection order or consent 9442
agreement that was issued or approved after a full hearing. The 9443
court shall require notice of the motion to be made as provided by 9444
the Rules of Civil Procedure. If the petitioner for the original 9445

protection order or consent agreement has requested that the 9446
petitioner's address be kept confidential, the court shall not 9447
disclose the address to the respondent of the original protection 9448
order or consent agreement or any other person, except as 9449
otherwise required by law. The moving party has the burden of 9450
proof to show, by a preponderance of the evidence, that 9451
modification or termination of the protection order or consent 9452
agreement is appropriate because either the protection order or 9453
consent agreement is no longer needed or because the terms of the 9454
original protection order or consent agreement are no longer 9455
appropriate. 9456

(c) In considering whether to modify or terminate a 9457
protection order or consent agreement issued or approved under 9458
this section, the court shall consider all relevant factors, 9459
including, but not limited to, the following: 9460

(i) Whether the petitioner consents to modification or 9461
termination of the protection order or consent agreement; 9462

(ii) Whether the petitioner fears the respondent; 9463

(iii) The current nature of the relationship between the 9464
petitioner and the respondent; 9465

(iv) The circumstances of the petitioner and respondent, 9466
including the relative proximity of the petitioner's and 9467
respondent's workplaces and residences and whether the petitioner 9468
and respondent have minor children together; 9469

(v) Whether the respondent has complied with the terms and 9470
conditions of the original protection order or consent agreement; 9471

(vi) Whether the respondent has a continuing involvement with 9472
illegal drugs or alcohol; 9473

(vii) Whether the respondent has been convicted of or pleaded 9474
guilty to an offense of violence since the issuance of the 9475

protection order or approval of the consent agreement;	9476
(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;	9477 9478 9479 9480 9481
(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;	9482 9483 9484 9485
(x) The time that has elapsed since the protection order was issued or since the consent agreement was approved;	9486 9487
(xi) The age and health of the respondent;	9488
(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.	9489 9490 9491 9492
(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.	9493 9494 9495 9496 9497 9498 9499 9500 9501
(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.	9502 9503 9504 9505

(F)(1) A copy of any protection order, or consent agreement, 9506
that is issued, approved, modified, or terminated under this 9507
section shall be issued by the court to the petitioner, to the 9508
respondent, and to all law enforcement agencies that have 9509
jurisdiction to enforce the order or agreement. The court shall 9510
direct that a copy of an order be delivered to the respondent on 9511
the same day that the order is entered. 9512

(2) Upon the issuance of a protection order or the approval 9513
of a consent agreement under this section, the court shall provide 9514
the parties to the order or agreement with the following notice 9515
orally or by form: 9516

"NOTICE 9517

As a result of this order or consent agreement, it may be 9518
unlawful for you to possess or purchase a firearm, including a 9519
rifle, pistol, or revolver, or ammunition pursuant to federal law 9520
under 18 U.S.C. 922(q)(8). If you have any questions whether this 9521
law makes it illegal for you to possess or purchase a firearm or 9522
ammunition, you should consult an attorney." 9523

(3) All law enforcement agencies shall establish and maintain 9524
an index for the protection orders and the approved consent 9525
agreements delivered to the agencies pursuant to division (F)(1) 9526
of this section. With respect to each order and consent agreement 9527
delivered, each agency shall note on the index the date and time 9528
that it received the order or consent agreement. 9529

~~(3)~~(4) Regardless of whether the petitioner has registered 9530
the order or agreement in the county in which the officer's agency 9531
has jurisdiction pursuant to division (N) of this section, any 9532
officer of a law enforcement agency shall enforce a protection 9533
order issued or consent agreement approved by any court in this 9534
state in accordance with the provisions of the order or agreement, 9535
including removing the respondent from the premises, if 9536
appropriate. 9537

(G) Any proceeding under this section shall be conducted in 9538
accordance with the Rules of Civil Procedure, except that an order 9539
under this section may be obtained with or without bond. An order 9540
issued under this section, other than an ex parte order, that 9541
grants a protection order or approves a consent agreement, that 9542
refuses to grant a protection order or approve a consent agreement 9543
that modifies or terminates a protection order or consent 9544
agreement, or that refuses to modify or terminate a protection 9545
order or consent agreement, is a final, appealable order. The 9546
remedies and procedures provided in this section are in addition 9547
to, and not in lieu of, any other available civil or criminal 9548
remedies. 9549

(H) The filing of proceedings under this section does not 9550
excuse a person from filing any report or giving any notice 9551
required by section 2151.421 of the Revised Code or by any other 9552
law. When a petition under this section alleges domestic violence 9553
against minor children, the court shall report the fact, or cause 9554
reports to be made, to a county, township, or municipal peace 9555
officer under section 2151.421 of the Revised Code. 9556

(I) Any law enforcement agency that investigates a domestic 9557
dispute shall provide information to the family or household 9558
members involved regarding the relief available under this section 9559
and section 2919.26 of the Revised Code. 9560

(J) Notwithstanding any provision of law to the contrary and 9561
regardless of whether a protection order is issued or a consent 9562
agreement is approved by a court of another county or a court of 9563
another state, no court or unit of state or local government shall 9564
charge any fee, cost, deposit, or money in connection with the 9565
filing of a petition pursuant to this section or in connection 9566
with the filing, issuance, registration, or service of a 9567
protection order or consent agreement, or for obtaining a 9568
certified copy of a protection order or consent agreement. 9569

(K)(1) The court shall comply with Chapters 3119., 3121., 3123., and 3125. of the Revised Code when it makes or modifies an order for child support under this section.

(2) If any person required to pay child support under an order made under this section on or after April 15, 1985, or modified under this section on or after December 31, 1986, is found in contempt of court for failure to make support payments under the order, the court that makes the finding, in addition to any other penalty or remedy imposed, shall assess all court costs arising out of the contempt proceeding against the person and require the person to pay any reasonable attorney's fees of any adverse party, as determined by the court, that arose in relation to the act of contempt.

(L)(1) A person who violates a protection order issued or a consent agreement approved under this section is subject to the following sanctions:

(a) Criminal prosecution for a violation of section 2919.27 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 county in which the court that issued the order or approved the agreement is located in the following manner:

(a) The petitioner shall obtain a certified copy of the order or agreement from the clerk of the court that issued the order or approved the agreement 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 or agreement is to be registered.

(b) Upon accepting the certified copy of the order or agreement for registration, the clerk of the court of common pleas, municipal court, or county court shall place an endorsement of registration on the order or agreement and give the petitioner a copy of the order or agreement that bears that proof of registration.

(3) The clerk of each court of common pleas, the clerk of each municipal court, and the clerk of each county court shall maintain a registry of certified copies of temporary protection orders, protection orders, or consent agreements that have been issued or approved by courts in other counties and that have been registered with the clerk.

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

CHILD SUPPORT COMPUTATION WORKSHEET

SPLIT PARENTAL RIGHTS AND RESPONSIBILITIES

Name of parties
Case No.
Number of minor children
Number of minor children with mother father
Column I Column II Column III
Father Mother Combined
INCOME:
1.a. Annual gross income from employment or, when determined appropriate by the court or agency, average annual gross income from employment over a reasonable period of years. (Exclude

	overtime, bonuses, self-employment income, or commissions)			
	.....	\$.....	\$.....	9656
b.	Amount of overtime, bonuses, and commissions (year 1 representing the most recent year)			9657
	Father		Mother	9658
	Yr. 3 \$.....		Yr. 3 \$.....	9659
	(Three years ago)		(Three years ago)	9660
	Yr. 2 \$.....		Yr. 2 \$.....	9661
	(Two years ago)		(Two years ago)	9662
	Yr. 1 \$.....		Yr. 1 \$.....	9663
	(Last calendar year)		(Last calendar year)	9664
	Average \$.....		\$.....	9665
	(Include in Col. I and/or Col. II the average of the three years or the year 1 amount, whichever is less, if there exists a reasonable expectation 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			9666

	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)	.....	\$.....	\$.....	9667
2.	For self-employment income				9668
a.	Gross receipts from business				9669
	.....	\$.....	\$.....		9670
b.	Ordinary and necessary business expenses				9671
	.....	\$.....	\$.....		9672
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				9673
	.....	\$.....	\$.....		9674
d.	Adjusted gross income from self-employment (subtract the sum of 2b and 2c from 2a)				9675
	.....	\$.....	\$.....		9676
3.	Annual income from				9677

	interest and dividends (whether or not taxable)			
	.....	\$.....	\$.....	9678
4.	Annual income from unemployment compensation			9679
	.....	\$.....	\$.....	9680
5.	Annual income from workers' compensation, disability insurance benefits or social security disability retirement benefits			9681
	.....	\$.....	\$.....	9682
6.	Other annual income (identify)			9683
	.....	\$.....	\$.....	9684
7.a.	Total annual gross income (add lines 1a, 1b, 2d, and 3-6)			9685
	.....	\$.....	\$.....	9686
b.	Health insurance maximum (multiply line 7a by 5%)			9687
		\$.....	\$.....	9688
	ADJUSTMENTS TO INCOME:			9689
8.	Adjustment for minor children born to or adopted by either parent and another parent who are living with this parent; adjustment does not apply to stepchildren (number of children times federal income tax			9690

	exemption less child support received, not to exceed the federal tax exemption)	.....	\$.....	\$.....	9691
9.	Annual court-ordered support paid for other children	.....	\$.....	\$.....	9692
10.	Annual court-ordered spousal support paid to any spouse or former spouse	.....	\$.....	\$.....	9693
11.	Amount of local income taxes actually paid or estimated to be paid	.....	\$.....	\$.....	9694
12.	Mandatory work-related deductions such as union dues, uniform fees, etc. (not including taxes, social security, or retirement)	.....	\$.....	\$.....	9695
13.	Total gross income adjustments (add lines 8 through 12)	.....	\$.....	\$.....	9696
14.a.	Adjusted annual gross income (subtract line 13 from 7a)	.....	\$.....	\$.....	9697
		.....	\$.....	\$.....	9698
		.....	\$.....	\$.....	9699
		.....	\$.....	\$.....	9700
		.....	\$.....	\$.....	9701
		.....	\$.....	\$.....	9702
		.....	\$.....	\$.....	9703

- b. Cash medical support 9704
maximum (If the amount on
line 7a, Col. I, is under
150% of the federal
poverty level for an
individual, enter \$0 on
line 14b., Col. I. If the
amount on line 7a, Col.
I, is 150% or higher of
the federal poverty level
for an individual,
multiply the amount on
line 14a, Col. I, by 5%
and enter this amount on
line 14b, Col. I. If the
amount on line 7a, Col.
II, is under 150% of the
federal poverty level for
an individual, enter \$0
on line 14b, Col. II. If
the amount on line 7a,
Col. II, is 150% or
higher of the federal
poverty level for an
individual, multiply the
amount on line 14a, Col.
II, by 5% and enter this
amount on line 14b, Col.
II.)
..... \$..... \$..... 9705
15. Combined annual income 9706
that is basis for child
support order (add line

	14a, Col. I and Col. II)				
	.....			\$.....	9707
16.	Percentage of parent's				9708
	income to total income				
a.	Father (divide line 14a,				9709
	Col. I, by line 15, Col.				
	III)%				
b.	Mother (divide line 14a,				9710
	Col. II, by line 15, Col.				
	III)%				
17.	Basic combined child	For	For		9711
	support obligation (refer	children	children		
	to schedule, first	for whom	for whom		
	column, locate the amount	the mother	the father		
	nearest to the amount on	is the	is the		
	line 15, Col. III, then	residential	residential		
	refer to column for	parent and	parent and		
	number of children with	legal	legal		
	this parent. If the	custodian	custodian		
	income of the parents is				
	more than one sum but				
	less than another, you				
	may calculate the				
	difference)				
	.....	\$.....	\$.....		9712
18.	Annual support obligation per parent				9713
a.	Of father for children				9714
	for whom mother is the				
	residential parent and				
	legal custodian (multiply				
	line 17, Col. I, by line				
	16a)				
	.....	\$.....			9715

b.	Of mother for children for whom the father is the residential parent and legal custodian (multiply line 17, Col. II, by line 16b)		\$.....	9716
19.	Annual child care expenses for children who are the subject of this order that are work-, employment training-, or education-related, as approved by the court or agency (deduct tax credit from annual cost whether or not claimed)	Paid by father	Paid by mother	9718
		\$.....	\$.....	9719
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	Paid by father	Paid by mother	9720

	children subject of the support order, times the number of children subject of the support order)	..... \$..... \$.....	9721
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)	..... \$..... \$.....	9722
21.	ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS PROVIDED:		9724
	Father	Mother	9725
a.	Additions: line 16a times sum of amounts shown on line 19, Col. II and line 20a, Col. II \$.....	b.	Additions: line 16b times sum of amounts shown on line 19, Col. I and line 20a, Col. I \$.....
			9726
			9727
			9728
			9729
			9730
c.	Subtractions: line 16b times sum of amounts shown on line 19, Col. I and line 20a, Col. I \$.....	d.	Subtractions: line 16a times sum of amounts shown on line 19, Col. II and line 20a, Col. II \$.....
			9731
			9732
			9733
			9734
			9735
22.	ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS PROVIDED:		9736
a.	Father: line 18a plus		9737

	Col. II)		
	.....	\$.....	9744
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		9745
	.....	\$.....	9746
f.	Actual annual obligation of mother (subtract line 22e from line 22d)		9747
	.....	\$.....	9748
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)		9749
	.....	\$.....	9750
23.	ADJUSTMENTS TO CHILD SUPPORT WHEN HEALTH INSURANCE IS NOT PROVIDED:		9751
	Father	Mother	9752
a.	Additions: line 16a times	b.	Additions: line 16b times 9753

	the sum of the amounts shown on line 19, Col. II and line 20b, Col. II \$.....	the sum of the amounts shown on line 19, Col. I and line 20b, Col. I \$.....	9754
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 \$.....	9755 9756
24.	ACTUAL ANNUAL OBLIGATION WHEN HEALTH INSURANCE IS NOT PROVIDED:		9757
a.	Father: line 18a plus line 23a minus line 23c (if the amount on line 23c is greater than or equal to the amount on line 23a, enter the number on line 18a in Col. I)	\$.....	9758
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	\$.....	9759
c.	Actual annual obligation	\$.....	9760

	of the father (subtract line 24b from line 24a)		
d.	Mother: line 18b plus line 23b minus 23d (if the amount on line 23d is greater than or equal to the amount on line 23b, enter the number on line 18b in Col. II)		9761
	.....	\$.....	9762
e.	Any non-means-tested benefits, including social security and veterans' benefits, paid to and received by a child for whom the father is the residential parent and legal custodian, or a person on behalf of the child, due to death, disability, or retirement of the mother		9763
	.....	\$.....	9764
f.	Actual annual obligation of the mother (subtract line 24e from line 24d)	\$.....	9765
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		9766

	net child support payable)			
	.....	\$.....	\$.....	9767
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			9768
	.....	\$.....	\$.....	9769
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.)			9770
	.....			9771
	.....			9772
	.....			9773
	.....			9774
				9775
		WHEN	WHEN	9776
		HEALTH	HEALTH	9777
		INSURANCE	INSURANCE	9778
		IS	IS NOT	9779
		PROVIDED	PROVIDED	9780
26.	FINAL CHILD SUPPORT			9781
	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, 9782
				OBLIGOR
27.	FOR DECREE: Child support			9783
	per month (divide			
	obligor's annual share,			
	line 26, by 12) plus any			
	processing charge			
	.....	\$.....	\$.....	9784
28.	FINAL CASH MEDICAL			9785
	SUPPORT FIGURE: (this			
	amount reflects the			
	final, annual cash			
	medical support to be			
	paid by the obligor when			
	neither parent provides			
	health insurance coverage			
	for the child; enter			
	obligor's cash medical			
	support from line 20b)			
	.....		\$.....	9786
29.	FOR DECREE: Cash medical			9787
	support per month (divide			
	line 28 by 12)			
	.....		\$.....	9788
	Prepared by:			9789
	Counsel:		Pro se:	9790
	(For mother/father)			9791
	CSEA:		Other:	9792
	Worksheet Has Been Reviewed and Agreed To:			9793
	.....		.....	9794
	Mother		Date	9795

..... 9796
Father Date 9797

Sec. 3119.54. ~~If either~~ A party to a child support order 9798
issued in accordance with section 3119.30 of the Revised Code ~~is~~ 9799
~~eligible for medical assistance under Chapter 5111. or 5115. of~~ 9800
~~the Revised Code and the other party has obtained health insurance~~ 9801
~~coverage, the party eligible for medical assistance shall notify~~ 9802
any physician, hospital, or other provider of medical services ~~for~~ 9803
~~which medical assistance is available of the name and address of~~ 9804
~~the other party's insurer and~~ that provides medical services to 9805
the child who is the subject of the child support order of the 9806
number of ~~the other party's~~ any health insurance or health care 9807
policy, contract, or plan that covers the child if the child is 9808
eligible for medical assistance under sections 5101.5211 to 9809
5101.5216 or Chapter 5111. or 5115. of the Revised Code. The party 9810
shall include in the notice the name and address of the insurer. 9811
Any physician, hospital, or other provider of medical services for 9812
which medical assistance is available under sections 5101.5211 to 9813
5101.5216 or Chapter 5111. or 5115. of the Revised Code who is 9814
notified under this ~~division~~ section of the existence of a health 9815
insurance or health care policy, contract, or plan with coverage 9816
for children who are eligible for medical assistance shall first 9817
bill the insurer for any services provided for those children. If 9818
the insurer fails to pay all or any part of a claim filed under 9819
this section and the services for which the claim is filed are 9820
covered by sections 5101.5211 to 5101.5216 or Chapter 5111. or 9821
5115. of the Revised Code, the physician, hospital, or other 9822
medical services provider shall bill the remaining unpaid costs of 9823
the services in accordance with sections 5101.5211 to 5101.5216 or 9824
Chapter 5111. or 5115. of the Revised Code. 9825

Sec. 3301.0714. (A) The state board of education shall adopt 9826

rules for a statewide education management information system. The 9827
rules shall require the state board to establish guidelines for 9828
the establishment and maintenance of the system in accordance with 9829
this section and the rules adopted under this section. The 9830
guidelines shall include: 9831

(1) Standards identifying and defining the types of data in 9832
the system in accordance with divisions (B) and (C) of this 9833
section; 9834

(2) Procedures for annually collecting and reporting the data 9835
to the state board in accordance with division (D) of this 9836
section; 9837

(3) Procedures for annually compiling the data in accordance 9838
with division (G) of this section; 9839

(4) Procedures for annually reporting the data to the public 9840
in accordance with division (H) of this section. 9841

(B) The guidelines adopted under this section shall require 9842
the data maintained in the education management information system 9843
to include at least the following: 9844

(1) Student participation and performance data, for each 9845
grade in each school district as a whole and for each grade in 9846
each school building in each school district, that includes: 9847

(a) The numbers of students receiving each category of 9848
instructional service offered by the school district, such as 9849
regular education instruction, vocational education instruction, 9850
specialized instruction programs or enrichment instruction that is 9851
part of the educational curriculum, instruction for gifted 9852
students, instruction for students with disabilities, and remedial 9853
instruction. The guidelines shall require instructional services 9854
under this division to be divided into discrete categories if an 9855
instructional service is limited to a specific subject, a specific 9856
type of student, or both, such as regular instructional services 9857

in mathematics, remedial reading instructional services, 9858
instructional services specifically for students gifted in 9859
mathematics or some other subject area, or instructional services 9860
for students with a specific type of disability. The categories of 9861
instructional services required by the guidelines under this 9862
division shall be the same as the categories of instructional 9863
services used in determining cost units pursuant to division 9864
(C)(3) of this section. 9865

(b) The numbers of students receiving support or 9866
extracurricular services for each of the support services or 9867
extracurricular programs offered by the school district, such as 9868
counseling services, health services, and extracurricular sports 9869
and fine arts programs. The categories of services required by the 9870
guidelines under this division shall be the same as the categories 9871
of services used in determining cost units pursuant to division 9872
(C)(4)(a) of this section. 9873

(c) Average student grades in each subject in grades nine 9874
through twelve; 9875

(d) Academic achievement levels as assessed by the testing of 9876
student achievement under sections 3301.0710 and 3301.0711 of the 9877
Revised Code; 9878

(e) The number of students designated as having a disabling 9879
condition pursuant to division (C)(1) of section 3301.0711 of the 9880
Revised Code; 9881

(f) The numbers of students reported to the state board 9882
pursuant to division (C)(2) of section 3301.0711 of the Revised 9883
Code; 9884

(g) Attendance rates and the average daily attendance for the 9885
year. For purposes of this division, a student shall be counted as 9886
present for any field trip that is approved by the school 9887
administration. 9888

(h) Expulsion rates;	9889
(i) Suspension rates;	9890
(j) The percentage of students receiving corporal punishment;	9891
(k) Dropout rates;	9892
(l) Rates of retention in grade;	9893
(m) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	9894 9895 9896
(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;	9897 9898 9899 9900 9901
(o) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.	9902 9903 9904 9905 9906 9907 9908
(2) Personnel and classroom enrollment data for each school district, including:	9909 9910
(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in	9911 9912 9913 9914 9915 9916 9917 9918

the school district as a whole, for each school building as a whole, and for each grade in each school building.

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

(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such class, in each of grades kindergarten 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 9951
standard practices of agencies of the federal government. 9952

(b) With respect to each student entering kindergarten, 9953
whether the student previously participated in a public preschool 9954
program, a private preschool program, or a head start program, and 9955
the number of years the student participated in each of these 9956
programs. 9957

(4) Any data required to be collected pursuant to federal 9958
law. 9959

(C) The education management information system shall include 9960
cost accounting data for each district as a whole and for each 9961
school building in each school district. The guidelines adopted 9962
under this section shall require the cost data for each school 9963
district to be maintained in a system of mutually exclusive cost 9964
units and shall require all of the costs of each school district 9965
to be divided among the cost units. The guidelines shall require 9966
the system of mutually exclusive cost units to include at least 9967
the following: 9968

(1) Administrative costs for the school district as a whole. 9969
The guidelines shall require the cost units under this division 9970
(C)(1) to be designed so that each of them may be compiled and 9971
reported in terms of average expenditure per pupil in formula ADM 9972
in the school district, as determined pursuant to section 3317.03 9973
of the Revised Code. 9974

(2) Administrative costs for each school building in the 9975
school district. The guidelines shall require the cost units under 9976
this division (C)(2) to be designed so that each of them may be 9977
compiled and reported in terms of average expenditure per 9978
full-time equivalent pupil receiving instructional or support 9979
services in each building. 9980

(3) Instructional services costs for each category of 9981

instructional service provided directly to students and required 9982
by guidelines adopted pursuant to division (B)(1)(a) of this 9983
section. The guidelines shall require the cost units under 9984
division (C)(3) of this section to be designed so that each of 9985
them may be compiled and reported in terms of average expenditure 9986
per pupil receiving the service in the school district as a whole 9987
and average expenditure per pupil receiving the service in each 9988
building in the school district and in terms of a total cost for 9989
each category of service and, as a breakdown of the total cost, a 9990
cost for each of the following components: 9991

(a) The cost of each instructional services category required 9992
by guidelines adopted under division (B)(1)(a) of this section 9993
that is provided directly to students by a classroom teacher; 9994

(b) The cost of the instructional support services, such as 9995
services provided by a speech-language pathologist, classroom 9996
aide, multimedia aide, or librarian, provided directly to students 9997
in conjunction with each instructional services category; 9998

(c) The cost of the administrative support services related 9999
to each instructional services category, such as the cost of 10000
personnel that develop the curriculum for the instructional 10001
services category and the cost of personnel supervising or 10002
coordinating the delivery of the instructional services category. 10003

(4) Support or extracurricular services costs for each 10004
category of service directly provided to students and required by 10005
guidelines adopted pursuant to division (B)(1)(b) of this section. 10006
The guidelines shall require the cost units under division (C)(4) 10007
of this section to be designed so that each of them may be 10008
compiled and reported in terms of average expenditure per pupil 10009
receiving the service in the school district as a whole and 10010
average expenditure per pupil receiving the service in each 10011
building in the school district and in terms of a total cost for 10012
each category of service and, as a breakdown of the total cost, a 10013

cost for each of the following components: 10014

(a) The cost of each support or extracurricular services 10015
category required by guidelines adopted under division (B)(1)(b) 10016
of this section that is provided directly to students by a 10017
licensed employee, such as services provided by a guidance 10018
counselor or any services provided by a licensed employee under a 10019
supplemental contract; 10020

(b) The cost of each such services category provided directly 10021
to students by a nonlicensed employee, such as janitorial 10022
services, cafeteria services, or services of a sports trainer; 10023

(c) The cost of the administrative services related to each 10024
services category in division (C)(4)(a) or (b) of this section, 10025
such as the cost of any licensed or nonlicensed employees that 10026
develop, supervise, coordinate, or otherwise are involved in 10027
administering or aiding the delivery of each services category. 10028

(D)(1) The guidelines adopted under this section shall 10029
require school districts to collect information about individual 10030
students, staff members, or both in connection with any data 10031
required by division (B) or (C) of this section or other reporting 10032
requirements established in the Revised Code. The guidelines may 10033
also require school districts to report information about 10034
individual staff members in connection with any data required by 10035
division (B) or (C) of this section or other reporting 10036
requirements established in the Revised Code. The guidelines shall 10037
not authorize school districts to request social security numbers 10038
of individual students. The guidelines shall prohibit the 10039
reporting under this section of a student's name, address, and 10040
social security number to the state board of education or the 10041
department of education. The guidelines shall also prohibit the 10042
reporting under this section of any personally identifiable 10043
information about any student, except for the purpose of assigning 10044
the data verification code required by division (D)(2) of this 10045

section, to any other person unless such person is employed by the school district or the information technology center operated under section 3301.075 of the Revised Code and is authorized by the district or technology center to have access to such information or is employed by an entity with which the department contracts for the scoring of tests administered under section 3301.0711 or 3301.0712 of the Revised Code. The guidelines may require school districts to provide the social security numbers of individual staff members.

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

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

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

The director of health shall request and receive, pursuant to

sections 3301.0723 and 3701.62 of the Revised Code, a data 10078
verification code for a child who is receiving services under 10079
division (A)(2) of section 3701.61 of the Revised Code. 10080

(E) The guidelines adopted under this section may require 10081
school districts to collect and report data, information, or 10082
reports other than that described in divisions (A), (B), and (C) 10083
of this section for the purpose of complying with other reporting 10084
requirements established in the Revised Code. The other data, 10085
information, or reports may be maintained in the education 10086
management information system but are not required to be compiled 10087
as part of the profile formats required under division (G) of this 10088
section or the annual statewide report required under division (H) 10089
of this section. 10090

(F) Beginning with the school year that begins July 1, 1991, 10091
the board of education of each school district shall annually 10092
collect and report to the state board, in accordance with the 10093
guidelines established by the board, the data required pursuant to 10094
this section. A school district may collect and report these data 10095
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 10096

(G) The state board shall, in accordance with the procedures 10097
it adopts, annually compile the data reported by each school 10098
district pursuant to division (D) of this section. The state board 10099
shall design formats for profiling each school district as a whole 10100
and each school building within each district and shall compile 10101
the data in accordance with these formats. These profile formats 10102
shall: 10103

(1) Include all of the data gathered under this section in a 10104
manner that facilitates comparison among school districts and 10105
among school buildings within each school district; 10106

(2) Present the data on academic achievement levels as 10107
assessed by the testing of student achievement maintained pursuant 10108

to division (B)(1)(d) of this section. 10109

(H)(1) The state board shall, in accordance with the 10110
procedures it adopts, annually prepare a statewide report for all 10111
school districts and the general public that includes the profile 10112
of each of the school districts developed pursuant to division (G) 10113
of this section. Copies of the report shall be sent to each school 10114
district. 10115

(2) The state board shall, in accordance with the procedures 10116
it adopts, annually prepare an individual report for each school 10117
district and the general public that includes the profiles of each 10118
of the school buildings in that school district developed pursuant 10119
to division (G) of this section. Copies of the report shall be 10120
sent to the superintendent of the district and to each member of 10121
the district board of education. 10122

(3) Copies of the reports received from the state board under 10123
divisions (H)(1) and (2) of this section shall be made available 10124
to the general public at each school district's offices. Each 10125
district board of education shall make copies of each report 10126
available to any person upon request and payment of a reasonable 10127
fee for the cost of reproducing the report. The board shall 10128
annually publish in a newspaper of general circulation in the 10129
school district, at least twice during the two weeks prior to the 10130
week in which the reports will first be available, a notice 10131
containing the address where the reports are available and the 10132
date on which the reports will be available. 10133

(I) Any data that is collected or maintained pursuant to this 10134
section and that identifies an individual pupil is not a public 10135
record for the purposes of section 149.43 of the Revised Code. 10136

(J) As used in this section: 10137

(1) "School district" means any city, local, exempted 10138
village, or joint vocational school district and, in accordance 10139

with section 3314.17 of the Revised Code, any community school. As 10140
used in division (L) of this section, "school district" also 10141
includes any educational service center or other educational 10142
entity required to submit data using the system established under 10143
this section. 10144

(2) "Cost" means any expenditure for operating expenses made 10145
by a school district excluding any expenditures for debt 10146
retirement except for payments made to any commercial lending 10147
institution for any loan approved pursuant to section 3313.483 of 10148
the Revised Code. 10149

(K) Any person who removes data from the information system 10150
established under this section for the purpose of releasing it to 10151
any person not entitled under law to have access to such 10152
information is subject to section 2913.42 of the Revised Code 10153
prohibiting tampering with data. 10154

(L)(1) In accordance with division (L)(2) of this section and 10155
the rules adopted under division (L)(10) of this section, the 10156
department of education may sanction any school district that 10157
reports incomplete or inaccurate data, reports data that does not 10158
conform to data requirements and descriptions published by the 10159
department, fails to report data in a timely manner, or otherwise 10160
does not make a good faith effort to report data as required by 10161
this section. 10162

(2) If the department decides to sanction a school district 10163
under this division, the department shall take the following 10164
sequential actions: 10165

(a) Notify the district in writing that the department has 10166
determined that data has not been reported as required under this 10167
section and require the district to review its data submission and 10168
submit corrected data by a deadline established by the department. 10169
The department also may require the district to develop a 10170

corrective action plan, which shall include provisions for the 10171
district to provide mandatory staff training on data reporting 10172
procedures. 10173

(b) Withhold up to ten per cent of the total amount of state 10174
funds due to the district for the current fiscal year and, if not 10175
previously required under division (L)(2)(a) of this section, 10176
require the district to develop a corrective action plan in 10177
accordance with that division; 10178

(c) Withhold an additional amount of up to twenty per cent of 10179
the total amount of state funds due to the district for the 10180
current fiscal year; 10181

(d) Direct department staff or an outside entity to 10182
investigate the district's data reporting practices and make 10183
recommendations for subsequent actions. The recommendations may 10184
include one or more of the following actions: 10185

(i) Arrange for an audit of the district's data reporting 10186
practices by department staff or an outside entity; 10187

(ii) Conduct a site visit and evaluation of the district; 10188

(iii) Withhold an additional amount of up to thirty per cent 10189
of the total amount of state funds due to the district for the 10190
current fiscal year; 10191

(iv) Continue monitoring the district's data reporting; 10192

(v) Assign department staff to supervise the district's data 10193
management system; 10194

(vi) Conduct an investigation to determine whether to suspend 10195
or revoke the license of any district employee in accordance with 10196
division (N) of this section; 10197

(vii) If the district is issued a report card under section 10198
3302.03 of the Revised Code, indicate on the report card that the 10199
district has been sanctioned for failing to report data as 10200

required by this section; 10201

(viii) If the district is issued a report card under section 10202
3302.03 of the Revised Code and incomplete or inaccurate data 10203
submitted by the district likely caused the district to receive a 10204
higher performance rating than it deserved under that section, 10205
issue a revised report card for the district; 10206

(ix) Any other action designed to correct the district's data 10207
reporting problems. 10208

(3) Any time the department takes an action against a school 10209
district under division (L)(2) of this section, the department 10210
shall make a report of the circumstances that prompted the action. 10211
The department shall send a copy of the report to the district 10212
superintendent or chief administrator and maintain a copy of the 10213
report in its files. 10214

(4) If any action taken under division (L)(2) of this section 10215
resolves a school district's data reporting problems to the 10216
department's satisfaction, the department shall not take any 10217
further actions described by that division. If the department 10218
withheld funds from the district under that division, the 10219
department may release those funds to the district, except that if 10220
the department withheld funding under division (L)(2)(c) of this 10221
section, the department shall not release the funds withheld under 10222
division (L)(2)(b) of this section and, if the department withheld 10223
funding under division (L)(2)(d) of this section, the department 10224
shall not release the funds withheld under division (L)(2)(b) or 10225
(c) of this section. 10226

(5) Notwithstanding anything in this section to the contrary, 10227
the department may use its own staff or an outside entity to 10228
conduct an audit of a school district's data reporting practices 10229
any time the department has reason to believe the district has not 10230
made a good faith effort to report data as required by this 10231

section. If any audit conducted by an outside entity under 10232
division (L)(2)(d)(i) or (5) of this section confirms that a 10233
district has not made a good faith effort to report data as 10234
required by this section, the district shall reimburse the 10235
department for the full cost of the audit. The department may 10236
withhold state funds due to the district for this purpose. 10237

(6) Prior to issuing a revised report card for a school 10238
district under division (L)(2)(d)(viii) of this section, the 10239
department may hold a hearing to provide the district with an 10240
opportunity to demonstrate that it made a good faith effort to 10241
report data as required by this section. The hearing shall be 10242
conducted by a referee appointed by the department. Based on the 10243
information provided in the hearing, the referee shall recommend 10244
whether the department should issue a revised report card for the 10245
district. If the referee affirms the department's contention that 10246
the district did not make a good faith effort to report data as 10247
required by this section, the district shall bear the full cost of 10248
conducting the hearing and of issuing any revised report card. 10249

(7) If the department determines that any inaccurate data 10250
reported under this section caused a school district to receive 10251
excess state funds in any fiscal year, the district shall 10252
reimburse the department an amount equal to the excess funds, in 10253
accordance with a payment schedule determined by the department. 10254
The department may withhold state funds due to the district for 10255
this purpose. 10256

(8) Any school district that has funds withheld under 10257
division (L)(2) of this section may appeal the withholding in 10258
accordance with Chapter 119. of the Revised Code. 10259

(9) In all cases of a disagreement between the department and 10260
a school district regarding the appropriateness of an action taken 10261
under division (L)(2) of this section, the burden of proof shall 10262
be on the district to demonstrate that it made a good faith effort 10263

to report data as required by this section. 10264

(10) The state board of education shall adopt rules under 10265
Chapter 119. of the Revised Code to implement division (L) of this 10266
section. 10267

(M) No information technology center or school district shall 10268
acquire, change, or update its student administration software 10269
package to manage and report data required to be reported to the 10270
department unless it converts to a student software package that 10271
is certified by the department. 10272

(N) The state board of education, in accordance with sections 10273
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 10274
license as defined under division (A) of section 3319.31 of the 10275
Revised Code that has been issued to any school district employee 10276
found to have willfully reported erroneous, inaccurate, or 10277
incomplete data to the education management information system. 10278

(O) No person shall release or maintain any information about 10279
any student in violation of this section. Whoever violates this 10280
division is guilty of a misdemeanor of the fourth degree. 10281

(P) The department shall disaggregate the data collected 10282
under division (B)(1)(o) of this section according to the race and 10283
socioeconomic status of the students assessed. No data collected 10284
under that division shall be included on the report cards required 10285
by section 3302.03 of the Revised Code. 10286

(Q) If the department cannot compile any of the information 10287
required by division (C)(5) of section 3302.03 of the Revised Code 10288
based upon the data collected under this section, the department 10289
shall develop a plan and a reasonable timeline for the collection 10290
of any data necessary to comply with that division. 10291

Sec. 3310.42. (A) Only for the purpose of administering the 10292
autism scholarship program, the department of education may 10293

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: 10294
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(1) The school district in which the child is entitled to attend school; 10298
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(2) If applicable, the community school in which the child is enrolled; 10300
10301

(3) The independent contractor engaged to create and maintain data verification codes. 10302
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(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 entering preschool or kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that child 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 child by the specified date, the department shall assign a code to the child. 10304
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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 who is entering preschool or kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division. 10316
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(C) The department shall not release any data verification code that it receives under this section to any person except as provided by law. 10321
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(D) Any document relative to the autism scholarship program 10324
that the department holds in its files that contains both a 10325
child's name or other personally identifiable information and the 10326
child's data verification code shall not be a public record under 10327
section 149.43 of the Revised Code. 10328

Sec. 3311.21. (A) In addition to the resolutions authorized 10329
by sections 5705.194, 5705.199, 5705.21, 5705.212, and 5705.213 of 10330
the Revised Code, the board of education of a joint vocational or 10331
cooperative education school district by a vote of two-thirds of 10332
its full membership may at any time adopt a resolution declaring 10333
the necessity to levy a tax in excess of the ten-mill limitation 10334
for a period not to exceed ten years to provide funds for any one 10335
or more of the following purposes, which may be stated in the 10336
following manner in such resolution, the ballot, and the notice of 10337
election: purchasing a site or enlargement thereof and for the 10338
erection and equipment of buildings; for the purpose of enlarging, 10339
improving, or rebuilding thereof; for the purpose of providing for 10340
the current expenses of the joint vocational or cooperative school 10341
district; or for a continuing period for the purpose of providing 10342
for the current expenses of the joint vocational or cooperative 10343
education school district. The resolution shall specify the amount 10344
of the proposed rate and, if a renewal, whether the levy is to 10345
renew all, or a portion of, the existing levy, and shall specify 10346
the first year in which the levy will be imposed. If the levy 10347
provides for but is not limited to current expenses, the 10348
resolution shall apportion the annual rate of the levy between 10349
current expenses and the other purpose or purposes. Such 10350
apportionment may but need not be the same for each year of the 10351
levy, but the respective portions of the rate actually levied each 10352
year for current expenses and the other purpose or purposes shall 10353
be limited by such apportionment. The portion of any such rate 10354
actually levied for current expenses of a joint vocational or 10355

cooperative education school district shall be used in applying 10356
division (A) of section 3317.01 of the Revised Code. The portion 10357
of any such rate not apportioned to the current expenses of a 10358
joint vocational or cooperative education school district shall be 10359
used in applying division (B) of this section. On the adoption of 10360
such resolution, the joint vocational or cooperative education 10361
school district board of education shall certify the resolution to 10362
the board of elections of the county containing the most populous 10363
portion of the district, which board shall receive resolutions for 10364
filing and send them to the boards of elections of each county in 10365
which territory of the district is located, furnish all ballots 10366
for the election as provided in section 3505.071 of the Revised 10367
Code, and prepare the election notice; and the board of elections 10368
of each county in which the territory of such district is located 10369
shall make the other necessary arrangements for the submission of 10370
the question to the electors of the joint vocational or 10371
cooperative education school district at the next primary or 10372
general election occurring not less than seventy-five days after 10373
the resolution was received from the joint vocational or 10374
cooperative education school district board of education, or at a 10375
special election to be held at a time designated by the district 10376
board of education consistent with the requirements of section 10377
3501.01 of the Revised Code, which date shall not be earlier than 10378
seventy-five days after the adoption and certification of the 10379
resolution. 10380

The board of elections of the county or counties in which 10381
territory of the joint vocational or cooperative education school 10382
district is located shall cause to be published in one or more 10383
newspapers of general circulation in that district an 10384
advertisement of the proposed tax levy question together with a 10385
statement of the amount of the proposed levy once a week for two 10386
consecutive weeks, prior to the election at which the question is 10387
to appear on the ballot, and, if the board of elections operates 10388

and maintains a web site, the board also shall post a similar 10389
advertisement on its web site for thirty days prior to that 10390
election. 10391

If a majority of the electors voting on the question of 10392
levying such tax vote in favor of the levy, the joint vocational 10393
or cooperative education school district board of education shall 10394
annually make the levy within the district at the rate specified 10395
in the resolution and ballot or at any lesser rate, and the county 10396
auditor of each affected county shall annually place the levy on 10397
the tax list and duplicate of each school district in the county 10398
having territory in the joint vocational or cooperative education 10399
school district. The taxes realized from the levy shall be 10400
collected at the same time and in the same manner as other taxes 10401
on the duplicate, and the taxes, when collected, shall be paid to 10402
the treasurer of the joint vocational or cooperative education 10403
school district and deposited to a special fund, which shall be 10404
established by the joint vocational or cooperative education 10405
school district board of education for all revenue derived from 10406
any tax levied pursuant to this section and for the proceeds of 10407
anticipation notes which shall be deposited in such fund. After 10408
the approval of the levy, the joint vocational or cooperative 10409
education school district board of education may anticipate a 10410
fraction of the proceeds of the levy and from time to time, during 10411
the life of the levy, but in any year prior to the time when the 10412
tax collection from the levy so anticipated can be made for that 10413
year, issue anticipation notes in an amount not exceeding fifty 10414
per cent of the estimated proceeds of the levy to be collected in 10415
each year up to a period of five years after the date of the 10416
issuance of the notes, less an amount equal to the proceeds of the 10417
levy obligated for each year by the issuance of anticipation 10418
notes, provided that the total amount maturing in any one year 10419
shall not exceed fifty per cent of the anticipated proceeds of the 10420
levy for that year. Each issue of notes shall be sold as provided 10421

in Chapter 133. of the Revised Code, and shall, except for such 10422
limitation that the total amount of such notes maturing in any one 10423
year shall not exceed fifty per cent of the anticipated proceeds 10424
of the levy for that year, mature serially in substantially equal 10425
installments, during each year over a period not to exceed five 10426
years after their issuance. 10427

(B) Prior to the application of section 319.301 of the 10428
Revised Code, the rate of a levy that is limited to, or to the 10429
extent that it is apportioned to, purposes other than current 10430
expenses shall be reduced in the same proportion in which the 10431
district's total valuation increases during the life of the levy 10432
because of additions to such valuation that have resulted from 10433
improvements added to the tax list and duplicate. 10434

(C) The form of ballot cast at an election under division (A) 10435
of this section shall be as prescribed by section 5705.25 of the 10436
Revised Code. 10437

Sec. 3311.24. (A)(1) Except as provided in division (B) of 10438
this section, the board of education of a city, exempted village, 10439
or local school district shall file with the state board of 10440
education a proposal to transfer territory from such district to 10441
an adjoining city, exempted village, or local school district in 10442
any of the following circumstances: 10443

(a) The district board deems the transfer advisable and, if 10444
the portion of the district proposed to be transferred is five 10445
acres or more, the board has obtained written consent to the 10446
transfer from seventy-five per cent of the owners of parcels of 10447
real property on the tax duplicate within that portion of the 10448
district; 10449

(b) A petition, signed by seventy-five per cent of the 10450
qualified electors residing within that portion of a city, 10451
exempted village, or local school district proposed to be 10452

transferred voting at the last general election, requests such a 10453
transfer; 10454

(c) If no qualified electors reside in that portion of the 10455
district proposed to be transferred, a petition, signed by 10456
seventy-five per cent of the owners of parcels of real property on 10457
the tax duplicate within that portion of the district, requests 10458
such a transfer. 10459

(2) The board of education of the district in which such 10460
proposal originates shall file such proposal, together with a map 10461
showing the boundaries of the territory proposed to be 10462
transferred, with the state board of education prior to the first 10463
day of April in any even-numbered year. The state board of 10464
education may, if it is advisable, provide for a hearing in any 10465
suitable place in any of the school districts affected by such 10466
proposed transfer of territory. The state board of education or 10467
its representatives shall preside at any such hearing. 10468

(3) A board of education of a city, exempted village, or 10469
local school district that receives a petition of transfer signed 10470
by electors of the district under division (A)(1)(b) of this 10471
section shall cause the board of elections to check the 10472
sufficiency of signatures on the petition. A board of education of 10473
a city, exempted village, or local school district that receives 10474
written consent or a petition of transfer signed by owners of 10475
parcels of real property under division (A)(1)(a) or (c) of this 10476
section shall cause the county auditor to check the sufficiency of 10477
signatures on the consent or petition. 10478

(4) Not later than the first day of September the state board 10479
of education shall either approve or disapprove a proposed 10480
transfer of territory filed with it as provided by this section 10481
and shall notify, in writing, the boards of education of the 10482
districts affected by such proposed transfer of territory of its 10483
decision. 10484

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

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

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

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

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

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

(1) A resolution requesting approval of the transfer, passed 10516
by the school district submitting the proposal and, if applicable, 10517
evidence of the consent of affected property owners to the 10518
transfer; 10519

(2) Evidence determined to be sufficient by the state board 10520
to show that good faith negotiations have taken place or that the 10521
district requesting the transfer has made a good faith effort to 10522
hold such negotiations; 10523

(3) If any negotiations took place, a statement signed by all 10524
boards that participated in the negotiations, listing the terms 10525
agreed on and the points on which no agreement could be reached. 10526

Negotiations held pursuant to this section shall be governed 10527
by the rules adopted by the state board under division (D) of 10528
section 3311.06 of the Revised Code. Districts involved in a 10529
transfer under division (B) of this section may agree to share 10530
revenues from the property included in the territory to be 10531
transferred, establish cooperative programs between the 10532
participating districts, and establish mechanisms for the 10533
settlement of any future boundary disputes. 10534

Sec. 3313.842. (A) The boards of education of any two or more 10535
school districts may enter into an agreement for joint or 10536
cooperative establishment and operation of any educational program 10537
including any class, course, or program that may be included in a 10538
school district's graded course of study and staff development 10539
programs for teaching and nonteaching school employees. Each 10540
school district that is party to such an agreement may contribute 10541
funds of the district in support of the agreement and for the 10542
establishment and operation of any educational program established 10543
under the agreement. The agreement shall designate one of the 10544
districts as the district responsible for receiving and disbursing 10545
the funds contributed by the districts that are parties to the 10546

agreement. 10547

(B) Notwithstanding sections 3313.48 and 3313.64 of the 10548
Revised Code, any district that is party to an agreement for joint 10549
or cooperative establishment and operation of an educational 10550
program may charge fees or tuition for students who participate in 10551
the program and are entitled to attend school in the district 10552
under section 3313.64 or 3313.65 of the Revised Code. 10553

Sec. 3313.978. (A) Annually by the first day of November, the 10554
superintendent of public instruction shall notify the pilot 10555
project school district of the number of initial scholarships that 10556
the state superintendent will be awarding in each of grades 10557
kindergarten through eight. 10558

The state superintendent shall provide information about the 10559
scholarship program to all students residing in the district, 10560
shall accept applications from any such students until such date 10561
as shall be established by the state superintendent as a deadline 10562
for applications, and shall establish criteria for the selection 10563
of students to receive scholarships from among all those applying 10564
prior to the deadline, which criteria shall give preference to 10565
students from low-income families. For each student selected, the 10566
state superintendent shall also determine whether the student 10567
qualifies for seventy-five or ninety per cent of the scholarship 10568
amount. Students whose family income is at or above two hundred 10569
per cent of the maximum income level established by the state 10570
superintendent for low-income families shall qualify for 10571
seventy-five per cent of the scholarship amount and students whose 10572
family income is below two hundred per cent of that maximum income 10573
level shall qualify for ninety per cent of the scholarship amount. 10574
The state superintendent shall notify students of their selection 10575
prior to the fifteenth day of January and whether they qualify for 10576
seventy-five or ninety per cent of the scholarship amount. 10577

(1) A student receiving a pilot project scholarship may 10578
utilize it at an alternative public school by notifying the 10579
district superintendent, at any time before the beginning of the 10580
school year, of the name of the public school in an adjacent 10581
school district to which the student has been accepted pursuant to 10582
section 3327.06 of the Revised Code. 10583

(2) A student may decide to utilize a pilot project 10584
scholarship at a registered private school in the district if all 10585
of the following conditions are met: 10586

(a) By the fifteenth day of February of the preceding school 10587
year, or at any time prior to the start of the school year, the 10588
parent makes an application on behalf of the student to a 10589
registered private school. 10590

(b) The registered private school notifies the parent and the 10591
state superintendent as follows that the student has been 10592
admitted: 10593

(i) By the fifteenth day of March of the preceding school 10594
year if the student filed an application by the fifteenth day of 10595
February and was admitted by the school pursuant to division (A) 10596
of section 3313.977 of the Revised Code; 10597

(ii) Within one week of the decision to admit the student if 10598
the student is admitted pursuant to division (C) of section 10599
3313.977 of the Revised Code. 10600

(c) The student actually enrolls in the registered private 10601
school to which the student was first admitted or in another 10602
registered private school in the district or in a public school in 10603
an adjacent school district. 10604

(B) The state superintendent shall also award in any school 10605
year tutorial assistance grants to a number of students equal to 10606
the number of students who receive scholarships under division (A) 10607
of this section. Tutorial assistance grants shall be awarded 10608

solely to students who are enrolled in the public schools of the 10609
district in a grade level covered by the pilot project. Tutorial 10610
assistance grants may be used solely to obtain tutorial assistance 10611
from a provider approved pursuant to division (D) of section 10612
3313.976 of the Revised Code. 10613

All students wishing to obtain tutorial assistance grants 10614
shall make application to the state superintendent by the first 10615
day of the school year in which the assistance will be used. The 10616
state superintendent shall award assistance grants in accordance 10617
with criteria the superintendent shall establish. For each student 10618
awarded a grant, the state superintendent shall also determine 10619
whether the student qualifies for seventy-five or ninety per cent 10620
of the grant amount and so notify the student. Students whose 10621
family income is at or above two hundred per cent of the maximum 10622
income level established by the state superintendent for 10623
low-income families shall qualify for seventy-five per cent of the 10624
grant amount and students whose family income is below two hundred 10625
per cent of that maximum income level shall qualify for ninety per 10626
cent of the grant amount. 10627

(C)(1) In the case of basic scholarships for students in 10628
grades kindergarten through eight, the scholarship amount shall 10629
not exceed the lesser of the tuition charges of the alternative 10630
school the scholarship recipient attends or three thousand dollars 10631
before fiscal year 2007 and three thousand four hundred fifty 10632
dollars in fiscal year 2007 and thereafter. 10633

In the case of basic scholarships for students in grades nine 10634
through twelve, the scholarship amount shall not exceed the lesser 10635
of the tuition charges of the alternative school the scholarship 10636
recipient attends or two thousand seven hundred dollars before 10637
fiscal year 2007 and three thousand four hundred fifty dollars in 10638
fiscal year 2007 and thereafter. 10639

(2) The state superintendent shall provide for an increase in 10640

the basic scholarship amount in the case of any student who is a 10641
mainstreamed student with a disability and shall further increase 10642
such amount in the case of any separately educated student with a 10643
disability. Such increases shall take into account the 10644
instruction, related services, and transportation costs of 10645
educating such students. 10646

(3) In the case of tutorial assistance grants, the grant 10647
amount shall not exceed the lesser of the provider's actual 10648
charges for such assistance or: 10649

(a) Before fiscal year 2007, a percentage established by the 10650
state superintendent, not to exceed twenty per cent, of the amount 10651
of the pilot project school district's average basic scholarship 10652
amount; 10653

(b) In fiscal year 2007 and thereafter, four hundred dollars. 10654

(4) No scholarship or tutorial assistance grant shall be 10655
awarded unless the state superintendent determines that 10656
twenty-five or ten per cent, as applicable, of the amount 10657
specified for such scholarship or grant pursuant to division 10658
(C)(1), (2), or (3) of this section will be furnished by a 10659
political subdivision, a private nonprofit or for profit entity, 10660
or another person. Only seventy-five or ninety per cent of such 10661
amounts, as applicable, shall be paid from state funds pursuant to 10662
section 3313.979 of the Revised Code. 10663

(D)(1) Annually by the first day of November, the state 10664
superintendent shall estimate the maximum per-pupil scholarship 10665
amounts for the ensuing school year. The state superintendent 10666
shall make this estimate available to the general public at the 10667
offices of the district board of education together with the forms 10668
required by division (D)(2) of this section. 10669

(2) Annually by the fifteenth day of January, the chief 10670
administrator of each registered private school located in the 10671

pilot project district and the principal of each public school in 10672
such district shall complete a parental information form and 10673
forward it to the president of the board of education. The 10674
parental information form shall be prescribed by the department of 10675
education and shall provide information about the grade levels 10676
offered, the numbers of students, tuition amounts, achievement 10677
test results, and any sectarian or other organizational 10678
affiliations. 10679

(E)(1) Only for the purpose of administering the pilot 10680
project scholarship program, the department may request from any 10681
of the following entities the data verification code assigned 10682
under division (D)(2) of section 3301.0714 of the Revised Code to 10683
any student who is seeking a scholarship under the program: 10684

(a) The school district in which the student is entitled to 10685
attend school under section 3313.64 or 3313.65 of the Revised 10686
Code; 10687

(b) If applicable, the community school in which the student 10688
is enrolled; 10689

(c) The independent contractor engaged to create and maintain 10690
data verification codes. 10691

(2) Upon a request by the department under division (E)(1) of 10692
this section for the data verification code of a student seeking a 10693
scholarship or a request by the student's parent for that code, 10694
the school district or community school shall submit that code to 10695
the department or parent in the manner specified by the 10696
department. If the student has not been assigned a code, because 10697
the student will be entering kindergarten during the school year 10698
for which the scholarship is sought, the district shall assign a 10699
code to that student and submit the code to the department or 10700
parent by a date specified by the department. If the district does 10701
not assign a code to the student by the specified date, the 10702

department shall assign a code to the student. 10703

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. 10704
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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. 10709
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(F) Any document relative to the pilot project scholarship program that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code. 10712
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Sec. 3314.016. (A) After June 30, 2007, a new start-up school may be established under this chapter only if the school's governing authority enters into a contract with an operator that manages other schools in the United States that perform at a level higher than academic watch. The governing authority of the community school may sign a contract with an operator only if the operator has fewer contracts with the governing authorities of new start-up schools established under this chapter after June 30, 2007, than the number of schools managed by the operator in the United States that perform at a level higher than academic watch, as determined by the department of education. 10717
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(B) Notwithstanding division (A) of this section, the governing authority of a start-up school sponsored by an entity described in divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code may establish one additional school serving the same grade levels and providing the same educational program as the current start-up school and may open that additional school in the 10728
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2007-2008 school year, if both of the following conditions are met: 10734
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(1) The governing authority entered into another contract with the same sponsor or a different sponsor described in divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code and filed a copy of that contract with the superintendent of public instruction prior to March 15, 2006. 10736
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(2) The governing authority's current school satisfies all of the following conditions: 10741
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(a) The school currently is rated as excellent or effective pursuant to section 3302.03 of the Revised Code. 10743
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(b) The school made adequate yearly progress, as defined in section 3302.01 of the Revised Code, for the previous school year. 10745
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(c) The school has been in operation for at least four school years. 10747
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(d) The school is not managed by an operator. 10749

(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: 10750
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(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. 10759
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(2) The governing authority's current school satisfies all of the following conditions: 10762
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(a) The school provided instruction to students for eleven months in the previous school year. 10764
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(b) The school has been in operation for at least two school years. 10766
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(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. 10768
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Sec. 3314.02. (A) As used in this chapter: 10773

(1) "Sponsor" means an entity listed in division (C)(1) of this section, which has been approved by the department of education to sponsor community schools and with which the governing authority of the proposed community school enters into a contract pursuant to this section. 10774
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(2) "Pilot project area" means the school districts included in the territory of the former community school pilot project established by former Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general assembly. 10779
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(3) "Challenged school district" means any of the following: 10783

(a) A school district that is part of the pilot project area; 10784

(b) A school district that is either in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code; 10785
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(c) A big eight school district. 10788

(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following: 10789
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(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than 10791
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thirty per cent, as reported pursuant to section 3317.10 of the Revised Code; 10793
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(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code. 10795
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(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school or educational service center building, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code. 10798
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(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998. 10803
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(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include internet-based, other computer-based, and noncomputer-based learning opportunities. 10807
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(B) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school or a building operated by an educational service center to a community school. The proposal shall be made to the board of education of the city, local, or exempted village school district in which the public school is proposed to be converted or, in the case of the conversion of a building operated by an educational service center, to the governing board of the service center. Upon 10816
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receipt of a proposal, a board may enter into a preliminary 10824
agreement with the person or group proposing the conversion of the 10825
public school or service center building, indicating the intention 10826
of the board ~~of education~~ to support the conversion to a community 10827
school. A proposing person or group that has a preliminary 10828
agreement under this division may proceed to finalize plans for 10829
the school, establish a governing authority for the school, and 10830
negotiate a contract with the board ~~of education~~. Provided the 10831
proposing person or group adheres to the preliminary agreement and 10832
all provisions of this chapter, the board ~~of education~~ shall 10833
negotiate in good faith to enter into a contract in accordance 10834
with section 3314.03 of the Revised Code and division (C) of this 10835
section. 10836

(C)(1) Any person or group of individuals may propose under 10837
this division the establishment of a new start-up school to be 10838
located in a challenged school district. The proposal may be made 10839
to any of the following entities: 10840

(a) The board of education of the district in which the 10841
school is proposed to be located; 10842

(b) The board of education of any joint vocational school 10843
district with territory in the county in which is located the 10844
majority of the territory of the district in which the school is 10845
proposed to be located; 10846

(c) The board of education of any other city, local, or 10847
exempted village school district having territory in the same 10848
county where the district in which the school is proposed to be 10849
located has the major portion of its territory; 10850

(d) The governing board of any educational service center, as 10851
long as the proposed school will be located in a county within the 10852
territory of the service center or in a county contiguous to such 10853
county; 10854

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

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

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

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

(iii) The department of education has determined that the entity is an education-oriented entity under division (B)(3) of section 3314.015 of the Revised Code and the entity has a demonstrated record of successful implementation of educational programs.

(iv) The entity is not a community school.

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

(2) A preliminary agreement indicates the intention of an entity described in division (C)(1) of this section to sponsor the community school. A proposing person or group that has such a preliminary agreement may proceed to finalize plans for the

school, establish a governing authority as described in division 10886
(E) of this section for the school, and negotiate a contract with 10887
the entity. Provided the proposing person or group adheres to the 10888
preliminary agreement and all provisions of this chapter, the 10889
entity shall negotiate in good faith to enter into a contract in 10890
accordance with section 3314.03 of the Revised Code. 10891

(3) A new start-up school that is established in a school 10892
district while that district is either in a state of academic 10893
emergency or in a state of academic watch under section 3302.03 of 10894
the Revised Code may continue in existence once the school 10895
district is no longer in a state of academic emergency or academic 10896
watch, provided there is a valid contract between the school and a 10897
sponsor. 10898

(4) A copy of every preliminary agreement entered into under 10899
this division shall be filed with the superintendent of public 10900
instruction. 10901

(D) A majority vote of the board of a sponsoring entity and a 10902
majority vote of the members of the governing authority of a 10903
community school shall be required to adopt a contract and convert 10904
the public school or educational service center building to a 10905
community school or establish the new start-up school. Beginning 10906
September 29, 2005, adoption of the contract shall occur not later 10907
than the fifteenth day of March, and signing of the contract shall 10908
occur not later than the fifteenth day of May, prior to the school 10909
year in which the school will open. The governing authority shall 10910
notify the department of education when the contract has been 10911
signed. Subject to sections 3314.013, 3314.014, 3314.016, and 10912
3314.017 of the Revised Code, an unlimited number of community 10913
schools may be established in any school district provided that a 10914
contract is entered into for each community school pursuant to 10915
this chapter. 10916

(E)(1) As used in this division, "immediate relatives" are 10917

limited to spouses, children, parents, grandparents, siblings, and 10918
in-laws. 10919

Each new start-up community school established under this 10920
chapter shall be under the direction of a governing authority 10921
which shall consist of a board of not less than five individuals. 10922

No person shall serve on the governing authority or operate 10923
the community school under contract with the governing authority 10924
so long as the person owes the state any money or is in a dispute 10925
over whether the person owes the state any money concerning the 10926
operation of a community school that has closed. 10927

(2) No person shall serve on the governing authorities of 10928
more than two start-up community schools at the same time. 10929

(3) No present or former member, or immediate relative of a 10930
present or former member, of the governing authority of any 10931
community school established under this chapter shall be an owner, 10932
employee, or consultant of any nonprofit or for-profit operator of 10933
a community school, unless at least one year has elapsed since the 10934
conclusion of the person's membership. 10935

~~(F) Nothing in this chapter shall be construed to permit the 10936
establishment of a community school in more than one school 10937
district under the same contract. 10938~~

~~(G)~~(1) A new start-up school that is established prior to 10939
August 15, 2003, in an urban school district that is not also a 10940
big-eight school district may continue to operate after that date 10941
and the contract between the school's governing authority and the 10942
school's sponsor may be renewed, as provided under this chapter, 10943
after that date, but no additional new start-up schools may be 10944
established in such a district unless the district is a challenged 10945
school district as defined in this section as it exists on and 10946
after that date. 10947

(2) A community school that was established prior to June 29, 10948

1999, and is located in a county contiguous to the pilot project 10949
area and in a school district that is not a challenged school 10950
district may continue to operate after that date, provided the 10951
school complies with all provisions of this chapter. The contract 10952
between the school's governing authority and the school's sponsor 10953
may be renewed, but no additional start-up community school may be 10954
established in that district unless the district is a challenged 10955
school district. 10956

(3) Any educational service center that, on ~~the effective~~ 10957
~~date of this amendment~~ June 30, 2007, sponsors a community school 10958
that is not located in a county within the territory of the 10959
service center or in a county contiguous to such county may 10960
continue to sponsor that community school on and after ~~the~~ 10961
~~effective date of this amendment~~ June 30, 2007, and may renew its 10962
contract with the school. However, the educational service center 10963
shall not enter into a contract with any additional community 10964
school unless the school is located in a county within the 10965
territory of the service center or in a county contiguous to such 10966
county. 10967

Sec. 3314.03. A copy of every contract entered into under 10968
this section shall be filed with the superintendent of public 10969
instruction. 10970

(A) Each contract entered into between a sponsor and the 10971
governing authority of a community school shall specify the 10972
following: 10973

(1) That the school shall be established as either of the 10974
following: 10975

(a) A nonprofit corporation established under Chapter 1702. 10976
of the Revised Code, if established prior to April 8, 2003; 10977

(b) A public benefit corporation established under Chapter 10978

1702. of the Revised Code, if established after April 8, 2003;	10979
(2) The education program of the school, including the	10980
school's mission, the characteristics of the students the school	10981
is expected to attract, the ages and grades of students, and the	10982
focus of the curriculum;	10983
(3) The academic goals to be achieved and the method of	10984
measurement that will be used to determine progress toward those	10985
goals, which shall include the statewide achievement tests;	10986
(4) Performance standards by which the success of the school	10987
will be evaluated by the sponsor;	10988
(5) The admission standards of section 3314.06 of the Revised	10989
Code and, if applicable, section 3314.061 of the Revised Code;	10990
(6)(a) Dismissal procedures;	10991
(b) A requirement that the governing authority adopt an	10992
attendance policy that includes a procedure for automatically	10993
withdrawing a student from the school if the student without a	10994
legitimate excuse fails to participate in one hundred five	10995
consecutive hours of the learning opportunities offered to the	10996
student.	10997
(7) The ways by which the school will achieve racial and	10998
ethnic balance reflective of the community it serves;	10999
(8) Requirements for financial audits by the auditor of	11000
state. The contract shall require financial records of the school	11001
to be maintained in the same manner as are financial records of	11002
school districts, pursuant to rules of the auditor of state, and	11003
the audits shall be conducted in accordance with section 117.10 of	11004
the Revised Code.	11005
(9) The facilities to be used and their locations;	11006
(10) Qualifications of teachers, including a requirement that	11007
the school's classroom teachers be licensed in accordance with	11008

sections 3319.22 to 3319.31 of the Revised Code, except that a 11009
community school may engage noncertificated persons to teach up to 11010
twelve hours per week pursuant to section 3319.301 of the Revised 11011
Code; 11012

(11) That the school will comply with the following 11013
requirements: 11014

(a) The school will provide learning opportunities to a 11015
minimum of twenty-five students for a minimum of nine hundred 11016
twenty hours per school year; 11017

(b) The governing authority will purchase liability 11018
insurance, or otherwise provide for the potential liability of the 11019
school; 11020

(c) The school will be nonsectarian in its programs, 11021
admission policies, employment practices, and all other 11022
operations, and will not be operated by a sectarian school or 11023
religious institution; 11024

(d) The school will comply with sections 9.90, 9.91, 109.65, 11025
121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 11026
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.608, 11027
3313.6012, 3313.6013, 3313.6014, 3313.643, 3313.648, 3313.66, 11028
3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 11029
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.80, 11030
3313.96, 3319.073, 3319.313, 3319.314, 3319.315, 3319.321, 11031
3319.39, 3319.391, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 11032
3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and 11033
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 11034
and 4167. of the Revised Code as if it were a school district and 11035
will comply with section 3301.0714 of the Revised Code in the 11036
manner specified in section 3314.17 of the Revised Code; 11037

(e) The school shall comply with Chapter 102. and section 11038
2921.42 of the Revised Code; 11039

(f) The school will comply with sections 3313.61, 3313.611, 11040
and 3313.614 of the Revised Code, except that for students who 11041
enter ninth grade for the first time before July 1, 2010, the 11042
requirement in sections 3313.61 and 3313.611 of the Revised Code 11043
that a person must successfully complete the curriculum in any 11044
high school prior to receiving a high school diploma may be met by 11045
completing the curriculum adopted by the governing authority of 11046
the community school rather than the curriculum specified in Title 11047
XXXIII of the Revised Code or any rules of the state board of 11048
education. Beginning with students who enter ninth grade for the 11049
first time on or after July 1, 2010, the requirement in sections 11050
3313.61 and 3313.611 of the Revised Code that a person must 11051
successfully complete the curriculum of a high school prior to 11052
receiving a high school diploma shall be met by completing the 11053
Ohio core curriculum prescribed in division (C) of section 11054
3313.603 of the Revised Code, unless the person qualifies under 11055
division (D) or (F) of that section. Each school shall comply with 11056
the plan for awarding high school credit based on demonstration of 11057
subject area competency, adopted by the state board of education 11058
under division (J) of section 3313.603 of the Revised Code. 11059

(g) The school governing authority will submit within four 11060
months after the end of each school year a report of its 11061
activities and progress in meeting the goals and standards of 11062
divisions (A)(3) and (4) of this section and its financial status 11063
to the sponsor and the parents of all students enrolled in the 11064
school. 11065

(h) The school, unless it is an internet- or computer-based 11066
community school, will comply with section 3313.801 of the Revised 11067
Code as if it were a school district. 11068

(12) Arrangements for providing health and other benefits to 11069
employees; 11070

(13) The length of the contract, which shall begin at the 11071

beginning of an academic year. No contract shall exceed five years 11072
unless such contract has been renewed pursuant to division (E) of 11073
this section. 11074

(14) The governing authority of the school, which shall be 11075
responsible for carrying out the provisions of the contract; 11076

(15) A financial plan detailing an estimated school budget 11077
for each year of the period of the contract and specifying the 11078
total estimated per pupil expenditure amount for each such year. 11079
The plan shall specify for each year the base formula amount that 11080
will be used for purposes of funding calculations under section 11081
3314.08 of the Revised Code. This base formula amount for any year 11082
shall not exceed the formula amount defined under section 3317.02 11083
of the Revised Code. The plan may also specify for any year a 11084
percentage figure to be used for reducing the per pupil amount of 11085
the subsidy calculated pursuant to section 3317.029 of the Revised 11086
Code the school is to receive that year under section 3314.08 of 11087
the Revised Code. 11088

(16) Requirements and procedures regarding the disposition of 11089
employees of the school in the event the contract is terminated or 11090
not renewed pursuant to section 3314.07 of the Revised Code; 11091

(17) Whether the school is to be created by converting all or 11092
part of an existing public school or educational service center 11093
building or is to be a new start-up school, and if it is a 11094
converted public school or service center building, specification 11095
of any duties or responsibilities of an employer that the board of 11096
education or service center governing board that operated the 11097
school or building before conversion is delegating to the 11098
governing ~~board~~ authority of the community school with respect to 11099
all or any specified group of employees provided the delegation is 11100
not prohibited by a collective bargaining agreement applicable to 11101
such employees; 11102

(18) Provisions establishing procedures for resolving	11103
disputes or differences of opinion between the sponsor and the	11104
governing authority of the community school;	11105
(19) A provision requiring the governing authority to adopt a	11106
policy regarding the admission of students who reside outside the	11107
district in which the school is located. That policy shall comply	11108
with the admissions procedures specified in sections 3314.06 and	11109
3314.061 of the Revised Code and, at the sole discretion of the	11110
authority, shall do one of the following:	11111
(a) Prohibit the enrollment of students who reside outside	11112
the district in which the school is located;	11113
(b) Permit the enrollment of students who reside in districts	11114
adjacent to the district in which the school is located;	11115
(c) Permit the enrollment of students who reside in any other	11116
district in the state.	11117
(20) A provision recognizing the authority of the department	11118
of education to take over the sponsorship of the school in	11119
accordance with the provisions of division (C) of section 3314.015	11120
of the Revised Code;	11121
(21) A provision recognizing the sponsor's authority to	11122
assume the operation of a school under the conditions specified in	11123
division (B) of section 3314.073 of the Revised Code;	11124
(22) A provision recognizing both of the following:	11125
(a) The authority of public health and safety officials to	11126
inspect the facilities of the school and to order the facilities	11127
closed if those officials find that the facilities are not in	11128
compliance with health and safety laws and regulations;	11129
(b) The authority of the department of education as the	11130
community school oversight body to suspend the operation of the	11131
school under section 3314.072 of the Revised Code if the	11132

department has evidence of conditions or violations of law at the 11133
school that pose an imminent danger to the health and safety of 11134
the school's students and employees and the sponsor refuses to 11135
take such action; 11136

(23) A description of the learning opportunities that will be 11137
offered to students including both classroom-based and 11138
non-classroom-based learning opportunities that is in compliance 11139
with criteria for student participation established by the 11140
department under division (L)(2) of section 3314.08 of the Revised 11141
Code; 11142

(24) The school will comply with section 3302.04 of the 11143
Revised Code, including division (E) of that section to the extent 11144
possible, except that any action required to be taken by a school 11145
district pursuant to that section shall be taken by the sponsor of 11146
the school. However, the sponsor shall not be required to take any 11147
action described in division (F) of that section. 11148

(25) Beginning in the 2006-2007 school year, the school will 11149
open for operation not later than the thirtieth day of September 11150
each school year, unless the mission of the school as specified 11151
under division (A)(2) of this section is solely to serve dropouts. 11152
In its initial year of operation, if the school fails to open by 11153
the thirtieth day of September, or within one year after the 11154
adoption of the contract pursuant to division (D) of section 11155
3314.02 of the Revised Code if the mission of the school is solely 11156
to serve dropouts, the contract shall be void. 11157

(B) The community school shall also submit to the sponsor a 11158
comprehensive plan for the school. The plan shall specify the 11159
following: 11160

(1) The process by which the governing authority of the 11161
school will be selected in the future; 11162

(2) The management and administration of the school; 11163

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

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

(5) Internal financial controls.

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

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

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

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

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

(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;	11195 11196 11197
(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;	11198 11199 11200 11201 11202 11203 11204
(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.	11205 11206 11207
(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.	11208 11209 11210 11211 11212 11213 11214 11215 11216 11217
(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code. Any contract that becomes void under this division	11218 11219 11220 11221 11222 11223 11224 11225 11226

shall not count toward any statewide limit on the number of such 11227
contracts prescribed by section 3314.013 of the Revised Code. 11228

~~Sec. 3314.05. Division (A) of this section shall not apply to 11229
internet or computer based community schools. 11230~~

(A) The contract between the community school and the sponsor 11231
shall specify the facilities to be used for the community school 11232
and the method of acquisition. Except as provided in division 11233
(B)(3) of this section, no community school shall be established 11234
in more than one school district under the same contract. 11235

~~(A) A (B) Division (B) of this section shall not apply to 11236
internet- or computer-based community schools. 11237~~

(1) A community school may be located in multiple facilities 11238
under the same contract only if the limitations on availability of 11239
space prohibit serving all the grade levels specified in the 11240
contract in a single facility or division (B)(2) or (3) of this 11241
section applies to the school. The school shall not offer the same 11242
grade level classrooms in more than one facility. 11243

(2) A community school may be located in multiple facilities 11244
under the same contract and, notwithstanding division (B)(1) of 11245
this section, may assign students in the same grade level to 11246
multiple facilities, as long as all of the following apply: 11247

(a) The governing authority of the community school filed a 11248
copy of its contract with the school's sponsor under section 11249
3314.03 of the Revised Code with the superintendent of public 11250
instruction on or before May 15, 2008. 11251

(b) The school was not open for operation prior to July 1, 11252
2008. 11253

(c) The governing authority has entered into and maintains a 11254
contract with an operator of the type described in division (A)(2) 11255
of section 3314.014 of the Revised Code. 11256

(d) The contract with that operator qualified the school to be established pursuant to division (A) of section 3314.016 of the Revised Code. 11257
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(e) The school's rating under section 3302.03 of the Revised Code does not fall below "in need of continuous improvement" for two or more consecutive years. 11260
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(3) A new start-up community school may be established in two school districts under the same contract if all of the following apply: 11263
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(a) At least one of the school districts in which the school is established is a challenged school district; 11266
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(b) The school operates not more than one facility in each school district and, in accordance with division (B)(1) of this section, the school does not offer the same grade level classrooms in both facilities; and 11268
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(c) Transportation between the two facilities does not require more than thirty minutes of direct travel time as measured by school bus. 11272
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In the case of a community school to which division (B)(3) of this section applies, if only one of the school districts in which the school is established is a challenged school district, that district shall be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter. If both of the school districts in which the school is established are challenged school districts, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of those divisions and all other purposes of this chapter and shall notify the department of 11275
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education of that designation. 11288

(4) Any facility used for a community school shall meet all 11289
health and safety standards established by law for school 11290
buildings. 11291

~~(B)~~(C) In the case where a community school is proposed to be 11292
located in a facility owned by a school district or educational 11293
service center, the facility may not be used for such community 11294
school unless the district or service center board owning the 11295
facility enters into an agreement for the community school to 11296
utilize the facility. Use of the facility may be under any terms 11297
and conditions agreed to by the district or service center board 11298
and the school. 11299

Sec. 3314.37. (A) A five-year demonstration project is hereby 11300
established at the community schools known as the ISUS institutes. 11301
The project is a research and development initiative to collect 11302
and analyze data with which to improve dropout prevention and 11303
recovery programs, to evaluate various methodologies employed in 11304
those programs, to develop tools and criteria for evaluating 11305
community schools that operate dropout prevention and recovery 11306
programs, to institute stringent accountability measures for such 11307
community schools, and to direct curricular and programming 11308
decisions for such community schools. The program shall begin with 11309
the 2008-2009 school year and shall operate through the 2012-2013 11310
school year. 11311

(B) Under the demonstration project, the ISUS institutes 11312
shall select and pay the costs of an independent evaluator to 11313
create a study plan and collect and analyze data from the 11314
institutes. The ISUS institutes' selection of the independent 11315
evaluator is subject to the approval of the department of 11316
education. The data collected by the evaluator shall include, but 11317
need not be limited to, the following: 11318

(1) Baseline measures of student status at enrollment, including academic level; history of court involvement, drug use, and other behavioral problems; and the circumstances of the students' parenting and living arrangements; 11319
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(2) Student academic progress, measured at multiple and regular intervals each school year; 11323
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(3) Value-added elements of the institutes' dropout prevention and recovery programs, including industry certifications, college coursework, community service and service learning, apprenticeships, and internships; 11325
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(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. 11329
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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: 11333
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(1) Submit to the ISUS institutes and the department all data collected and a report of its data analysis; 11336
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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. 11338
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(D) For each school year in which the demonstration project is operating: 11344
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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. 11346
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(2) The department shall continue to issue annual report cards for the ISUS institutes under section 3314.012 of the Revised Code and shall continue to assign them performance ratings under division (B) of section 3302.03 of the Revised Code. 11349
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(E) Nothing in this section prevents the application to the ISUS institutes, during the demonstration project, of any provision of the Revised Code or rule or policy of the department or the state board of education requiring closure, or otherwise restricting the operation, of a community school based on measures of academic performance for any school year before or during the demonstration project. Nothing in this section prevents a sponsor of an ISUS institute from terminating or not renewing its contract with the school, from suspending the operations of the school, or from placing the school on probationary status, in accordance with this chapter, during the demonstration project. Nothing in this section prevents the auditor of state from taking action against an ISUS institute under Chapter 117. of the Revised Code or other applicable law during the demonstration project. 11353
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(F) The department may conduct its own analysis of data submitted under the demonstration project. 11368
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(G) Not later than December 31, 2013, the independent evaluator shall issue a final report of its findings and analysis and its recommendations for appropriate academic accountability measures for community schools that operate dropout prevention and recovery programs. The independent evaluator shall submit the report to the department, 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. 11370
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<u>Sec. 3314.40. The governing authorities of two or more</u>	11380
<u>community schools may enter into a pooling agreement under which</u>	11381
<u>the schools may act jointly to do any of the following:</u>	11382
<u>(A) Purchase health insurance for the schools' employees;</u>	11383
<u>(B) Secure liability insurance for the schools;</u>	11384
<u>(C) Purchase other goods or services necessary for the</u>	11385
<u>operation of the schools;</u>	11386
<u>(D) Provide transportation to students enrolled in the</u>	11387
<u>schools.</u>	11388
Sec. 3316.03. (A) The existence of a fiscal watch shall be	11389
declared by the auditor of state. The auditor of state may make a	11390
determination on the auditor of state's initiative, or upon	11391
receipt of a written request for such a determination, which may	11392
be filed by the governor, the superintendent of public	11393
instruction, or a majority of the members of the board of	11394
education of the school district.	11395
(1) The auditor of state shall declare a school district to	11396
be in a state of fiscal watch if the auditor of state determines	11397
that both of the following conditions are satisfied with respect	11398
to the school district:	11399
(a) An operating deficit has been certified for the current	11400
fiscal year by the auditor of state, and the certified operating	11401
deficit exceeds eight per cent of the school district's general	11402
fund revenue for the preceding fiscal year;	11403
(b) A majority of the voting electors have not voted in favor	11404
of levying a tax under section 5705.194, <u>5705.199</u> , or 5705.21 or	11405
Chapter 5748. of the Revised Code that the auditor of state	11406
expects will raise enough additional revenue in the next	11407
succeeding fiscal year that division (A)(1)(a) of this section	11408

will not apply to the district in such next succeeding fiscal 11409
year. 11410

(2) The auditor of state shall declare a school district to 11411
be in a state of fiscal watch if the auditor of state determines 11412
that the school district has outstanding securities issued under 11413
division (A)(4) of section 3316.06 of the Revised Code, and its 11414
financial planning and supervision commission has been terminated 11415
under section 3316.16 of the Revised Code. 11416

(3) The auditor of state shall declare a school district to 11417
be in a state of fiscal watch if both of the following conditions 11418
are satisfied: 11419

(a) The superintendent of public instruction has reported to 11420
the auditor of state that the superintendent has declared the 11421
district under section 3316.031 of the Revised Code to be under a 11422
fiscal caution, has found that the district has not acted 11423
reasonably to eliminate or correct practices or conditions that 11424
prompted the declaration, and has determined the declaration of a 11425
state of fiscal watch necessary to prevent further fiscal decline; 11426

(b) The auditor of state determines that the decision of the 11427
superintendent is reasonable. 11428

If the auditor of state determines that the decision of the 11429
superintendent is not reasonable, the auditor of state shall 11430
provide the superintendent with a written explanation of that 11431
determination. 11432

(4) The auditor of state may declare a school district to be 11433
in a state of fiscal watch if all of the following conditions are 11434
satisfied: 11435

(a) An operating deficit has been certified for the current 11436
fiscal year by the auditor of state, and the certified operating 11437
deficit exceeds two per cent, but does not exceed eight per cent, 11438
of the school district's general fund revenue for the preceding 11439

fiscal year; 11440

(b) A majority of the voting electors have not voted in favor 11441
of levying a tax under section 5705.194, 5705.199, or 5705.21 or 11442
Chapter 5748. of the Revised Code that the auditor of state 11443
expects will raise enough additional revenue in the next 11444
succeeding fiscal year that division (A)(4)(a) of this section 11445
will not apply to the district in the next succeeding fiscal year; 11446

(c) The auditor of state determines that there is no 11447
reasonable cause for the deficit or that the declaration of fiscal 11448
watch is necessary to prevent further fiscal decline in the 11449
district. 11450

(B)(1) The auditor of state shall issue an order declaring a 11451
school district to be in a state of fiscal emergency if the 11452
auditor of state determines that both of the following conditions 11453
are satisfied with respect to the school district: 11454

(a) An operating deficit has been certified for the current 11455
fiscal year by the auditor of state, and the certified operating 11456
deficit exceeds fifteen per cent of the school district's general 11457
fund revenue for the preceding fiscal year. In determining the 11458
amount of an operating deficit under division (B)(1)(a) of this 11459
section, the auditor of state shall credit toward the amount of 11460
that deficit only the amount that may be borrowed from the 11461
spending reserve balance as determined under section 133.301 and 11462
division (F) of section 5705.29 of the Revised Code. 11463

(b) A majority of the voting electors have not voted in favor 11464
of levying a tax under section 5705.194, 5705.199, or 5705.21 or 11465
Chapter 5748. of the Revised Code that the auditor of state 11466
expects will raise enough additional revenue in the next 11467
succeeding fiscal year that division (B)(1)(a) of this section 11468
will not apply to the district in such next succeeding fiscal 11469
year. 11470

(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 the auditor of state that the district is not materially complying with the provisions of an original or updated plan as approved by the state superintendent under section 3316.04 of the Revised Code, and that the state superintendent has determined the declaration of a state of fiscal emergency necessary to prevent further fiscal decline;

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

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

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

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

(a) An operating deficit has been certified for the current 11502
fiscal year by the auditor of state, and the certified operating 11503
deficit exceeds ten per cent, but does not exceed fifteen per 11504
cent, of the school district's general fund revenue for the 11505
preceding fiscal year; 11506

(b) A majority of the voting electors have not voted in favor 11507
of levying a tax under section 5705.194, 5705.199, or 5705.21 or 11508
Chapter 5748. of the Revised Code that the auditor of state 11509
expects will raise enough additional revenue in the next 11510
succeeding fiscal year that division (B)(5)(a) of this section 11511
will not apply to the district in the next succeeding fiscal year; 11512

(c) The auditor of state determines that a declaration of 11513
fiscal emergency is necessary to correct the district's fiscal 11514
problems and to prevent further fiscal decline. 11515

(C) In making the determinations under this section, the 11516
auditor of state may use financial reports required under section 11517
117.43 of the Revised Code; tax budgets, certificates of estimated 11518
resources and amendments thereof, annual appropriating measures 11519
and spending plans, and any other documents or information 11520
prepared pursuant to Chapter 5705. of the Revised Code; and any 11521
other documents, records, or information available to the auditor 11522
of state that indicate the conditions described in divisions (A) 11523
and (B) of this section. 11524

(D) The auditor of state shall certify the action taken under 11525
division (A) or (B) of this section to the board of education of 11526
the school district, the director of budget and management, the 11527
mayor or county auditor who could be required to act pursuant to 11528
division (B)(1) of section 3316.05 of the Revised Code, and to the 11529
superintendent of public instruction. 11530

(E) A determination by the auditor of state under this 11531
section that a fiscal emergency condition does not exist is final 11532

and conclusive and not appealable. A determination by the auditor 11533
of state under this section that a fiscal emergency exists is 11534
final, except that the board of education of the school district 11535
affected by such a determination may appeal the determination of 11536
the existence of a fiscal emergency condition to the court of 11537
appeals having territorial jurisdiction over the school district. 11538
The appeal shall be heard expeditiously by the court of appeals 11539
and for good cause shown shall take precedence over all other 11540
civil matters except earlier matters of the same character. Notice 11541
of such appeal must be filed with the auditor of state and such 11542
court within thirty days after certification by the auditor of 11543
state to the board of education of the school district provided 11544
for in division (D) of this section. In such appeal, 11545
determinations of the auditor of state shall be presumed to be 11546
valid and the board of education shall have the burden of proving, 11547
by clear and convincing evidence, that each of the determinations 11548
made by the auditor of state as to the existence of a fiscal 11549
emergency condition under this section was in error. If the board 11550
of education fails, upon presentation of its case, to prove by 11551
clear and convincing evidence that each such determination by the 11552
auditor of state was in error, the court shall dismiss the appeal. 11553
The board of education and the auditor of state may introduce any 11554
evidence relevant to the existence or nonexistence of such fiscal 11555
emergency conditions. The pendency of any such appeal shall not 11556
affect or impede the operations of this chapter; no restraining 11557
order, temporary injunction, or other similar restraint upon 11558
actions consistent with this chapter shall be imposed by the court 11559
or any court pending determination of such appeal; and all things 11560
may be done under this chapter that may be done regardless of the 11561
pendency of any such appeal. Any action taken or contract executed 11562
pursuant to this chapter during the pendency of such appeal is 11563
valid and enforceable among all parties, notwithstanding the 11564
decision in such appeal. If the court of appeals reverses the 11565

determination of the existence of a fiscal emergency condition by 11566
the auditor of state, the determination no longer has any effect, 11567
and any procedures undertaken as a result of the determination 11568
shall be terminated. 11569

Sec. 3316.041. (A) Notwithstanding any provision of Chapter 11570
133. or sections 3313.483 to 3313.4811 of the Revised Code, and 11571
subject to the approval of the superintendent of public 11572
instruction, a school district that is in a state of fiscal watch 11573
declared under section 3316.03 of the Revised Code may restructure 11574
or refinance loans obtained or in the process of being obtained 11575
under section 3313.483 of the Revised Code if all of the following 11576
requirements are met: 11577

(1) The operating deficit certified for the school district 11578
for the current or preceding fiscal year under section 3313.483 of 11579
the Revised Code exceeds fifteen per cent of the district's 11580
general revenue fund for the fiscal year preceding the year for 11581
which the certification of the operating deficit is made. 11582

(2) The school district voters have, during the period of the 11583
fiscal watch, approved the levy of a tax under section 718.09, 11584
718.10, 5705.194, 5705.21, or 5748.02 of the Revised Code that is 11585
not a renewal or replacement levy, or a levy under section 11586
5705.199 of the Revised Code, and that will provide new operating 11587
revenue. 11588

(3) The board of education of the school district has adopted 11589
or amended the financial plan required by section 3316.04 of the 11590
Revised Code to reflect the restructured or refinanced loans, and 11591
sets forth the means by which the district will bring projected 11592
operating revenues and expenditures, and projected debt service 11593
obligations, into balance for the life of any such loan. 11594

(B) Subject to the approval of the superintendent of public 11595
instruction, the school district may issue securities to evidence 11596

the restructuring or refinancing authorized by this section. Such 11597
securities may extend the original period for repayment not to 11598
exceed ten years, and may alter the frequency and amount of 11599
repayments, interest or other financing charges, and other terms 11600
or agreements under which the loans were originally contracted, 11601
provided the loans received under sections 3313.483 of the Revised 11602
Code are repaid from funds the district would otherwise receive 11603
under sections 3317.022 to 3317.025 of the Revised Code, as 11604
required under division (E)(3) of section 3313.483 of the Revised 11605
Code. Securities issued for the purpose of restructuring or 11606
refinancing under this section shall be repaid in equal payments 11607
and at equal intervals over the term of the debt and are not 11608
eligible to be included in any subsequent proposal to restructure 11609
or refinance. 11610

(C) Unless the district is declared to be in a state of 11611
fiscal emergency under division (D) of section 3316.04 of the 11612
Revised Code, a school district shall remain in a state of fiscal 11613
watch for the duration of the repayment period of any loan 11614
restructured or refinanced under this section. 11615

Sec. 3316.06. (A) Within one hundred twenty days after the 11616
first meeting of a school district financial planning and 11617
supervision commission, the commission shall adopt a financial 11618
recovery plan regarding the school district for which the 11619
commission was created. During the formulation of the plan, the 11620
commission shall seek appropriate input from the school district 11621
board and from the community. This plan shall contain the 11622
following: 11623

(1) Actions to be taken to: 11624

(a) Eliminate all fiscal emergency conditions declared to 11625
exist pursuant to division (B) of section 3316.03 of the Revised 11626
Code; 11627

(b) Satisfy any judgments, past-due accounts payable, and all 11628
past-due and payable payroll and fringe benefits; 11629

(c) Eliminate the deficits in all deficit funds, except that 11630
any prior year deficits in the textbook and instructional 11631
materials fund established pursuant to section 3315.17 of the 11632
Revised Code and the capital and maintenance fund established 11633
pursuant to section 3315.18 of the Revised Code shall be forgiven; 11634

(d) Restore to special funds any moneys from such funds that 11635
were used for purposes not within the purposes of such funds, or 11636
borrowed from such funds by the purchase of debt obligations of 11637
the school district with the moneys of such funds, or missing from 11638
the special funds and not accounted for, if any; 11639

(e) Balance the budget, avoid future deficits in any funds, 11640
and maintain on a current basis payments of payroll, fringe 11641
benefits, and all accounts; 11642

(f) Avoid any fiscal emergency condition in the future; 11643

(g) Restore the ability of the school district to market 11644
long-term general obligation bonds under provisions of law 11645
applicable to school districts generally. 11646

(2) The management structure that will enable the school 11647
district to take the actions enumerated in division (A)(1) of this 11648
section. The plan shall specify the level of fiscal and management 11649
control that the commission will exercise within the school 11650
district during the period of fiscal emergency, and shall 11651
enumerate respectively, the powers and duties of the commission 11652
and the powers and duties of the school board during that period. 11653
The commission may elect to assume any of the powers and duties of 11654
the school board it considers necessary, including all powers 11655
related to personnel, curriculum, and legal issues in order to 11656
successfully implement the actions described in division (A)(1) of 11657
this section. 11658

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

(4) The amount and purpose of any issue of debt obligations that will be issued, together with assurances that any such debt obligations that will be issued will not exceed debt limits supported by appropriate certifications by the fiscal officer of the school district and the county auditor. Debt obligations issued pursuant to section 133.301 of the Revised Code shall include assurances that such debt shall be in an amount not to exceed the amount certified under division (B) of such section. If the commission considers it necessary in order to maintain or improve educational opportunities of pupils in the school district, the plan may include a proposal to restructure or refinance outstanding debt obligations incurred by the board under section 3313.483 of the Revised Code contingent upon the approval, during the period of the fiscal emergency, by district voters of a tax levied under section 718.09, 718.10, 5705.194, 5705.21, 5748.02, or 5748.08 of the Revised Code, that is not a renewal or replacement levy, or a levy under section 5705.199 of the Revised Code, and that will provide new operating revenue. Notwithstanding any provision of Chapter 133. or sections 3313.483 to 3313.4811 of the Revised Code, following the required approval of the district voters and with the approval of the commission, the school district may issue securities to evidence the restructuring or refinancing. Those securities may extend the original period for repayment, not to exceed ten years, and may alter the frequency and amount of repayments, interest or other financing charges, and other terms of agreements under which the debt originally was

contracted, at the discretion of the commission, provided that any 11692
loans received pursuant to section 3313.483 of the Revised Code 11693
shall be paid from funds the district would otherwise receive 11694
under sections 3317.022 to 3317.025 of the Revised Code, as 11695
required under division (E)(3) of section 3313.483 of the Revised 11696
Code. The securities issued for the purpose of restructuring or 11697
refinancing the debt shall be repaid in equal payments and at 11698
equal intervals over the term of the debt and are not eligible to 11699
be included in any subsequent proposal for the purpose of 11700
restructuring or refinancing debt under this section. 11701

(B) Any financial recovery plan may be amended subsequent to 11702
its adoption. Each financial recovery plan shall be updated 11703
annually. 11704

(C) Each school district financial planning and supervision 11705
commission shall submit the financial recovery plan it adopts or 11706
updates under this section to the state superintendent of public 11707
instruction for approval immediately following its adoption or 11708
updating. The state superintendent shall evaluate the plan and 11709
either approve or disapprove it within thirty calendar days from 11710
the date of its submission. If the plan is disapproved, the state 11711
superintendent shall recommend modifications that will render it 11712
acceptable. No financial planning and supervision commission shall 11713
implement a financial recovery plan that is adopted or updated on 11714
or after April 10, 2001, unless the state superintendent has 11715
approved it. 11716

Sec. 3316.08. During a school district's fiscal emergency 11717
period, the auditor of state shall determine annually, or at any 11718
other time upon request of the financial planning and supervision 11719
commission, whether the school district will incur an operating 11720
deficit. If the auditor of state determines that a school district 11721
will incur an operating deficit, the auditor of state shall 11722

certify that determination to the superintendent of public 11723
instruction, the financial planning and supervision commission, 11724
and the board of education of the school district. Upon receiving 11725
the auditor of state's certification, the commission shall adopt a 11726
resolution requesting that the board of education work with the 11727
county auditor or tax commissioner to estimate the amount and rate 11728
of a tax levy that is needed under section 5705.194, 5709.199, or 11729
5705.21 or Chapter 5748. of the Revised Code to produce a positive 11730
fund balance not later than the fifth year of the five-year 11731
forecast submitted under section 5705.391 of the Revised Code. 11732

The board of education shall recommend to the commission 11733
whether the board supports or opposes a tax levy under section 11734
5705.194, 5709.199, or 5705.21 or Chapter 5748. of the Revised 11735
Code and shall provide supporting documentation to the commission 11736
of its recommendation. 11737

After considering the board of education's recommendation and 11738
supporting documentation, the commission shall adopt a resolution 11739
to either submit a ballot question proposing a tax levy or not to 11740
submit such a question. 11741

Except as otherwise provided in this division, the tax shall 11742
be levied in the manner prescribed for a tax levied under section 11743
5705.194, 5709.199, or 5705.21 or under Chapter 5748. of the 11744
Revised Code. If the commission decides that a tax should be 11745
levied, the tax shall be levied for the purpose of paying current 11746
operating expenses of the school district. The rate of a tax 11747
levied under section 5705.194, 5709.199, or 5705.21 of the Revised 11748
Code shall be determined by the county auditor, and the rate of a 11749
tax levied under section 5748.02 or 5748.08 of the Revised Code 11750
shall be determined by the tax commissioner, upon the request of 11751
the commission. The commission, in consultation with the board of 11752
education, shall determine the election at which the question of 11753
the tax shall appear on the ballot, and the commission shall 11754

submit a copy of its resolution to the board of elections not 11755
later than seventy-five days prior to the day of that election. 11756
The board of elections conducting the election shall certify the 11757
results of the election to the board of education and to the 11758
financial planning and supervision commission. 11759

Sec. 3317.023. (A) Notwithstanding section 3317.022 of the 11760
Revised Code, the amounts required to be paid to a district under 11761
this chapter shall be adjusted by the amount of the computations 11762
made under divisions (B) to ~~(P)~~(N) of this section. 11763

As used in this section: 11764

(1) "Classroom teacher" means a licensed employee who 11765
provides direct instruction to pupils, excluding teachers funded 11766
from money paid to the district from federal sources; educational 11767
service personnel; and vocational and special education teachers. 11768

(2) "Educational service personnel" shall not include such 11769
specialists funded from money paid to the district from federal 11770
sources or assigned full-time to vocational or special education 11771
students and classes and may only include those persons employed 11772
in the eight specialist areas in a pattern approved by the 11773
department of education under guidelines established by the state 11774
board of education. 11775

(3) "Annual salary" means the annual base salary stated in 11776
the state minimum salary schedule for the performance of the 11777
teacher's regular teaching duties that the teacher earns for 11778
services rendered for the first full week of October of the fiscal 11779
year for which the adjustment is made under division (C) of this 11780
section. It shall not include any salary payments for supplemental 11781
teachers contracts. 11782

(4) "Regular student population" means the formula ADM plus 11783
the number of students reported as enrolled in the district 11784

pursuant to division (A)(1) of section 3313.981 of the Revised Code; minus the number of students reported under division (A)(2) of section 3317.03 of the Revised Code; minus the FTE of students reported under division (B)(6), (7), (8), (9), (10), (11), or (12) of that section who are enrolled in a vocational education class or receiving special education; and minus twenty per cent of the students enrolled concurrently in a joint vocational school district.

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

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

(7) "Lead district" means a school district, including a joint vocational school district, designated by the department as a VEPD, or designated to provide primary vocational education leadership within a VEPD composed of a group of districts.

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

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

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

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

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

teachers by: 11815

(1) The mean annual salary of all full-time equivalent 11816
classroom teachers employed by the district at their respective 11817
training and experience levels minus; 11818

(2) The mean annual salary of all such teachers at their 11819
respective levels in all school districts receiving payments under 11820
this section. 11821

The number of full-time equivalent classroom teachers used in 11822
this computation shall not exceed one twenty-fifth of the 11823
district's regular student population. In calculating the 11824
district's mean salary under this division, those full-time 11825
equivalent classroom teachers with the highest training level 11826
shall be counted first, those with the next highest training level 11827
second, and so on, in descending order. Within the respective 11828
training levels, teachers with the highest years of service shall 11829
be counted first, the next highest years of service second, and so 11830
on, in descending order. 11831

(D) This division does not apply to a school district that 11832
has entered into an agreement under division (A) of section 11833
3313.42 of the Revised Code. Deduct the amount obtained from the 11834
following computations if the district employs fewer than five 11835
full-time equivalent educational service personnel, including 11836
elementary school art, music, and physical education teachers, 11837
counselors, librarians, visiting teachers, school social workers, 11838
and school nurses for each one thousand pupils in the regular 11839
student population: 11840

(1) Divide the number of full-time equivalent educational 11841
service personnel employed by the district by five 11842
one-thousandths; 11843

(2) Subtract the quotient in (1) from the district's regular 11844
student population; 11845

(3) Multiply the difference in (2) by ninety-four dollars. 11846

(E) If a local school district, or a city or exempted village 11847
school district to which a governing board of an educational 11848
service center provides services pursuant to section 3313.843 of 11849
the Revised Code, deduct the amount of the payment required for 11850
the reimbursement of the governing board under section 3317.11 of 11851
the Revised Code. 11852

(F)(1) If the district is required to pay to or entitled to 11853
receive tuition from another school district under division (C)(2) 11854
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 11855
or if the superintendent of public instruction is required to 11856
determine the correct amount of tuition and make a deduction or 11857
credit under section 3317.08 of the Revised Code, deduct and 11858
credit such amounts as provided in division (J) of section 3313.64 11859
or section 3317.08 of the Revised Code. 11860

(2) For each child for whom the district is responsible for 11861
tuition or payment under division (A)(1) of section 3317.082 or 11862
section 3323.091 of the Revised Code, deduct the amount of tuition 11863
or payment for which the district is responsible. 11864

(G) If the district has been certified by the superintendent 11865
of public instruction under section 3313.90 of the Revised Code as 11866
not in compliance with the requirements of that section, deduct an 11867
amount equal to ten per cent of the amount computed for the 11868
district under section 3317.022 of the Revised Code. 11869

(H) If the district has received a loan from a commercial 11870
lending institution for which payments are made by the 11871
superintendent of public instruction pursuant to division (E)(3) 11872
of section 3313.483 of the Revised Code, deduct an amount equal to 11873
such payments. 11874

(I)(1) If the district is a party to an agreement entered 11875
into under division (D), (E), or (F) of section 3311.06 or 11876

division (B) of section 3311.24 of the Revised Code and is 11877
obligated to make payments to another district under such an 11878
agreement, deduct an amount equal to such payments if the district 11879
school board notifies the department in writing that it wishes to 11880
have such payments deducted. 11881

(2) If the district is entitled to receive payments from 11882
another district that has notified the department to deduct such 11883
payments under division (I)(1) of this section, add the amount of 11884
such payments. 11885

(J) If the district is required to pay an amount of funds to 11886
a cooperative education district pursuant to a provision described 11887
by division (B)(4) of section 3311.52 or division (B)(8) of 11888
section 3311.521 of the Revised Code, deduct such amounts as 11889
provided under that provision and credit those amounts to the 11890
cooperative education district for payment to the district under 11891
division (B)(1) of section 3317.19 of the Revised Code. 11892

(K)(1) If a district is educating a student entitled to 11893
attend school in another district pursuant to a shared education 11894
contract, compact, or cooperative education agreement other than 11895
an agreement entered into pursuant to section 3313.842 of the 11896
Revised Code, credit to that educating district on an FTE basis 11897
both of the following: 11898

(a) An amount equal to the sum of the formula amount plus the 11899
per pupil amount of the base funding supplements specified in 11900
divisions (C)(1) to (4) of section 3317.012 of the Revised Code. 11901

(b) An amount equal to the current formula amount times the 11902
state share percentage times any multiple applicable to the 11903
student pursuant to section 3317.013 or 3317.014 of the Revised 11904
Code. 11905

(2) Deduct any amount credited pursuant to division (K)(1) of 11906
this section from amounts paid to the school district in which the 11907

student is entitled to attend school pursuant to section 3313.64 11908
or 3313.65 of the Revised Code. 11909

(3) If the district is required by a shared education 11910
contract, compact, or cooperative education agreement to make 11911
payments to an educational service center, deduct the amounts from 11912
payments to the district and add them to the amounts paid to the 11913
service center pursuant to section 3317.11 of the Revised Code. 11914

(L)(1) If a district, including a joint vocational school 11915
district, is a lead district of a VEPD, credit to that district 11916
the amounts calculated for all the school districts within that 11917
VEPD pursuant to division (E)(2) of section 3317.022 of the 11918
Revised Code. 11919

(2) Deduct from each appropriate district that is not a lead 11920
district, the amount attributable to that district that is 11921
credited to a lead district under division (L)(1) of this section. 11922

(M) If the department pays a joint vocational school district 11923
under division (G)(4) of section 3317.16 of the Revised Code for 11924
excess costs of providing special education and related services 11925
to a student with a disability, as calculated under division 11926
(G)(2) of that section, the department shall deduct the amount of 11927
that payment from the city, local, or exempted village school 11928
district that is responsible as specified in that section for the 11929
excess costs. 11930

(N)(1) If the district reports an amount of excess cost for 11931
special education services for a child under division (C) of 11932
section 3323.14 of the Revised Code, the department shall pay that 11933
amount to the district. 11934

(2) If the district reports an amount of excess cost for 11935
special education services for a child under division (C) of 11936
section 3323.14 of the Revised Code, the department shall deduct 11937
that amount from the district of residence of that child. 11938

~~(O) If the department of job and family services presents to the department of education a payment request through an intrastate transfer voucher for the nonfederal share of reimbursements made to a school district for medicaid services provided by the district, the department of education shall pay the amount of that request to the department of job and family services and shall deduct the amount of that payment from the district.~~

~~(P) If the department is required to pay an amount under section 3353.25 of the Revised Code to a school district delivering a course included in the clearinghouse established under section 3353.21 of the Revised Code for a student enrolled in a school district, the department shall deduct that amount from the school district in which the student is enrolled.~~

Sec. 3317.11. (A) As used in this section: 11953

(1) "Client school district" means a city or exempted village school district that has entered into an agreement under section 3313.843 of the Revised Code to receive any services from an educational service center. 11954
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(2) "Service center ADM" means the sum of the total student counts of all local school districts within an educational service center's territory and all of the service center's client school districts. 11958
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(3) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code. 11962
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(4) "Total student count" has the same meaning as in section 3301.011 of the Revised Code. 11965
11966

(B)(1) The governing board of each educational service center shall provide supervisory services to each local school district 11967
11968

within the service center's territory. Each city or exempted 11969
village school district that enters into an agreement under 11970
section 3313.843 of the Revised Code for a governing board to 11971
provide any services also is considered to be provided supervisory 11972
services by the governing board. Except as provided in division 11973
(B)(2) of this section, the supervisory services shall not exceed 11974
one supervisory teacher for the first fifty classroom teachers 11975
required to be employed in the districts, as calculated under 11976
section 3317.023 of the Revised Code, and one for each additional 11977
one hundred required classroom teachers, as so calculated. 11978

The supervisory services shall be financed annually through 11979
supervisory units. Except as provided in division (B)(2) of this 11980
section, the number of supervisory units assigned to each district 11981
shall not exceed one unit for the first fifty classroom teachers 11982
required to be employed in the district, as calculated under 11983
section 3317.023 of the Revised Code, and one for each additional 11984
one hundred required classroom teachers, as so calculated. The 11985
cost of each supervisory unit shall be the sum of: 11986

(a) The minimum salary prescribed by section 3317.13 of the 11987
Revised Code for the licensed supervisory employee of the 11988
governing board; 11989

(b) An amount equal to fifteen per cent of the salary 11990
prescribed by section 3317.13 of the Revised Code; 11991

(c) An allowance for necessary travel expenses, limited to 11992
the lesser of two hundred twenty-three dollars and sixteen cents 11993
per month or two thousand six hundred seventy-eight dollars per 11994
year. 11995

(2) If a majority of the boards of education, or 11996
superintendents acting on behalf of the boards, of the local and 11997
client school districts receiving services from the educational 11998
service center agree to receive additional supervisory services 11999

and to pay the cost of a corresponding number of supervisory units 12000
in excess of the services and units specified in division (B)(1) 12001
of this section, the service center shall provide the additional 12002
services as agreed to by the majority of districts to, and the 12003
department of education shall apportion the cost of the 12004
corresponding number of additional supervisory units pursuant to 12005
division (B)(3) of this section among, all of the service center's 12006
local and client school districts. 12007

(3) The department shall apportion the total cost for all 12008
supervisory units among the service center's local and client 12009
school districts based on each district's total student count. The 12010
department shall deduct each district's apportioned share pursuant 12011
to division (E) of section 3317.023 of the Revised Code and pay 12012
the apportioned share to the service center. 12013

(C) The department annually shall deduct from each local and 12014
client school district of each educational service center, 12015
pursuant to division (E) of section 3317.023 of the Revised Code, 12016
and pay to the service center an amount equal to six dollars and 12017
fifty cents times the school district's total student count. The 12018
board of education, or the superintendent acting on behalf of the 12019
board, of any local or client school district may agree to pay an 12020
amount in excess of six dollars and fifty cents per student in 12021
total student count. If a majority of the boards of education, or 12022
superintendents acting on behalf of the boards, of the local 12023
school districts within a service center's territory approve an 12024
amount in excess of six dollars and fifty cents per student in 12025
total student count, the department shall deduct the approved 12026
excess per student amount from all of the local school districts 12027
within the service center's territory and pay the excess amount to 12028
the service center. 12029

(D) The department shall pay each educational service center 12030
the amounts due to it from school districts pursuant to contracts, 12031

compacts, or agreements under which the service center furnishes 12032
services to the districts or their students. In order to receive 12033
payment under this division, an educational service center shall 12034
furnish either a copy of the contract, compact, or agreement 12035
clearly indicating the amounts of the payments, or a written 12036
statement that clearly indicates the payments owed and is signed 12037
by the superintendent or treasurer of the responsible school 12038
district. The amounts paid to service centers under this division 12039
shall be deducted from payments to school districts pursuant to 12040
division (K)(3) of section 3317.023 of the Revised Code. 12041

(E) Each school district's deduction under this section and 12042
divisions (E) and (K)(3) of section 3317.023 of the Revised Code 12043
shall be made from the total payment computed for the district 12044
under this chapter, after making any other adjustments in that 12045
payment required by law. 12046

(F)(1) Except as provided in division (F)(2) of this section, 12047
the department annually shall pay the governing board of each 12048
educational service center state funds equal to thirty-seven 12049
dollars times its service center ADM. 12050

(2) The department annually shall pay state funds equal to 12051
forty dollars and fifty-two cents times the service center ADM to 12052
each educational service center comprising territory that was 12053
included in the territory of at least three former service centers 12054
or county school districts, which former centers or districts 12055
engaged in one or more mergers under section 3311.053 of the 12056
Revised Code to form the present center. 12057

(G) Each city, exempted village, local, joint vocational, or 12058
cooperative education school district shall pay to the governing 12059
board of an educational service center any amounts agreed to for 12060
each child enrolled in the district who receives special education 12061
and related services or career-technical education from the 12062
educational service center, unless these educational services are 12063

provided pursuant to a contract, compact, or agreement for which 12064
the department deducts and transfers payments under division (D) 12065
of this section and division (K)(3) of section 3317.023 of the 12066
Revised Code. 12067

(H) The department annually shall pay the governing board of 12068
each educational service center that has entered into a contract 12069
with a STEM school for the provision of services described in 12070
division (B) of section 3326.45 of the Revised Code state funds 12071
equal to the per-pupil amount specified in the contract for the 12072
provision of those services times the number of students enrolled 12073
in the STEM school. 12074

(I) An educational service center: 12075

(1) May provide special education and career-technical 12076
education to students in its local or client school districts; 12077

(2) Is eligible for transportation funding under division (G) 12078
of section 3317.024 of the Revised Code and for state subsidies 12079
for the purchase of school buses under section 3317.07 of the 12080
Revised Code; 12081

(3) May apply for and receive gifted education units and 12082
provide gifted education services to students in its local or 12083
client school districts; 12084

(4) May conduct driver education for high school students in 12085
accordance with Chapter 4508. of the Revised Code. 12086

Sec. 3317.20. This section does not apply to preschool 12087
children with disabilities. 12088

(A) As used in this section: 12089

(1) "Applicable weight" means the multiple specified in 12090
section 3317.013 of the Revised Code for a disability described in 12091
that section. 12092

(2) "Child's school district" means the school district in 12093
which a child is entitled to attend school pursuant to section 12094
3313.64 or 3313.65 of the Revised Code. 12095

(3) "State share percentage" means the state share percentage 12096
of the child's school district as defined in section 3317.022 of 12097
the Revised Code. 12098

(B) Except as provided in division (C) of this section, the 12099
department shall annually pay each county MR/DD board for each 12100
child with a disability, other than a preschool child with a 12101
disability, for whom the county MR/DD board provides special 12102
education and related services an amount equal to the formula 12103
amount + (state share percentage X formula amount X the applicable 12104
weight). 12105

(C) If any school district places with a county MR/DD board 12106
more children with disabilities than it had placed with a county 12107
MR/DD board in fiscal year 1998, the department shall not make a 12108
payment under division (B) of this section for the number of 12109
children exceeding the number placed in fiscal year 1998. The 12110
department instead shall deduct from the district's payments under 12111
this chapter, and pay to the county MR/DD board, an amount 12112
calculated in accordance with the formula prescribed in division 12113
(B) of this section for each child over the number of children 12114
placed in fiscal year 1998. 12115

(D) The department shall calculate for each county MR/DD 12116
board receiving payments under divisions (B) and (C) of this 12117
section the following amounts: 12118

(1) The amount received by the county MR/DD board for 12119
approved special education and related services units, other than 12120
units for preschool children with disabilities, in fiscal year 12121
1998, divided by the total number of children served in the units 12122
that year; 12123

(2) The product of the quotient calculated under division 12124
(D)(1) of this section times the number of children for whom 12125
payments are made under divisions (B) and (C) of this section. 12126

If the amount calculated under division (D)(2) of this 12127
section is greater than the total amount calculated under 12128
divisions (B) and (C) of this section, the department shall pay 12129
the county MR/DD board one hundred per cent of the difference in 12130
addition to the payments under divisions (B) and (C) of this 12131
section. 12132

(E) Each county MR/DD board shall report to the department, 12133
in the manner specified by the department, the name of each child 12134
for whom the county MR/DD board provides special education and 12135
related services and the child's school district. 12136

(F)(1) For the purpose of verifying the accuracy of the 12137
payments under this section, the department may request from 12138
either of the following entities the data verification code 12139
assigned under division (D)(2) of section 3301.0714 of the Revised 12140
Code to any child who is placed with a county MR/DD board: 12141

(a) The child's school district; 12142

(b) The independent contractor engaged to create and maintain 12143
data verification codes. 12144

(2) Upon a request by the department under division (F)(1) of 12145
this section for the data verification code of a child, the 12146
child's school district shall submit that code to the department 12147
in the manner specified by the department. If the child has not 12148
been assigned a code, the district shall assign a code to that 12149
child and submit the code to the department by a date specified by 12150
the department. If the district does not assign a code to the 12151
child by the specified date, the department shall assign a code to 12152
the child. 12153

The department annually shall submit to each school district 12154

the name and data verification code of each child residing in the 12155
district for whom the department has assigned a code under this 12156
division. 12157

(3) The department shall not release any data verification 12158
code that it receives under division (F) of this section to any 12159
person except as provided by law. 12160

(G) Any document relative to special education and related 12161
services provided by a county MR/DD board that the department 12162
holds in its files that contains both a student's name or other 12163
personally identifiable information and the student's data 12164
verification code shall not be a public record under section 12165
149.43 of the Revised Code. 12166

Sec. 3318.01. As used in sections 3318.01 to 3318.20 of the 12167
Revised Code: 12168

(A) "Ohio school facilities commission" means the commission 12169
created pursuant to section 3318.30 of the Revised Code. 12170

(B) "Classroom facilities" means rooms in which pupils 12171
regularly assemble in public school buildings to receive 12172
instruction and education and such facilities and building 12173
improvements for the operation and use of such rooms as may be 12174
needed in order to provide a complete educational program, and may 12175
include space within which a child care facility or a community 12176
resource center is housed. "Classroom facilities" includes any 12177
space necessary for the operation of a vocational education 12178
program for secondary students in any school district that 12179
operates such a program. 12180

(C) "Project" means a project to construct or acquire 12181
classroom facilities, or to reconstruct or make additions to 12182
existing classroom facilities, to be used for housing the 12183
applicable school district and its functions. 12184

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, "project" means a segment. 12185
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(D) "School district" means a local, exempted village, or city school district as such districts are defined in Chapter 3311. of the Revised Code, acting as an agency of state government, performing essential governmental functions of state government pursuant to sections 3318.01 to 3318.20 of the Revised Code. 12189
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For purposes of assistance provided under sections 3318.40 to 3318.45 of the Revised Code, the term "school district" as used in this section and in divisions (A), (C), and (D) of section 3318.03 and in sections 3318.031, 3318.042, 3318.07, 3318.08, 3318.083, 3318.084, 3318.085, 3318.086, 3318.10, 3318.11, 3318.12, 3318.13, 3318.14, 3318.15, 3318.16, 3318.19, and 3318.20 of the Revised Code means a joint vocational school district established pursuant to section 3311.18 of the Revised Code. 12195
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(E) "School district board" means the board of education of a school district. 12203
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(F) "Net bonded indebtedness" means the difference between the sum of the par value of all outstanding and unpaid bonds and notes which a school district board is obligated to pay and any amounts the school district is obligated to pay under lease-purchase agreements entered into under section 3313.375 of the Revised Code, and the amount held in the sinking fund and other indebtedness retirement funds for their redemption. Notes issued for school buses in accordance with section 3327.08 of the Revised Code, notes issued in anticipation of the collection of current revenues, and bonds issued to pay final judgments shall not be considered in calculating the net bonded indebtedness. 12205
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"Net bonded indebtedness" does not include indebtedness 12216
arising from the acquisition of land to provide a site for 12217
classroom facilities constructed, acquired, or added to pursuant 12218
to sections 3318.01 to 3318.20 of the Revised Code or the par 12219
value of bonds that have been authorized by the electors and the 12220
proceeds of which will be used by the district to provide any part 12221
of its portion of the basic project cost. 12222

(G) "Board of elections" means the board of elections of the 12223
county containing the most populous portion of the school 12224
district. 12225

(H) "County auditor" means the auditor of the county in which 12226
the greatest value of taxable property of such school district is 12227
located. 12228

(I) "Tax duplicates" means the general tax lists and 12229
duplicates prescribed by sections 319.28 and 319.29 of the Revised 12230
Code. 12231

(J) "Required level of indebtedness" means: 12232

(1) In the case of school districts in the first percentile, 12233
five per cent of the district's valuation for the year preceding 12234
the year in which the controlling board approved the project under 12235
section 3318.04 of the Revised Code. 12236

(2) In the case of school districts ranked in a subsequent 12237
percentile, five per cent of the district's valuation for the year 12238
preceding the year in which the controlling board approved the 12239
project under section 3318.04 of the Revised Code, plus [two 12240
one-hundredths of one per cent multiplied by (the percentile in 12241
which the district ranks for the fiscal year preceding the fiscal 12242
year in which the controlling board approved the district's 12243
project minus one)]. 12244

(K) "Required percentage of the basic project costs" means 12245
one per cent of the basic project costs times the percentile in 12246

which the school district ranks for the fiscal year preceding the 12247
fiscal year in which the controlling board approved the district's 12248
project. 12249

(L) "Basic project cost" means a cost amount determined in 12250
accordance with rules adopted under section 111.15 of the Revised 12251
Code by the Ohio school facilities commission. The basic project 12252
cost calculation shall take into consideration the square footage 12253
and cost per square foot necessary for the grade levels to be 12254
housed in the classroom facilities, the variation across the state 12255
in construction and related costs, the cost of the installation of 12256
site utilities and site preparation, the cost of demolition of all 12257
or part of any existing classroom facilities that are abandoned 12258
under the project, the cost of insuring the project until it is 12259
completed, any contingency reserve amount prescribed by the 12260
commission under section 3318.086 of the Revised Code, and the 12261
professional planning, administration, and design fees that a 12262
school district may have to pay to undertake a classroom 12263
facilities project. 12264

For a joint vocational school district that receives 12265
assistance under sections 3318.40 to 3318.45 of the Revised Code, 12266
the basic project cost calculation for a project under those 12267
sections shall also take into account the types of laboratory 12268
spaces and program square footages needed for the vocational 12269
education programs for high school students offered by the school 12270
district. 12271

For a district that opts to divide its entire classroom 12272
facilities needs into segments, each segment to be completed as a 12273
separate project, as authorized by section 3318.034 of the Revised 12274
Code, "basic project cost" means the cost determined in accordance 12275
with this division of a segment. 12276

(M)(1) Except for a joint vocational school district that 12277
receives assistance under sections 3318.40 to 3318.45 of the 12278

Revised Code, a "school district's portion of the basic project cost" means the amount determined under section 3318.032 of the Revised Code. 12279
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12281

(2) For a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, a "school district's portion of the basic project cost" means the amount determined under division (C) of section 3318.42 of the Revised Code. 12282
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(N) "Child care facility" means space within a classroom facility in which the needs of infants, toddlers, preschool children, and school children are provided for by persons other than the parent or guardian of such children for any part of the day, including persons not employed by the school district operating such classroom facility. 12287
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(O) "Community resource center" means space within a classroom facility in which comprehensive services that support the needs of families and children are provided by community-based social service providers. 12293
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(P) "Valuation" means the total value of all property in the school district as listed and assessed for taxation on the tax duplicates. 12297
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(Q) "Percentile" means the percentile in which the school district is ranked pursuant to section 3318.011 of the Revised Code. 12300
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(R) "Installation of site utilities" means the installation of a site domestic water system, site fire protection system, site gas distribution system, site sanitary system, site storm drainage system, and site telephone and data system. 12303
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(S) "Site preparation" means the earthwork necessary for preparation of the building foundation system, the paved pedestrian and vehicular circulation system, playgrounds on the 12307
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project site, and lawn and planting on the project site. 12310

Sec. 3318.03. (A) Before conducting an on-site evaluation of 12311
a school district under section 3318.02 of the Revised Code, at 12312
the request of the district board of education, the Ohio school 12313
facilities commission shall examine any classroom facilities needs 12314
assessment that has been conducted by the district and any master 12315
plan developed for meeting the facility needs of the district. 12316

(B) Upon conducting the on-site evaluation under section 12317
3318.02 of the Revised Code, the Ohio school facilities commission 12318
shall make a determination of all of the following: 12319

(1) The needs of the school district for additional classroom 12320
facilities; 12321

(2) The number of classroom facilities to be included in a 12322
project and the basic project cost of constructing, acquiring, 12323
reconstructing, or making additions to each such facility; 12324

(3) The amount of such cost that the school district can 12325
supply from available funds, by the issuance of bonds previously 12326
authorized by the electors of the school district the proceeds of 12327
which can lawfully be used for the project and by the issuance of 12328
bonds under section 3318.05 of the Revised Code; 12329

(4) The remaining amount of such cost that shall be supplied 12330
by the state; 12331

(5) The amount of the state's portion to be encumbered in 12332
accordance with section 3318.11 of the Revised Code in the current 12333
and subsequent fiscal years from funds appropriated for purposes 12334
of sections 3318.01 to 3318.20 of the Revised Code. 12335

For a district that opts to divide its entire classroom 12336
facilities needs into segments to be completed separately, as 12337
authorized by section 3318.034 of the Revised Code, the 12338
determinations made under divisions (B)(1) to (5) of this section 12339

apply only to the segment that currently is proceeding as a 12340
separate project in accordance with section 3318.034 of the 12341
Revised Code. 12342

(C) The commission shall make a determination in favor of 12343
constructing, acquiring, reconstructing, or making additions to a 12344
classroom facility only upon evidence that the proposed project 12345
conforms to sound educational practice, that it is in keeping with 12346
the orderly process of school district reorganization and 12347
consolidation, and that the actual or projected enrollment in each 12348
classroom facility proposed to be included in the project is at 12349
least three hundred fifty pupils. Exceptions shall be authorized 12350
only in those districts where topography, sparsity of population, 12351
and other factors make larger schools impracticable. 12352

If the school district board determines that an existing 12353
facility has historical value or for other good cause determines 12354
that an existing facility should be renovated in lieu of acquiring 12355
a comparable facility by new construction, the commission may 12356
approve the expenditure of project funds for the renovation of 12357
that facility up to but not exceeding one hundred per cent of the 12358
estimated cost of acquiring a comparable facility by new 12359
construction, as long as the commission determines that the 12360
facility when renovated can be operationally efficient, will be 12361
adequate for the future needs of the district, and will comply 12362
with the other provisions of this division. 12363

(D) Sections 125.81 and 153.04 of the Revised Code shall not 12364
apply to classroom facilities constructed under either sections 12365
3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised 12366
Code. 12367

Sec. 3318.032. (A) The Except as otherwise provided in 12368
divisions (C) and (D) of this section, the portion of the basic 12369
project cost supplied by the school district shall be the greater 12370

of: 12371

(1) The required percentage of the basic project costs; 12372

(2) ~~An~~ (a) For all districts except a district that opts to 12373
divide its entire classroom facilities needs into segments to be 12374
completed separately as authorized by section 3318.034 of the 12375
Revised Code, an amount necessary to raise the school district's 12376
net bonded indebtedness, as of the date the controlling board 12377
approved the project, to within five thousand dollars of the 12378
required level of indebtedness-; 12379

(b) For a district that opts to divide its entire classroom 12380
facilities needs into segments to be completed separately as 12381
authorized by section 3318.034 of the Revised Code, an amount 12382
necessary to raise the school district's net bonded indebtedness, 12383
as of the date the controlling board approved the segment as a 12384
separate project, to within five thousand dollars of the 12385
following: 12386

The required level of indebtedness X (the basic 12387
project cost of the segment as approved as a separate 12388
project by the controlling board / the estimated basic 12389
project cost of the district's entire classroom facilities 12390
needs as determined jointly by the staff of the Ohio school 12391
facilities commission and the district) 12392

(B) The amount of the district's share determined under this 12393
section shall be calculated only as of the date the controlling 12394
board approved the project, and that amount applies throughout the 12395
one-year period permitted under section 3318.05 of the Revised 12396
Code for the district's electors to approve the propositions 12397
described in that section. If the amount reserved and encumbered 12398
for a project is released because the electors do not approve 12399
those propositions within that year, and the school district later 12400
receives the controlling board's approval for the project, the 12401
district's portion shall be recalculated in accordance with this 12402

section as of the date of the controlling board's subsequent approval. 12403
12404

~~(C) Notwithstanding anything to the contrary in division (A) or (B) of this section,~~ 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. 12405
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(D) If the controlling board approves a project under sections 3318.01 to 3318.20 of the Revised Code for a school district that previously received assistance under those sections or section 3318.37 of the Revised Code within the twenty-year period prior to the date on which the controlling board approves the new project, the district's portion of the basic project cost for the new project shall be the lesser of the following: 12409
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(1) The portion calculated under division (A) of this section; 12416
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(2) The greater of the following: 12418

(a) The required percentage of the basic project costs for the new project; 12419
12420

(b) The percentage of the basic project cost paid by the district for the previous project. 12421
12422

Sec. 3318.033. (A) As used in this section: 12423

(1) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code. 12424
12425

(2) "Open enrollment net gain" has the same meaning as in section 3318.011 of the Revised Code. 12426
12427

(B) This section applies to each school district that meets the following criteria: 12428
12429

(1) The Ohio school facilities commission certified its conditional approval of the district's project under sections 12430
12431

3318.01 to 3318.20 of the Revised Code after July 1, 2006, and 12432
prior to September 29, 2007, and the project had not been 12433
completed as of September 29, 2007. 12434

(2) Within one year after the date of the commission's 12435
certification of its conditional approval, the district's electors 12436
approved a bond issue to pay the district's portion of the basic 12437
project cost or the district board of education complied with 12438
section 3318.052 of the Revised Code. 12439

(3) In the fiscal year prior to the fiscal year in which the 12440
district's project was conditionally approved, the district had an 12441
open enrollment net gain that was ten per cent or more of its 12442
formula ADM. 12443

(C) For each school district to which this section applies, 12444
the department of education shall recalculate the district's 12445
percentile ranking under section 3318.011 of the Revised Code for 12446
the fiscal year prior to the fiscal year in which the district's 12447
project was conditionally approved and shall report the 12448
recalculated percentile ranking to the commission. For this 12449
purpose, the department shall recalculate every school district's 12450
percentile ranking for that fiscal year using the district's 12451
"valuation per pupil" as that term is defined in section 3318.011 12452
of the Revised Code on and after September 29, 2007. 12453

(D) For each school district to which this section applies, 12454
the commission shall use the recalculated percentile ranking 12455
reported under division (C) of this section to determine the 12456
district's portion of the basic project cost under section 12457
3318.032 of the Revised Code. The commission shall not use the 12458
recalculated percentile ranking for any other purpose, and the 12459
recalculated ranking shall not affect any other district's portion 12460
of the basic project cost under section 3318.032 of the Revised 12461
Code or any district's eligibility for assistance under sections 12462
3318.01 to 3318.20 of the Revised Code. The commission shall 12463

revise the agreement entered into under section 3318.08 of the 12464
Revised Code to reflect the district's new portion of the basic 12465
project cost as determined under this division. 12466

Sec. 3318.034. (A) This section applies to both of the 12467
following: 12468

(1) Any school district that has not executed an agreement 12469
for a project under sections 3318.01 to 3318.20 of the Revised 12470
Code prior to the effective date of this section; 12471

(2) Any school district that is eligible for additional 12472
assistance under sections 3318.01 to 3318.20 of the Revised Code 12473
pursuant to division (B)(2) of section 3318.04 of the Revised 12474
Code. 12475

Notwithstanding any provision of this chapter to the 12476
contrary, with the approval of the Ohio school facilities 12477
commission, any school district to which this section applies may 12478
opt to divide the district's entire classroom facilities needs, as 12479
those needs are jointly determined by the staff of the commission 12480
and the school district, into discrete segments and may proceed 12481
with each segment sequentially as a separate project under those 12482
sections. That project shall comply with all of the provisions of 12483
those sections unless otherwise provided in this section. 12484

(B) Each segment shall comply with all of the following: 12485

(1) The segment shall consist of the new construction of one 12486
or more entire buildings or the complete renovation of one or more 12487
entire existing buildings, with any necessary additions to that 12488
building. 12489

(2) The segment shall not include any construction of or 12490
renovation or repair to any building that does not complete the 12491
needs of the district with respect to that particular building at 12492
the time the segment is completed. 12493

(3) The segment shall consist of new construction, renovations, additions, reconstruction, or repair of classroom facilities to the extent that the school district portion, as determined under section 3318.032 of the Revised Code, is an amount not less than the product of 0.040 times the district's valuation at the time the project agreement for the segment is executed, unless the district previously has undertaken a segment as a separate project under this section and the district's portion of the estimated basic project cost of the remainder of its entire classroom facilities needs, as determined jointly by the staff of the commission and the district, is less than the amount otherwise required by this division.

(C) The commission shall conditionally approve and seek controlling board approval in accordance with division (A) of section 3318.04 of the Revised Code of each segment, at the time it is proposed, as a separate project. Approval by the voting members of the commission or the controlling board of the district's entire classroom facilities needs, as determined jointly by the staff of the commission and district, shall not be required. If the commission conditionally approves and the controlling board approves the segment as a separate project, the district board accepts that approval pursuant to section 3318.05 of the Revised Code, and the district electors approve any bond issuance and taxes necessary to pay the district's portion of the basic project cost or the district board otherwise raises sufficient funds, as authorized by this chapter, to pay the district's portion of the basic project cost, the commission shall enter into an agreement with the district board under section 3318.08 of the Revised Code for the segment as a separate project. That agreement shall include an acknowledgment that the project covered by the agreement is only one segment of the district's entire classroom facilities needs, as determined jointly by the staff of the commission and the district, and that the district

may proceed with future segments under this section at a later 12527
time, as prescribed in division (D) of this section. The 12528
commission and the district board shall enter into a separate 12529
agreement under section 3318.08 of the Revised Code for each 12530
segment. 12531

(D) A school district that undertakes a segment of its entire 12532
classroom facilities needs, as determined jointly by the staff of 12533
the commission and the district, as a separate project may 12534
undertake a subsequent segment as another separate project at any 12535
time, as long as the current percentile of the district is 12536
eligible for assistance under section 3318.02 of the Revised Code. 12537

(E) The school district portion of the basic project cost of 12538
each segment undertaken as a separate project under this section 12539
shall be determined under section 3318.032 of the Revised Code 12540
using the district's current percentile. 12541

(F) The school district's maintenance levy requirement, as 12542
defined in section 3318.18 of the Revised Code, shall run for 12543
twenty-three years from the date the first segment is undertaken. 12544

Sec. 3318.04. (A) If the Ohio school facilities commission 12545
makes a determination under section 3318.03 of the Revised Code in 12546
favor of constructing, acquiring, reconstructing, or making 12547
additions to a classroom facility, the project shall be 12548
conditionally approved. Such conditional approval shall be 12549
submitted to the controlling board for approval thereof. The 12550
controlling board shall forthwith approve or reject the 12551
commission's determination, conditional approval, the amount of 12552
the state's portion of the basic project cost, and, the amount of 12553
the state's portion to be encumbered in the current fiscal year. 12554
In the event of approval thereof by the controlling board, the 12555
commission shall certify such conditional approval to the school 12556
district board and shall encumber from the total funds 12557

appropriated for the purpose of sections 3318.01 to 3318.20 of the Revised Code the amount approved under this section to be encumbered in the current fiscal year.

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

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

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

Revised Code. 12590

The commission may provide assistance under sections 3318.01 12591
to 3318.20 of the Revised Code pursuant to this division to no 12592
more than five school districts per fiscal year until all eligible 12593
school districts have received the additional assistance 12594
authorized under this division. The commission shall establish 12595
application procedures, deadlines, and priorities for funding 12596
projects under this division. 12597

The commission at its discretion may waive current design 12598
specifications it has adopted for projects under sections 3318.01 12599
to 3318.20 of the Revised Code when assessing an application for 12600
additional assistance under this division for the renovation of 12601
classroom facilities constructed or renovated under a school 12602
district's previous project. If the commission finds that a school 12603
district's existing classroom facilities are adequate to meet all 12604
of the school district's needs, the commission may determine that 12605
no additional state assistance be awarded to a school district 12606
under this division. 12607

In order for a school district to be eligible to receive any 12608
additional assistance under this division, the school district 12609
electors shall extend the school district's existing levy 12610
dedicated for maintenance of classroom facilities under Chapter 12611
3318. of the Revised Code, pursuant to section 3318.061 of the 12612
Revised Code or shall provide equivalent alternative maintenance 12613
funds as specified in division (A)(2) of section 3318.06 of the 12614
Revised Code. 12615

(3) Notwithstanding division (B)(1) of this section, any 12616
school district that has received assistance under sections 12617
3318.01 to 3318.20 of the Revised Code after May 20, 1997, may 12618
receive additional assistance if the commission decides in favor 12619
of providing such assistance pursuant to section 3318.042 of the 12620
Revised Code. 12621

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

Sec. 3318.37. (A)(1) As used in this section:-

~~(a) "Large land area school district" means a school district with a territory of greater than three hundred square miles in any percentile as determined under section 3318.011 of the Revised Code.~~

~~(b) "Low wealth school district" means a school district in the first through seventy fifth percentiles as determined under section 3318.011 of the Revised Code.~~

~~(c) A, "school district with an exceptional need for immediate classroom facilities assistance" means a low wealth or large land area city, exempted village, or local school district with an exceptional need for new facilities in order to protect the health and safety of all or a portion of its students.~~

(2) No school district reasonably expected to be eligible for state assistance under sections 3318.01 to 3318.20 of the Revised Code within three fiscal years after the year of the application for assistance under this section shall be eligible for assistance under this section, unless the district's entire classroom

facilities plan consists of only a single building designed to 12653
house grades kindergarten through twelve and the district 12654
satisfies the conditions prescribed in divisions (A)(3)(a) and (b) 12655
of this section. 12656

(3) No school district that participates in the school 12657
building assistance expedited local partnership program under 12658
section 3318.36 of the Revised Code shall receive assistance under 12659
the program established under this section unless the following 12660
conditions are satisfied: 12661

(a) The district board adopted a resolution certifying its 12662
intent to participate in the school building assistance expedited 12663
local partnership program under section 3318.36 of the Revised 12664
Code prior to September 14, 2000. 12665

(b) The district was selected by the Ohio school facilities 12666
commission for participation in the school building assistance 12667
expedited local partnership program under section 3318.36 of the 12668
Revised Code in the manner prescribed by the commission under that 12669
section as it existed prior to September 14, 2000. 12670

(B)(1) There is hereby established the exceptional needs 12671
school facilities assistance program. Under the program, the Ohio 12672
school facilities commission may set aside from the moneys 12673
annually appropriated to it for classroom facilities assistance 12674
projects up to twenty-five per cent for assistance to school 12675
districts with exceptional needs for immediate classroom 12676
facilities assistance. 12677

(2)(a) After consulting with education and construction 12678
experts, the commission shall adopt guidelines for identifying 12679
school districts with an exceptional need for immediate classroom 12680
facilities assistance. 12681

(b) The guidelines shall include application forms and 12682
instructions for school districts to use in applying for 12683

assistance under this section. 12684

(3) The commission shall evaluate the classroom facilities, 12685
and the need for replacement classroom facilities from the 12686
applications received under this section. The commission, 12687
utilizing the guidelines adopted under division (B)(2)(a) of this 12688
section, shall prioritize the school districts to be assessed. 12689

Notwithstanding section 3318.02 of the Revised Code, the 12690
commission may conduct on-site evaluation of the school districts 12691
prioritized under this section and approve and award funds until 12692
such time as all funds set aside under division (B)(1) of this 12693
section have been encumbered. However, the commission need not 12694
conduct the evaluation of facilities if the commission determines 12695
that a district's assessment conducted under section 3318.36 of 12696
the Revised Code is sufficient for purposes of this section. 12697

(4) Notwithstanding division (A) of section 3318.05 of the 12698
Revised Code, the school district's portion of the basic project 12699
cost under this section shall be the "required percentage of the 12700
basic project costs," as defined in division (K) of section 12701
3318.01 of the Revised Code. 12702

(5) Except as otherwise specified in this section, any 12703
project undertaken with assistance under this section shall comply 12704
with all provisions of sections 3318.01 to 3318.20 of the Revised 12705
Code. A school district may receive assistance under sections 12706
3318.01 to 3318.20 of the Revised Code for the remainder of the 12707
district's classroom facilities needs as assessed under this 12708
section when the district is eligible for such assistance pursuant 12709
to section 3318.02 of the Revised Code, but any classroom facility 12710
constructed with assistance under this section shall not be 12711
included in a district's project at that time unless the 12712
commission determines the district has experienced the increased 12713
enrollment specified in division (B)(1) of section 3318.04 of the 12714
Revised Code. 12715

(C) No school district shall receive assistance under this 12716
section for a classroom facility that has been included in the 12717
discrete part of the district's classroom facilities needs 12718
identified and addressed in the district's project pursuant to an 12719
agreement entered into under section 3318.36 of the Revised Code, 12720
unless the district's entire classroom facilities plan consists of 12721
only a single building designed to house grades kindergarten 12722
through twelve. 12723

Sec. 3318.90. If the Ohio school facilities commission 12724
requires any contractor or subcontractor that bids for a contract 12725
or is awarded a contract for a project under this chapter to 12726
submit payroll records or other records relating to employee 12727
wages, fringe benefits, or other compensation to the commission, 12728
the commission shall keep those records confidential and shall not 12729
disseminate the information contained therein. If, with respect to 12730
those records, the commission engages in misappropriation, as 12731
defined in section 1333.61 of the Revised Code, the contractor or 12732
subcontractor, or any employee of the contractor or subcontractor 12733
who is affected by the misappropriation, may pursue enforcement of 12734
any rights or remedies established under sections 1333.61 to 12735
1333.69 of the Revised Code. 12736

Sec. 3319.291. (A) The state board of education shall require 12737
each of the following persons, at the times prescribed by division 12738
(A) of this section, to submit two complete sets of fingerprints 12739
and written permission that authorizes the superintendent of 12740
public instruction to forward the fingerprints to the bureau of 12741
criminal identification and investigation pursuant to division (F) 12742
of section 109.57 of the Revised Code and that authorizes that 12743
bureau to forward the fingerprints to the federal bureau of 12744
investigation for purposes of obtaining any criminal records that 12745
the federal bureau maintains on the person: 12746

(1) Any person initially applying for any certificate, 12747
license, or permit described in this chapter or in division (B) of 12748
section 3301.071 or in section 3301.074 of the Revised Code at the 12749
time that application is made; 12750

(2) Any person applying for renewal of any certificate, 12751
license, or permit described in division (A)(1) of this section at 12752
the time that application is made; 12753

(3) Any person who is teaching under a professional teaching 12754
certificate issued under former section 3319.22 or under section 12755
3319.222 of the Revised Code upon a date prescribed by the state 12756
board that is not later than five years after the date that the 12757
certificate was issued or renewed; 12758

(4) Any person who is teaching under a permanent teaching 12759
certificate issued under former section 3319.22 or under section 12760
3319.222 of the Revised Code upon a date prescribed by the state 12761
board and every five years thereafter. 12762

(B) Except as provided in division (C) of this section, prior 12763
to issuing or renewing any certificate, license, or permit 12764
described in division (A)(1) or (2) of this section and in the 12765
case of a person required to submit fingerprints and written 12766
permission under division (A)(3) or (4) of this section, the state 12767
board or the superintendent of public instruction shall request 12768
the superintendent of the bureau of criminal identification and 12769
investigation to investigate and determine whether the bureau has 12770
any information, gathered pursuant to division (A) of section 12771
109.57 of the Revised Code, pertaining to any person submitting 12772
fingerprints and written permission under this section and to 12773
obtain any criminal records that the federal bureau of 12774
investigation has on the person. 12775

(C) The state board or the superintendent of public 12776
instruction may choose not to request any information required by 12777

division (B) of this section if the person applying for the 12778
issuance or renewal of a certificate, license, or permit described 12779
in division (A)(1) or (2) of this section or the person required 12780
to submit fingerprints and written permission under division 12781
(A)(3) or (4) of this section provides proof that a criminal 12782
records check was conducted on the person as a condition of 12783
employment pursuant to section 3319.39 of the Revised Code within 12784
the immediately preceding year. The state board or the 12785
superintendent of public instruction may accept a certified copy 12786
of records that were issued by the bureau of criminal 12787
identification and investigation and that are presented by a 12788
person applying for the issuance or renewal of a certificate, 12789
license, or permit described in this section in lieu of requesting 12790
that information under division (B) of this section if the records 12791
were issued by the bureau within the immediately preceding year. 12792

(D) Notwithstanding divisions (A) and (B) of this section, if 12793
a person holds more than one certificate, license, or permit 12794
described in division (A)(1) of this section, the following shall 12795
apply: 12796

(1) If the certificates, licenses, or permits are of 12797
different durations, the person shall be subject to divisions 12798
(A)(2) and (B) of this section only when applying for renewal of 12799
the certificate, license, or permit that is of the longest 12800
duration. Prior to renewing any certificate, license, or permit 12801
with a shorter duration, the state board or the superintendent of 12802
public instruction shall determine whether the department of 12803
education has received any information about the person pursuant 12804
to section 109.5721 of the Revised Code, but the person shall not 12805
be subject to division (A)(2) or (B) of this section as long as 12806
the person's certificate, license, or permit with the longest 12807
duration is valid. 12808

(2) If the certificates, licenses, or permits are of the same 12809

duration but do not expire in the same year, the person shall 12810
designate one of the certificates, licenses, or permits as the 12811
person's primary certificate, license, or permit and shall notify 12812
the department of that designation. The person shall be subject to 12813
divisions (A)(2) and (B) of this section only when applying for 12814
renewal of the person's primary certificate, license, or permit. 12815
Prior to renewing any certificate, license, or permit that is not 12816
the person's primary certificate, license, or permit, the state 12817
board or the superintendent of public instruction shall determine 12818
whether the department has received any information about the 12819
person pursuant to section 109.5721 of the Revised Code, but the 12820
person shall not be subject to division (A)(2) or (B) of this 12821
section as long as the person's primary certificate, license, or 12822
permit is valid. 12823

(3) If the certificates, licenses, or permits are of the same 12824
duration and expire in the same year and the person applies for 12825
renewal of the certificates, licenses, or permits at the same 12826
time, the state board or the superintendent of public instruction 12827
shall request only one criminal records check of the person under 12828
division (B) of this section. 12829

~~**Sec. 3323.30.** The Ohio center for autism and low incidence is~~ 12830
~~hereby established within the department of education's office for~~ 12831
~~exceptional children, or any successor of that office. The center~~ 12832
~~shall administer programs and coordinate services for infants,~~ 12833
~~preschool and school-age children, and adults with autism and low~~ 12834
~~incidence disabilities. The center's principal focus shall be~~ 12835
~~programs and services for persons with autism. The center shall be~~ 12836
~~under the direction of an executive director, appointed by the~~ 12837
~~superintendent of public instruction in consultation with the~~ 12838
~~advisory board established under section 3323.31 of the Revised~~ 12839
~~Code. The department shall use state and federal funds~~ 12840
~~appropriated to the department for operation of the center.~~ 12841

As used in ~~this section and in sections 3323.31 to 3323.33~~ 12842
3323.35 of the Revised Code, "autism and low incidence 12843
disabilities" includes any of the following: 12844

- (A) Autism; 12845
- (B) Hearing impairment; 12846
- (C) Multiple disabilities; 12847
- (D) Orthopedic disability; 12848
- (E) Other health impairment; 12849
- (F) Traumatic brain injury; 12850
- (G) Visual impairment. 12851

Sec. 3323.31. The Franklin county educational service center 12852
shall establish the Ohio Center for Autism and Low Incidence. The 12853
Center shall administer programs and coordinate services for 12854
infants, preschool and school-age children, and adults with autism 12855
and low incidence disabilities. The Center's principal focus shall 12856
be programs and services for persons with autism. The Center shall 12857
be under the direction of an executive director, appointed by the 12858
superintendent of the service center in consultation with the 12859
advisory board established under section 3323.33 of the Revised 12860
Code. 12861

In addition to its other duties, the Ohio Center for Autism 12862
and Low Incidence shall participate as a member of an interagency 12863
workgroup on autism, as it is established by the department of 12864
mental retardation and developmental disabilities and shall 12865
provide technical assistance and support to the department in the 12866
department's leadership role to develop and implement the 12867
initiatives identified by the workgroup. 12868

Sec. 3323.32. (A) The department of education shall contract 12869
with an entity to administer programs and coordinate services for 12870

infants, preschool and school-age children, and adults with autism 12871
and low incidence disabilities. The entity shall be selected by 12872
the superintendent of public instruction in consultation with the 12873
advisory board established under section 3323.33 of the Revised 12874
Code. 12875

The contract with the entity selected shall include, but not 12876
be limited to, the following provisions: 12877

(1) A description of the programs to be administered and 12878
services to be provided or coordinated by the entity, which shall 12879
include at least the duties prescribed by sections 3323.34 and 12880
3323.35 of the Revised Code; 12881

(2) A description of the expected outcomes from the programs 12882
administered and services provided or coordinated by the entity; 12883

(3) A stipulation that the entity's performance is subject to 12884
evaluation by the department and renewal of the entity's contract 12885
is subject to the department's satisfaction with the entity's 12886
performance; 12887

(4) A description of the measures and milestones the 12888
department will use to determine whether the performance of the 12889
entity is satisfactory; 12890

(5) Any other provision the department determines is 12891
necessary to ensure the quality of services to individuals with 12892
autism and low incidence disabilities. 12893

(B) In selecting the entity under division (A) of this 12894
section, the superintendent and the advisory board shall give 12895
primary consideration to the Ohio Center for Autism and Low 12896
Incidence, established under section 3323.31 of the Revised Code, 12897
as long as the principal goals and mission of the Center, as 12898
determined by the superintendent and the advisory board, are 12899
consistent with the requirements of divisions (A)(1) to (5) of 12900

this section. 12901

Sec. ~~3323.31~~ 3323.33. The superintendent of public 12902
instruction shall establish an advisory board to assist and advise 12903
the ~~department of education~~ Franklin county educational service 12904
center in the operation of the Ohio ~~center for autism and low~~ 12905
~~incidence~~ Center for Autism and Low Incidence and the 12906
superintendent of public instruction in selecting an entity to 12907
administer programs and coordinate services for individuals with 12908
autism and low incidence disabilities as required by section 12909
3323.32 of the Revised Code and to provide technical assistance in 12910
the provision of such services. As determined by the 12911
superintendent, the advisory board shall consist of individuals 12912
who are stakeholders in the service to persons with autism and low 12913
incidence disabilities, including, but not limited to, the 12914
following: 12915

- (A) Persons with autism and low incidence disabilities; 12916
- (B) Parents and family members; 12917
- (C) Educators and other professionals; 12918
- (D) Higher education instructors; 12919
- (E) Representatives of state agencies. 12920

The advisory board shall be organized as determined by the 12921
superintendent. 12922

Members of the advisory board shall receive no compensation 12923
for their services. 12924

Sec. ~~3323.32~~ 3323.34. The ~~Ohio center for autism and low~~ 12925
~~incidence~~ entity selected under section 3323.32 of the Revised 12926
Code shall do all of the following: 12927

- (A) Collaborate and consult with state agencies that serve 12928
persons with autism and low incidence disabilities; 12929

(B) Collaborate and consult with institutions of higher education in development and implementation of courses for educators and other professionals serving persons with autism and low incidence disabilities;

(C) Collaborate with parent and professional organizations;

(D) Create and implement programs for professional development, technical assistance, intervention services, and research in the treatment of persons with autism and low incidence disabilities;

(E) Create a regional network for communication and dissemination of information among educators and professionals serving persons with autism and low incidence disabilities. The regional network shall address educational services, evaluation, diagnosis, assistive technology, family support, leisure and recreational activities, transition, employment and adult services, and medical care for persons with autism and low incidence disabilities.

(F) Develop a statewide clearinghouse for information about autism spectrum disorders and low incidence disabilities, as described in section ~~3323.33~~ 3323.35 of the Revised Code.

Sec. ~~3323.33~~ 3323.35. In developing a clearinghouse for information about autism spectrum disorders and low incidence disabilities, as required under section ~~3323.32~~ 3323.34 of the Revised Code, the ~~Ohio center for autism and low incidence~~ entity selected under section 3323.32 of the Revised Code shall do all of the following:

(A) Maintain a collection of resources for public distribution;

(B) Monitor information on resources, trends, policies, services, and current educational interventions;

(C) Respond to requests for information from parents and 12960
educators of children with autism and low incidence disabilities. 12961

Sec. 3326.45. (A) The governing body of a science, 12962
technology, engineering, and mathematics school may contract with 12963
the governing board of an educational service center or the board 12964
of education of a joint vocational school district for the 12965
provision of services to the STEM school or to any student 12966
enrolled in the school. Services provided under the contract and 12967
the amount to be paid for those services shall be mutually agreed 12968
to by the parties to the contract, and shall be specified in the 12969
contract. 12970

(B) A contract entered into under this section may require an 12971
educational service center to provide any one or a combination of 12972
the following services to a STEM school: 12973

(1) Supervisory teachers; 12974

(2) In-service and continuing education programs for 12975
personnel of the STEM school; 12976

(3) Curriculum services as provided to the local school 12977
districts under the supervision of the service center; 12978

(4) Research and development programs; 12979

(5) Academic instruction for which the service center 12980
governing board employs teachers; 12981

(6) Assistance in the provision of special accommodations and 12982
classes for students with disabilities. 12983

Services described in division (B) of this section shall be 12984
provided to the STEM school in the same manner they are provided 12985
to local school districts under the service center's supervision, 12986
unless otherwise specified in the contract. The contract shall 12987
specify whether the service center will receive a per-pupil 12988
payment from the department of education for the provision of 12989

these services and, if so, the amount of the per-pupil payment, 12990
which shall not exceed the per-pupil amount paid to the service 12991
center under division (F) of section 3317.11 of the Revised Code 12992
for each student in the service center ADM. 12993

(C) For each contract entered into under this section, the 12994
department shall deduct the amount owed by the STEM school from 12995
the state funds due to the STEM school under this chapter and 12996
shall pay that amount to the educational service center or joint 12997
vocational school district that is party to the contract. In the 12998
case of a contract with an educational service center that 12999
specifies per-pupil payments for the provision of services 13000
described in division (B) of this section, the department also 13001
shall pay the service center the amount calculated under division 13002
(H) of section 3317.11 of the Revised Code. 13003

(D) No contract entered into under this section shall be 13004
valid unless a copy is filed with the department by the first day 13005
of the school year for which the contract is in effect. 13006

Sec. 3326.51. (A) As used in this section: 13007

(1) "Resident district" has the same meaning as in section 13008
3326.31 of the Revised Code. 13009

(2) "STEM school sponsoring district" means a municipal, 13010
city, local, exempted village, or joint vocational school district 13011
that governs and controls a STEM school pursuant to this section. 13012

(B) Notwithstanding any other provision of this chapter to 13013
the contrary: 13014

(1) If a proposal for a STEM school submitted under section 13015
3326.03 of the Revised Code proposes that the governing body of 13016
the school be the board of education of a municipal, city, local, 13017
exempted village, or joint vocational school district that is one 13018
of the partners submitting the proposal, and the partnership for 13019

continued learning approves that proposal, that school district 13020
board shall govern and control the STEM school as one of the 13021
schools of its district. 13022

(2) The STEM school sponsoring district shall maintain a 13023
separate accounting for the STEM school as a separate and distinct 13024
operational unit within the district's finances. The auditor of 13025
state, in the course of an annual or biennial audit of the school 13026
district serving as the STEM school sponsoring district, shall 13027
audit that school district for compliance with the financing 13028
requirements of this section. 13029

(3) With respect to students enrolled in a STEM school whose 13030
resident district is the STEM school sponsoring district: 13031

(a) The department of education shall make no deductions 13032
under section 3326.33 of the Revised Code from the STEM school 13033
sponsoring district's state payments. 13034

(b) The STEM school sponsoring district shall ensure that it 13035
allocates to the STEM school funds equal to or exceeding the 13036
amount that would be calculated pursuant to division (B) of 13037
section 3313.981 of the Revised Code for the students attending 13038
the school whose resident district is the STEM school sponsoring 13039
district. 13040

(c) The STEM school sponsoring district is responsible for 13041
providing children with disabilities with a free appropriate 13042
public education under Chapter 3323. of the Revised Code. 13043

(d) The STEM school sponsoring district shall provide student 13044
transportation in accordance with laws and policies generally 13045
applicable to the district. 13046

(4) With respect to students enrolled in the STEM school 13047
whose resident district is another school district, the department 13048
shall make no payments or deductions under sections 3326.31 to 13049
3326.49 of the Revised Code. Instead, the students shall be 13050

considered as open enrollment students and the department shall 13051
make payments and deductions in accordance with section 3313.981 13052
of the Revised Code. The STEM school sponsoring district shall 13053
allocate the payments to the STEM school. The STEM school 13054
sponsoring district may enter into financial agreements with the 13055
students' resident districts, which agreements may provide 13056
financial support in addition to the funds received from the open 13057
enrollment calculation. The STEM school sponsoring district shall 13058
allocate all such additional funds to the STEM school. 13059

(5) Where the department is required to make, deny, reduce, 13060
or adjust payments to a STEM school sponsoring district pursuant 13061
to this section, it shall do so in such a manner that the STEM 13062
school sponsoring district may allocate that action to the STEM 13063
school. 13064

(6) A STEM school sponsoring district and its board may 13065
assign its district employees to the STEM school, in which case 13066
section 3326.18 of the Revised Code shall not apply. The district 13067
and board may apply any other resources of the district to the 13068
STEM school in the same manner that it applies district resources 13069
to other district schools. 13070

(7) Provisions of this chapter requiring a STEM school and 13071
its governing body to comply with specified laws as if it were a 13072
school district and in the same manner as a board of education 13073
shall instead require such compliance by the STEM school 13074
sponsoring district and its board of education, respectively, with 13075
respect to the STEM school. Where a STEM school or its governing 13076
body is required to perform a specific duty or permitted to take a 13077
specific action under this chapter, that duty is required to be 13078
performed or that action is permitted to be taken by the STEM 13079
school sponsoring district or its board of education, 13080
respectively, with respect to the STEM school. 13081

(8) No provision of this chapter limits the authority, as 13082

provided otherwise by law, of a school district and its board of 13083
education to levy taxes and issue bonds secured by tax revenues. 13084

(9) The treasurer of the STEM school sponsoring district or, 13085
if the STEM school sponsoring district is a municipal school 13086
district, the chief financial officer of the district, shall have 13087
all of the respective rights, authority, exemptions, and duties 13088
otherwise conferred upon the treasurer or chief financial officer 13089
by the Revised Code. 13090

Sec. 3333.04. The chancellor of the Ohio board of regents 13091
shall: 13092

(A) Make studies of state policy in the field of higher 13093
education and formulate a master plan for higher education for the 13094
state, considering the needs of the people, the needs of the 13095
state, and the role of individual public and private institutions 13096
within the state in fulfilling these needs; 13097

(B)(1) Report annually to the governor and the general 13098
assembly on the findings from the chancellor's studies and the 13099
master plan for higher education for the state; 13100

(2) Report at least semiannually to the general assembly and 13101
the governor the enrollment numbers at each state-assisted 13102
institution of higher education. 13103

(C) Approve or disapprove the establishment of new branches 13104
or academic centers of state colleges and universities; 13105

(D) Approve or disapprove the establishment of state 13106
technical colleges or any other state institution of higher 13107
education; 13108

(E) Recommend the nature of the programs, undergraduate, 13109
graduate, professional, state-financed research, and public 13110
services which should be offered by the state colleges, 13111
universities, and other state-assisted institutions of higher 13112

education in order to utilize to the best advantage their 13113
facilities and personnel; 13114

(F) Recommend to the state colleges, universities, and other 13115
state-assisted institutions of higher education graduate or 13116
professional programs, including, but not limited to, doctor of 13117
philosophy, doctor of education, and juris doctor programs, that 13118
could be eliminated because they constitute unnecessary 13119
duplication, as shall be determined using the process developed 13120
pursuant to this division, or for other good and sufficient cause. 13121
Prior to recommending a program for elimination, the chancellor 13122
shall request the board of regents to hold at least one public 13123
hearing on the matter and advise the chancellor on whether the 13124
program should be recommended for elimination. The board shall 13125
provide notice of each hearing within a reasonable amount of time 13126
prior to its scheduled date. Following the hearing, the board 13127
shall issue a recommendation to the chancellor. The chancellor 13128
shall consider the board's recommendation but shall not be 13129
required to accept it. 13130

For purposes of determining the amounts of any state 13131
instructional subsidies paid to state colleges, universities, and 13132
other state-assisted institutions of higher education, the 13133
chancellor may exclude students enrolled in any program that the 13134
chancellor has recommended for elimination pursuant to this 13135
division except that the chancellor shall not exclude any such 13136
student who enrolled in the program prior to the date on which the 13137
chancellor initially commences to exclude students under this 13138
division. 13139

The chancellor and state colleges, universities, and other 13140
state-assisted institutions of higher education shall jointly 13141
develop a process for determining which existing graduate or 13142
professional programs constitute unnecessary duplication. 13143

(G) Recommend to the state colleges, universities, and other 13144

state-assisted institutions of higher education programs which 13145
should be added to their present programs; 13146

(H) Conduct studies for the state colleges, universities, and 13147
other state-assisted institutions of higher education to assist 13148
them in making the best and most efficient use of their existing 13149
facilities and personnel; 13150

(I) Make recommendations to the governor and general assembly 13151
concerning the development of state-financed capital plans for 13152
higher education; the establishment of new state colleges, 13153
universities, and other state-assisted institutions of higher 13154
education; and the establishment of new programs at the existing 13155
state colleges, universities, and other institutions of higher 13156
education; 13157

(J) Review the appropriation requests of the public community 13158
colleges and the state colleges and universities and submit to the 13159
office of budget and management and to the chairpersons of the 13160
finance committees of the house of representatives and of the 13161
senate the chancellor's recommendations in regard to the biennial 13162
higher education appropriation for the state, including 13163
appropriations for the individual state colleges and universities 13164
and public community colleges. For the purpose of determining the 13165
amounts of instructional subsidies to be paid to state-assisted 13166
colleges and universities, the chancellor shall define "full-time 13167
equivalent student" by program per academic year. The definition 13168
may take into account the establishment of minimum enrollment 13169
levels in technical education programs below which support 13170
allowances will not be paid. Except as otherwise provided in this 13171
section, the chancellor shall make no change in the definition of 13172
"full-time equivalent student" in effect on November 15, 1981, 13173
which would increase or decrease the number of subsidy-eligible 13174
full-time equivalent students, without first submitting a fiscal 13175
impact statement to the president of the senate, the speaker of 13176

the house of representatives, the legislative service commission, 13177
and the director of budget and management. The chancellor shall 13178
work in close cooperation with the director of budget and 13179
management in this respect and in all other matters concerning the 13180
expenditures of appropriated funds by state colleges, 13181
universities, and other institutions of higher education. 13182

(K) Seek the cooperation and advice of the officers and 13183
trustees of both public and private colleges, universities, and 13184
other institutions of higher education in the state in performing 13185
the chancellor's duties and making the chancellor's plans, 13186
studies, and recommendations; 13187

(L) Appoint advisory committees consisting of persons 13188
associated with public or private secondary schools, members of 13189
the state board of education, or personnel of the state department 13190
of education; 13191

(M) Appoint advisory committees consisting of college and 13192
university personnel, or other persons knowledgeable in the field 13193
of higher education, or both, in order to obtain their advice and 13194
assistance in defining and suggesting solutions for the problems 13195
and needs of higher education in this state; 13196

(N) Approve or disapprove all new degrees and new degree 13197
programs at all state colleges, universities, and other 13198
state-assisted institutions of higher education; 13199

(O) Adopt such rules as are necessary to carry out the 13200
chancellor's duties and responsibilities. The rules shall 13201
prescribe procedures for the chancellor to follow when taking 13202
actions associated with the chancellor's duties and 13203
responsibilities and shall indicate which types of actions are 13204
subject to those procedures. The procedures adopted under this 13205
division shall be in addition to any other procedures prescribed 13206
by law for such actions. However, if any other provision of the 13207

Revised Code or rule adopted by the chancellor prescribes	13208
different procedures for such an action, the procedures adopted	13209
under this division shall not apply to that action to the extent	13210
they conflict with the procedures otherwise prescribed by law. The	13211
procedures adopted under this division shall include at least the	13212
following:	13213
(1) Provision for public notice of the proposed action;	13214
(2) An opportunity for public comment on the proposed action,	13215
which may include a public hearing on the action by the board of	13216
regents;	13217
(3) Methods for parties that may be affected by the proposed	13218
action to submit comments during the public comment period;	13219
(4) Submission of recommendations from the board of regents	13220
regarding the proposed action, at the request of the chancellor;	13221
(5) Written publication of the final action taken by the	13222
chancellor and the chancellor's rationale for the action;	13223
(6) A timeline for the process described in divisions (0)(1)	13224
to (5) of this section.	13225
(P) Establish and submit to the governor and the general	13226
assembly a clear and measurable set of goals and timetables for	13227
their achievement for each program under the chancellor's	13228
supervision that is designed to accomplish any of the following:	13229
(1) Increased access to higher education;	13230
(2) Job training;	13231
(3) Adult literacy;	13232
(4) Research;	13233
(5) Excellence in higher education;	13234
(6) Reduction in the number of graduate programs within the	13235
same subject area.	13236

In July of each odd-numbered year, the chancellor shall 13237
submit to the governor and the general assembly a report on 13238
progress made toward these goals. 13239

(Q) Make recommendations to the governor and the general 13240
assembly regarding the design and funding of the student financial 13241
aid programs specified in sections 3333.12, 3333.122, 3333.21 to 13242
3333.27, and 5910.02 of the Revised Code; 13243

(R) Participate in education-related state or federal 13244
programs on behalf of the state and assume responsibility for the 13245
administration of such programs in accordance with applicable 13246
state or federal law; 13247

(S) Adopt rules for student financial aid programs as 13248
required by sections 3333.12, 3333.122, 3333.21 to 3333.27, 13249
3333.28, and 5910.02 of the Revised Code, and perform any other 13250
administrative functions assigned to the chancellor by those 13251
sections; 13252

(T) ~~Administer contracts under sections 3702.74 and 3702.75~~ 13253
~~of the Revised Code in accordance with rules adopted by the~~ 13254
~~director of health under section 3702.79 of the Revised Code;~~ 13255

~~(U)~~ Conduct enrollment audits of state-supported institutions 13256
of higher education; 13257

~~(V)~~(U) Appoint ~~consortiums~~ consortia of college and 13258
university personnel to advise or participate in the development 13259
and operation of statewide collaborative efforts, including the 13260
Ohio supercomputer center, the Ohio academic resources network, 13261
OhioLink, and the Ohio learning network. For each consortium, the 13262
chancellor shall designate a college or university to serve as 13263
that consortium's fiscal agent, financial officer, and employer. 13264
Any funds appropriated for the ~~consortiums~~ consortia shall be 13265
distributed to the fiscal agents for the operation of the 13266
~~consortiums~~ consortia. A consortium shall follow the rules of the 13267

college or university that serves as its fiscal agent. The 13268
chancellor may restructure existing consortia, appointed under 13269
this division, in accordance with procedures adopted under 13270
divisions (D)(1) to (6) of this section. 13271

~~(W)~~(V) Adopt rules establishing advisory duties and 13272
responsibilities of the board of regents not otherwise prescribed 13273
by law; 13274

~~(X)~~(W) Respond to requests for information about higher 13275
education from members of the general assembly and direct staff to 13276
conduct research or analysis as needed for this purpose. 13277

Sec. 3333.044. (A) The chancellor of the Ohio board of 13278
regents may contract with any consultants that are necessary for 13279
the discharge of the chancellor's duties under this chapter. 13280

(B) The chancellor may purchase, upon the terms that the 13281
chancellor determines to be advisable, one or more policies of 13282
insurance from insurers authorized to do business in this state 13283
that insure consultants who have contracted with the chancellor 13284
under division (A) of this section or members of an advisory 13285
committee appointed under section 3333.04 of the Revised Code, 13286
with respect to the activities of the consultants or advisory 13287
committee members in the course of the performance of their 13288
responsibilities as consultants or advisory committee members. 13289

(C) Subject to the approval of the controlling board, the 13290
chancellor may contract with any entities for the discharge of the 13291
chancellor's duties and responsibilities under any of the programs 13292
established pursuant to sections 3333.12, 3333.122, 3333.21 to 13293
3333.28, ~~3702.71 to 3702.81~~, and 5120.55, and Chapter 5910. of the 13294
Revised Code. The chancellor shall not enter into a contract under 13295
this division unless the proposed contractor demonstrates that its 13296
primary purpose is to promote access to higher education by 13297
providing student financial assistance through loans, grants, or 13298

scholarships, and by providing high quality support services and 13299
information to students and their families with regard to such 13300
financial assistance. 13301

Chapter 125. of the Revised Code does not apply to contracts 13302
entered into pursuant to this section. In awarding contracts under 13303
this division, the chancellor shall consider factors such as the 13304
cost of the administration of the contract, the experience of the 13305
contractor, and the contractor's ability to properly execute the 13306
contract. 13307

Sec. 3333.045. As used in this section, "state university or 13308
college" means any state university listed in section 3345.011 of 13309
the Revised Code, the northeastern Ohio universities college of 13310
medicine, any community college under Chapter 3354. of the Revised 13311
Code, any university branch district under Chapter 3355. of the 13312
Revised Code, any technical college under Chapter 3357. of the 13313
Revised Code, and any state community college under Chapter 3358. 13314
of the Revised Code. 13315

The chancellor of the Ohio board of regents shall work with 13316
the attorney general, the auditor of state, and the Ohio ethics 13317
commission to develop a model for training members of the boards 13318
of trustees of all state universities and colleges and members of 13319
the board of regents regarding the authority and responsibilities 13320
of a board of trustees or the board of regents. This model shall 13321
include a review of fiduciary responsibilities, ethics, and fiscal 13322
management. Use of this model by members of boards of trustees and 13323
the board of regents shall be voluntary. 13324

~~This section does not apply to the three members of the board 13325
of trustees of the northeastern Ohio universities college of 13326
medicine who are presidents of state universities. 13327~~

Sec. 3333.122. (A) As used in this section: 13328

- (1) "Eligible student" means a student who is: 13329
- (a) An Ohio resident who first enrolls in an undergraduate 13330
program in the 2006-2007 academic year or thereafter; 13331
- (b) If the student first enrolled in an undergraduate program 13332
in the 2006-2007 or 2007-2008 academic year, the student is 13333
enrolled in ~~either~~ one of the following: 13334
- (i) An accredited institution of higher education in this 13335
state that meets the requirements of Title VI of the Civil Rights 13336
Act of 1964 and is state-assisted, is nonprofit and has a 13337
certificate of authorization pursuant to Chapter 1713. of the 13338
Revised Code, has a certificate of registration from the state 13339
board of career colleges and schools and program authorization to 13340
award an associate or bachelor's degree, or is a private 13341
institution exempt from regulation under Chapter 3332. of the 13342
Revised Code as prescribed in section 3333.046 of the Revised 13343
Code. Students who attend an institution that holds a certificate 13344
of registration shall be enrolled in a program leading to an 13345
associate or bachelor's degree for which associate or bachelor's 13346
degree program the institution has program authorization issued 13347
under section 3332.05 of the Revised Code. 13348
- (ii) A technical education program of at least two years 13349
duration sponsored by a private institution of higher education in 13350
this state that meets the requirements of Title VI of the Civil 13351
Rights Act of 1964; 13352
- (iii) A nursing diploma program approved by the board of 13353
nursing under division (A)(5) of section 4723.06 of the Revised 13354
Code and that meets the requirements of Title VI of the Civil 13355
Rights Act of 1964. 13356
- (c) If the student first enrolled in an undergraduate program 13357
after the 2007-2008 academic year, the student is enrolled in 13358
~~either~~ one of the following: 13359

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

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

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

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

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

(B) The chancellor shall establish and administer a needs-based financial aid program based on the United States department of education's method of determining financial need and may adopt rules to carry out this section. The program shall be

known as the Ohio college opportunity grant program. The general 13391
assembly shall support the needs-based financial aid program by 13392
such sums and in such manner as it may provide, but the chancellor 13393
may also receive funds from other sources to support the program. 13394
If the amounts available for support of the program are inadequate 13395
to provide grants to all eligible students, preference in the 13396
payment of grants shall be given in terms of expected family 13397
contribution, beginning with the lowest expected family 13398
contribution category and proceeding upward by category to the 13399
highest expected family contribution category. 13400

A needs-based financial aid grant shall be paid to an 13401
eligible student through the institution in which the student is 13402
enrolled, except that no needs-based financial aid grant shall be 13403
paid to any person serving a term of imprisonment. Applications 13404
for such grants shall be made as prescribed by the chancellor, and 13405
such applications may be made in conjunction with and upon the 13406
basis of information provided in conjunction with student 13407
assistance programs funded by agencies of the United States 13408
government or from financial resources of the institution of 13409
higher education. The institution shall certify that the student 13410
applicant meets the requirements set forth in divisions (A)(1)(a) 13411
and (b) of this section. Needs-based financial aid grants shall be 13412
provided to an eligible student only as long as the student is 13413
making appropriate progress toward a nursing diploma or an 13414
associate or bachelor's degree. No student shall be eligible to 13415
receive a grant for more than ten semesters, fifteen quarters, or 13416
the equivalent of five academic years. A grant made to an eligible 13417
student on the basis of less than full-time enrollment shall be 13418
based on the number of credit hours for which the student is 13419
enrolled and shall be computed in accordance with a formula 13420
adopted by the chancellor. No student shall receive more than one 13421
grant on the basis of less than full-time enrollment. 13422

A needs-based financial aid grant shall not exceed the total instructional and general charges of the institution. 13423
13424

(C) The tables in this division prescribe the maximum grant amounts covering two semesters, three quarters, or a comparable portion of one academic year. Grant amounts for additional terms in the same academic year shall be determined under division (D) of this section. 13425
13426
13427
13428
13429

As used in the tables in division (C) of this section: 13430

(1) "Private institution" means an institution that is nonprofit and has a certificate of authorization pursuant to Chapter 1713. of the Revised Code. 13431
13432
13433

(2) "Career college" means either an institution that holds a certificate of registration from the state board of career colleges and schools or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code. 13434
13435
13436
13437
13438

Full-time students shall be eligible to receive awards according to the following table: 13439
13440

Full-Time Enrollment 13441

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	13442
2,001	2,100	402	798	642	13443
1,901	2,000	498	1,002	798	13444
1,801	1,900	600	1,200	960	13445 13446

1,701	1,800	702	1,398	1,122	13447
1,601	1,700	798	1,602	1,278	13448
1,501	1,600	900	1,800	1,440	13449
1,401	1,500	1,002	1,998	1,602	13450
1,301	1,400	1,098	2,202	1,758	13451
1,201	1,300	1,200	2,400	1,920	13452
1,101	1,200	1,302	2,598	2,082	13453
1,001	1,100	1,398	2,802	2,238	13454
901	1,000	1,500	3,000	2,400	13455
801	900	1,602	3,198	2,562	13456
701	800	1,698	3,402	2,718	13457
601	700	1,800	3,600	2,280	13458
501	600	1,902	3,798	3,042	13459
401	500	1,998	4,002	3,198	13460
301	400	2,100	4,200	3,360	13461
201	300	2,202	4,398	3,522	13462
101	200	2,298	4,602	3,678	13463
1	100	2,400	4,800	3,840	13464
0	0	2,496	4,992	3,996	13465

Three-quarters-time students shall be eligible to receive awards according to the following table: 13466
13467

Three-Quarters-Time Enrollment 13468

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:	13469
\$2,101	\$2,190	\$228	\$450	\$360	13470
2,001	2,100	300	600	480	13471
1,901	2,000	372	750	600	13472

1,801	1,900	450	900	720	13473
1,701	1,800	528	1,050	840	13474
1,601	1,700	600	1,200	960	13475
1,501	1,600	678	1,350	1,080	13476
1,401	1,500	750	1,500	1,200	13477
1,301	1,400	822	1,650	1,320	13478
1,201	1,300	900	1,800	1,440	13479
1,101	1,200	978	1,950	1,560	13480
1,001	1,100	1,050	2,100	1,680	13481
901	1,000	1,128	2,250	1,800	13482
801	900	1,200	2,400	1,920	13483
701	800	1,272	2,550	2,040	13484
601	700	1,350	2,700	2,160	13485
501	600	1,428	2,850	2,280	13486
401	500	1,500	3,000	2,400	13487
301	400	1,578	3,150	2,520	13488
201	300	1,650	3,300	2,640	13489
101	200	1,722	3,450	2,760	13490
1	100	1,800	3,600	2,880	13491
0	0	1,872	3,744	3,000	13492

Half-time students shall be eligible to receive awards 13493
according to the following table: 13494

Half-Time Enrollment 13495

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:	13496
\$2,101	\$2,190	\$150	\$300	\$240	13497
2,001	2,100	204	402	324	13498

1,901	2,000	252	504	402	13499
1,801	1,900	300	600	480	13500
1,701	1,800	354	702	564	13501
1,601	1,700	402	804	642	13502
1,501	1,600	450	900	720	13503
1,401	1,500	504	1,002	804	13504
1,301	1,400	552	1,104	882	13505
1,201	1,300	600	1,200	960	13506
1,101	1,200	654	1,302	1,044	13507
1,001	1,100	702	1,404	1,122	13508
901	1,000	750	1,500	1,200	13509
801	900	804	1,602	1,284	13510
701	800	852	1,704	1,362	13511
601	700	900	1,800	1,440	13512
501	600	954	1,902	1,524	13513
401	500	1,002	2,004	1,602	13514
301	400	1,050	2,100	1,680	13515
201	300	1,104	2,202	1,764	13516
101	200	1,152	2,304	1,842	13517
1	100	1,200	2,400	1,920	13518
0	0	1,248	2,496	1,998	13519

One-quarter-time students shall be eligible to receive awards 13520
according to the following table: 13521

One-Quarter-Time Enrollment 13522

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:	13523
\$2,101	\$2,190	\$78	\$150	\$120	13524

2,001	2,100	102	198	162	13525
1,901	2,000	126	252	198	13526
1,801	1,900	150	300	240	13527
1,701	1,800	174	348	282	13528
1,601	1,700	198	402	318	13529
1,501	1,600	228	450	360	13530
1,401	1,500	252	498	402	13531
1,301	1,400	276	552	438	13532
1,201	1,300	300	600	480	13533
1,101	1,200	324	648	522	13534
1,001	1,100	348	702	558	13535
901	1,000	378	750	600	13536
801	900	402	798	642	13537
701	800	426	852	678	13538
601	700	450	900	720	13539
501	600	474	948	762	13540
401	500	498	1,002	798	13541
301	400	528	1,050	840	13542
201	300	552	1,098	882	13543
101	200	576	1,152	918	13544
1	100	600	1,200	960	13545
0	0	624	1,248	1,002	13546

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

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a

religious profession unless such course of study leads to an 13558
accredited bachelor of arts, bachelor of science, associate of 13559
arts, or associate of science degree. 13560

(F)(1) Except as provided in division (F)(2) of this section, 13561
no grant shall be made to any student for enrollment during a 13562
fiscal year in an institution with a cohort default rate 13563
determined by the United States secretary of education pursuant to 13564
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 13565
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 13566
preceding the fiscal year, equal to or greater than thirty per 13567
cent for each of the preceding two fiscal years. 13568

(2) Division (F)(1) of this section does not apply to the 13569
following: 13570

(a) Any student enrolled in an institution that under the 13571
federal law appeals its loss of eligibility for federal financial 13572
aid and the United States secretary of education determines its 13573
cohort default rate after recalculation is lower than the rate 13574
specified in division (F)(1) of this section or the secretary 13575
determines due to mitigating circumstances the institution may 13576
continue to participate in federal financial aid programs. The 13577
chancellor shall adopt rules requiring institutions to provide 13578
information regarding an appeal to the chancellor. 13579

(b) Any student who has previously received a grant under 13580
this section who meets all other requirements of this section. 13581

(3) The chancellor shall adopt rules for the notification of 13582
all institutions whose students will be ineligible to participate 13583
in the grant program pursuant to division (F)(1) of this section. 13584

(4) A student's attendance at an institution whose students 13585
lose eligibility for grants under division (F)(1) of this section 13586
shall not affect that student's eligibility to receive a grant 13587
when enrolled in another institution. 13588

(G) Institutions of higher education that enroll students receiving needs-based financial aid grants under this section shall report to the chancellor all students who have received needs-based financial aid grants but are no longer eligible for all or part of such grants and shall refund any moneys due the state within thirty days after the beginning of the quarter or term immediately following the quarter or term in which the student was no longer eligible to receive all or part of the student's grant. There shall be an interest charge of one per cent per month on all moneys due and payable after such thirty-day period. The chancellor shall immediately notify the office of budget and management and the legislative service commission of all refunds so received.

Sec. 3333.58. There is hereby created at Shawnee state university the Ohio Appalachian center for higher education to increase the educational attainment of the residents of Ohio's Appalachian region, as defined in section 107.21 of the Revised Code. The board of directors of the center shall consist of the following members:

- (A) The presidents of all of the following:
- (1) Shawnee state university;
- (2) Belmont technical college;
- (3) Hocking college;
- (4) Jefferson community college;
- (5) Zane state college;
- (6) Rio Grande community college;
- (7) Southern state community college;
- (8) Central Ohio technical college, Coshocton campus;
- (9) Washington state community college.

<u>(B) The president of Ohio university, or the president's</u>	13618
<u>designee;</u>	13619
<u>(C) The dean of one of the Salem, Tuscarawas, or East</u>	13620
<u>Liverpool regional campuses of Kent state university, as</u>	13621
<u>designated by the president of Kent state university;</u>	13622
<u>(D) A representative of the chancellor of the Ohio board of</u>	13623
<u>regents as designated by the chancellor.</u>	13624
Sec. 3353.20 <u>3333.81</u>. As used in sections 3353.20 <u>3333.81</u> to	13625
3353.30 <u>3333.88</u> of the Revised Code:	13626
(A) "Clearinghouse" means the clearinghouse established under	13627
section 3353.21 <u>3333.82</u> of the Revised Code.	13628
(B) " Data verification code " means the code assigned to a	13629
student under division (D)(2) of section 3301.0714 of the Revised	13630
Code.	13631
(C) " One half unit " of instruction has the same meaning as in	13632
section 3313.603 of the Revised Code.	13633
(D) " <u>Community school</u> " means a community school established	13634
<u>under Chapter 3314. of the Revised Code.</u>	13635
(C) " <u>Common statewide platform</u> " means a software program that	13636
<u>facilitates the delivery of courses via computers from multiple</u>	13637
<u>course providers to multiple end users, tracks the progress of the</u>	13638
<u>end user, and includes an integrated searchable database of</u>	13639
<u>standards-based course content.</u>	13640
(D) " <u>Course provider</u> " means a school district, community	13641
<u>school, STEM school, state institution of higher education,</u>	13642
<u>private college or university, or nonprofit or for-profit private</u>	13643
<u>entity that creates or is an agent of the creator of original</u>	13644
<u>course content for a course offered through the clearinghouse.</u>	13645
(E) " <u>Instructor</u> " means an individual who holds a license	13646

issued by the state board of education, as defined in section 13647
3319.31 of the Revised Code, or an individual employed as an 13648
instructor or professor by a state institution of higher education 13649
or a private college or university. 13650

(F) "State institution of higher education" has the same 13651
meaning as in section 3345.011 of the Revised Code. 13652

(G) "STEM school" means a science, technology, engineering, 13653
and mathematics school established under Chapter 3326. of the 13654
Revised Code. 13655

(H) A "student's community school" means the community school 13656
established under Chapter 3314. of the Revised Code in which the 13657
student is enrolled instead of being enrolled in a school operated 13658
by a school district. 13659

~~(E)~~(I) A "student's school district" means the school 13660
district operating the school in which the student is lawfully 13661
enrolled. 13662

(J) "A student's STEM school" means the STEM school in which 13663
the student is enrolled instead of being enrolled in a school 13664
operated by a school district. 13665

Sec. ~~3353.21~~ 3333.82. (A) The ~~eTech Ohio commission 13666~~
chancellor of the Ohio board of regents shall establish a 13667
clearinghouse of interactive distance learning courses and other 13668
distance learning courses delivered via a computer-based method 13669
offered by school districts, community schools, STEM schools, 13670
state institutions of higher education, private colleges and 13671
universities, and other nonprofit and for-profit course providers 13672
for sharing with other school districts ~~and~~, community schools, 13673
STEM schools, state institutions of higher education, private 13674
colleges and universities, and individuals for the fee set 13675
pursuant to section ~~3353.24~~ 3333.84 of the Revised Code. The 13676

~~commission~~ chancellor shall not be responsible for the content of 13677
courses offered through the clearinghouse; however, all such 13678
courses shall be delivered only in accordance with technical 13679
specifications approved by the ~~commission~~ chancellor and on a 13680
common statewide platform administered by the chancellor. 13681

(B) To offer a course through the clearinghouse, a ~~school~~ 13682
~~district~~ course provider shall apply to the ~~commission~~ chancellor 13683
in a form and manner prescribed by the ~~commission~~ chancellor. The 13684
application for each course shall describe the course of study in 13685
as much detail as required by the ~~commission~~ chancellor, whether 13686
an instructor is provided, the qualification and credentials of 13687
the ~~teacher~~ instructor, the number of hours of instruction, ~~the~~ 13688
~~technology required to deliver and receive the course, the~~ 13689
~~technical capacity of the school district to deliver the course,~~ 13690
~~the times that the school district plans to deliver the course,~~ 13691
and any other information required by the ~~commission~~ chancellor. 13692
The ~~commission~~ chancellor may require ~~school districts~~ course 13693
providers to include in their applications information recommended 13694
by the state board of education under former section 3353.30 of 13695
the Revised Code. 13696

(C) The ~~commission~~ chancellor shall review the technical 13697
specifications of each application submitted under division (B) of 13698
this section ~~and shall approve a course offered if the commission~~ 13699
~~determines that the school district can satisfactorily deliver the~~ 13700
~~course through the technology necessary for that delivery.~~ In 13701
reviewing applications, the ~~commission~~ chancellor may consult with 13702
the department of education; however, the responsibility to either 13703
approve or not approve a course for the clearinghouse belongs to 13704
the ~~commission~~ chancellor. The ~~commission~~ chancellor may request 13705
additional information from a ~~school district~~ course provider that 13706
submits an application under division (B) of this section, if the 13707
~~commission~~ chancellor determines that such information is 13708

necessary. The ~~commission~~ chancellor may negotiate changes in the 13709
proposal to offer a course, if the ~~commission~~ chancellor 13710
determines that changes are necessary in order to approve the 13711
course. 13712

(D) The ~~commission~~ chancellor shall catalog each course 13713
approved for the clearinghouse, through a print or electronic 13714
medium, displaying the following: 13715

(1) Information necessary for a student and the student's 13716
parent, guardian, or custodian and the student's school district 13717
~~or~~, community school, STEM school, college, or university to 13718
decide whether to enroll in or subscribe to the course; 13719

(2) Instructions for enrolling in that course, including 13720
deadlines for enrollment. 13721

(E) Any expenses related to the installation of a course into 13722
the common statewide platform shall be borne by the course 13723
provider. 13724

(F) The chancellor may contract with an entity to perform any 13725
or all of the chancellor's duties under sections 3333.81 to 13726
3333.88 of the Revised Code. 13727

Sec. ~~3353.22~~ 3333.83. (A) A student who is enrolled in a 13728
school operated by a school district or in a community school or 13729
STEM school may enroll in a course ~~included in~~ through the 13730
clearinghouse only if both of the following conditions are 13731
satisfied: 13732

(1) The student's enrollment in the course is approved by the 13733
student's school district ~~or the student's~~, community school, or 13734
STEM school. 13735

(2) The student's school district ~~or the student's~~, community 13736
school, or STEM school agrees to accept for credit the grade 13737
assigned by the ~~district that is delivering the course~~ provider, 13738

if that provider is another school district, community school, or 13739
STEM school. 13740

(B) For each student enrolled in a school operated by a 13741
school district or in a community school or STEM school who is 13742
enrolling in a course provided through the clearinghouse by 13743
another school district, community school, or STEM school, the 13744
student's school district ~~or the student's,~~ community school, or 13745
STEM school shall transmit ~~the student's data verification code~~ 13746
~~and~~ the student's name to the ~~school district delivering the~~ 13747
course provider. 13748

The ~~district delivering the~~ course provider may request from 13749
the student's school district ~~or the student's,~~ community school, 13750
or STEM school other information from the student's school record. 13751
The ~~student's school~~ district or ~~the student's community~~ school 13752
shall provide the requested information only in accordance with 13753
section 3319.321 of the Revised Code. 13754

(C) The student's school district ~~or the student's,~~ community 13755
school, or STEM school shall determine the manner in which and 13756
facilities at which the student shall participate in the course 13757
consistent with specifications for technology and connectivity 13758
adopted by the ~~commission~~ chancellor of the Ohio board of regents. 13759
13760

(D) A student may withdraw from a course prior to the end of 13761
the course only by a date and in a manner prescribed by the 13762
student's school district ~~or,~~ community school, or STEM school. 13763

(E) A student who is enrolled in a school operated by a 13764
school district or in a community school or STEM school and who 13765
takes a course ~~included in~~ through the clearinghouse shall be 13766
counted in the formula ADM of a school district under section 13767
3317.03 of the Revised Code as if the student were taking the 13768
course from the student's school district ~~or the student's,~~ 13769

community school, or STEM school. 13770

Sec. 3333.84. (A) The fee charged for any course offered 13771
through the clearinghouse shall be set by the course provider. 13772

(B) The chancellor of the Ohio board of regents shall 13773
prescribe the manner in which the fee for a course shall be 13774
collected or deducted from the school district, school, college or 13775
university, or individual subscribing to the course and in which 13776
manner the fee shall be paid to the course provider. 13777

(C) The chancellor may retain a percentage of the fee charged 13778
for a course to offset the cost of maintaining and operating the 13779
clearinghouse, including the payment of compensation for an entity 13780
or a private entity that is under contract with the chancellor 13781
under division (F) of section 3333.82 of the Revised Code. The 13782
percentage retained shall be determined by the chancellor. 13783
13784

Sec. ~~3353.26~~ 3333.85. The grade for a student who enrolls in 13785
enrolled in a school operated by a school district or in a 13786
community school or STEM school for a course included in provided 13787
through the clearinghouse by another school district, community 13788
school, or STEM school shall be assigned by the school district 13789
that delivers the course provider and shall be transmitted by that 13790
district to the student's school district or the student's, 13791
community school, or STEM school. 13792

Sec. ~~3353.27~~ 3333.86. The eTech Ohio commission chancellor of 13793
the Ohio board of regents may determine the manner in which a 13794
course included in the clearinghouse may be offered as a dual 13795
enrollment program as defined in section 3313.6013 of the Revised 13796
Code, may be offered to students who are enrolled in nonpublic 13797
schools or are instructed at home pursuant to section 3321.04 of 13798
the Revised Code, or may be offered at times outside the normal 13799

school day or school week, including any necessary additional fees 13800
and methods of payment for a course so offered. 13801

Sec. ~~3353.28~~ 3333.87. The ~~eTech Ohio commission~~ chancellor of 13802
the Ohio board of regents shall adopt rules in accordance with 13803
Chapter 119. of the Revised Code prescribing procedures for the 13804
implementation of sections ~~3353.20 to 3353.27~~ 3333.81 to 3333.86 13805
of the Revised Code. 13806

Sec. ~~3353.29~~ 3333.88. Nothing in sections ~~3353.20 to 3353.28~~ 13807
3333.81 to 3333.87 of the Revised Code, or in rules implementing 13808
those sections, shall prohibit a school district, community 13809
school, STEM school, or college or university from offering an 13810
interactive distance learning course or other distance learning 13811
course using a computer-based method through any means other than 13812
the clearinghouse established and maintained under those sections. 13813
13814

Sec. 3335.05. Before entering upon the duties of ~~his~~ office 13815
the treasurer of the Ohio state university shall give evidence of 13816
bond to the state or insurance in such sum as the board of 13817
trustees determines, ~~but not a less sum than the probable amount~~ 13818
~~that will be under his control in any one year, conditioned for~~ 13819
the faithful discharge of ~~his~~ official duties and the payment of 13820
all moneys coming into ~~his~~ the treasurer's hands, ~~the bond to be~~ 13821
~~approved by the attorney general.~~ Such evidence of bond or 13822
insurance shall be deposited with the secretary of state and kept 13823
in ~~his~~ the secretary of state's office. 13824

Sec. 3341.03. The board of trustees of Bowling Green state 13825
university and Kent state university, respectively, shall annually 13826
elect from their members, a president and a vice-president; and 13827
they may also appoint a secretary of the board, a treasurer, and 13828

such other officers of the university as the interests of the 13829
respective universities require, who may be members of the board. 13830
The treasurers, before entering upon the discharge of their 13831
duties, shall give bonds to the state or be insured for the 13832
faithful performance of their duties and the proper accounting for 13833
all moneys coming into their care. The amount of said bonds or 13834
insurance shall be determined by the boards, but shall not be for 13835
a less sum than the estimated amount which may come into their 13836
control at any time, less any reasonable deductible. ~~Said bonds~~ 13837
~~shall be approved by the attorney general.~~ 13838

Sec. 3343.08. The treasurer of the central state university, 13839
before entering upon the discharge of the treasurer's duties, 13840
shall give a bond to the state or be insured for the faithful 13841
performance of the treasurer's duties and the proper accounting 13842
for all moneys coming into the treasurer's care. The amount of the 13843
bond or insurance shall be determined by the board of trustees of 13844
central state university, but shall not be for a sum less than the 13845
amount that the board estimates may come into the treasurer's 13846
control at any time, less any reasonable deductible. ~~The bond~~ 13847
~~shall be approved by the attorney general.~~ 13848

Sec. 3344.02. The board of trustees of Cleveland state 13849
university shall annually elect from their members a ~~chairman~~ 13850
chairperson and a ~~vice-chairman~~ vice-chairperson; and they may 13851
also appoint a secretary of the board, a treasurer, and such other 13852
officers of the university as the interest of the university 13853
requires, who may be members of the board. The treasurer, before 13854
entering upon the discharge of ~~his~~ official duties, shall give 13855
bond to the state or be insured for the faithful performance of 13856
~~his~~ the treasurer's duties and the proper accounting for all 13857
moneys coming into ~~his~~ the treasurer's care. The amount of said 13858
bond or insurance shall be determined by the board, but shall not 13859

be for a sum less than the estimated amount which may come into 13860
~~his~~ the treasurer's control at any time, less any reasonable 13861
deductible. Said bond shall be approved by the attorney general. 13862

Sec. 3345.34. (A) No student trustee of a state university or 13863
the northeastern Ohio universities college of medicine shall use 13864
~~his~~ the trusteeship to influence any grade or other evaluation of 13865
~~his~~ the student trustee's performance made by a member of the 13866
faculty or other employee of the state university or the college. 13867

(B) No member of the faculty or other employee of a state 13868
university or the northeastern Ohio universities college of 13869
medicine shall confer any favor, advantage, preference, or other 13870
benefit on a student trustee because of the student's trusteeship. 13871

Sec. 3350.10. (A) There is hereby created the northeastern 13872
Ohio universities college of medicine. The principal goal of the 13873
college shall be to collaborate with the university of Akron, 13874
Cleveland state university, Kent state university, and Youngstown 13875
state university to graduate physicians oriented to the practice 13876
of medicine at the community level, especially family physicians. 13877
To accomplish this goal, the college may incorporate in the 13878
clinical experience provided its students the several community 13879
hospitals in the cities and areas served by the college; utilize 13880
practicing physicians as teachers; and to the fullest extent 13881
possible utilize the basic science capabilities of the university 13882
of Akron, Cleveland state university, Kent state university, and 13883
Youngstown state university. ~~The~~ 13884

(1) Until the ninetieth day after the effective date of this 13885
amendment, the government of the college is vested in a 13886
nine-member board of trustees consisting of the presidents of the 13887
university of Akron, Kent state university, and Youngstown state 13888
university; one member each of the boards of trustees of the 13889

university of Akron, Kent state university, and Youngstown state 13890
university, to be appointed by their respective boards of trustees 13891
for a term of six years ending on the first day of May or until 13892
~~his~~ the trustee's term on ~~his~~ the respective university board of 13893
trustees expires, whichever occurs first; and one person each to 13894
be appointed by the boards of trustees of the university of Akron, 13895
Kent state university, and Youngstown state university, for a term 13896
of nine years ending on the first day of May; except that the term 13897
of those first appointed by the several boards of trustees shall 13898
expire on the first day of May next following their appointment. 13899
Vacancies shall be filled for the unexpired term in the manner 13900
provided for original appointment. The trustees shall receive no 13901
compensation for their services but shall be paid their reasonable 13902
necessary expenses while engaged in the discharge of their 13903
official duties. A majority of the board constitutes a quorum. 13904

(2) Beginning ninety days after the effective date of this 13905
amendment, the government of the college is vested in a board of 13906
eleven trustees, who shall be appointed by the governor, with the 13907
advice and consent of the senate. Two of the trustees shall be 13908
current students of the college, and their selection and terms 13909
shall be in accordance with division (B) of this section. Except 13910
as provided in division (A)(3) of this section and except for the 13911
student members, terms of office shall be for nine years. Each 13912
trustee shall hold office from the date of appointment until the 13913
end of the term for which the trustee was appointed. Any trustee 13914
appointed to fill a vacancy occurring prior to the expiration of 13915
the term for which the trustee's predecessor was appointed shall 13916
hold office for the remainder of such term. Any trustee shall 13917
continue in office subsequent to the expiration date of the 13918
trustee's term until the trustee's successor takes office, or 13919
until a period of sixty days has elapsed, whichever occurs first. 13920
No person who has served a full nine-year term or more than six 13921
years of such a term shall be eligible for reappointment until a 13922

period of four years has elapsed since the last day of the term 13923
for which the person previously served. The trustees shall receive 13924
no compensation for their services but shall be paid their 13925
reasonable necessary expenses while engaged in the discharge of 13926
their official duties. A majority of the board constitutes a 13927
quorum. 13928

(3) Not later than ninety days after the effective date of 13929
this amendment, the governor, with the advice and consent of the 13930
senate, shall appoint the two student trustees and successors for 13931
the trustees serving under division (A)(1) of this section. Except 13932
for the student trustees, who shall serve terms pursuant to 13933
division (B) of this section, the initial terms of office for 13934
trustees appointed under division (A)(2) of this section shall be 13935
as follows: one term ending one year after the effective date of 13936
this amendment; one term ending two years after the effective date 13937
of this amendment; one term ending three years after the effective 13938
date of this amendment; one term ending four years after the 13939
effective date of this amendment; one term ending five years after 13940
the effective date of this amendment; one term ending six years 13941
after the effective date of this amendment; one term ending seven 13942
years after the effective date of this amendment; one term ending 13943
eight years after the effective date of this amendment; one term 13944
ending nine years after the effective date of this amendment. 13945
Thereafter, terms of office shall be for nine years, as provided 13946
in division (A)(2) of this section. 13947

(B) The student members of the board of trustees of the 13948
northeastern Ohio universities college of medicine have no voting 13949
power on the board. Student members shall not be considered as 13950
members of the board in determining whether a quorum is present. 13951
Student members shall not be entitled to attend executive sessions 13952
of the board. The student members of the board shall be appointed 13953
by the governor, with the advice and consent of the senate, from a 13954

group of five candidates selected pursuant to a procedure adopted 13955
by the college's student governments and approved by the college's 13956
board of trustees. The initial term of office of one of the 13957
student members shall commence ninety days after the effective 13958
date of this amendment and shall expire on June 30, 2009, and the 13959
initial term of office of the other student member shall commence 13960
ninety days after the effective date of this amendment and shall 13961
expire on June 30, 2010. Thereafter, terms of office of student 13962
members shall be for two years, each term ending on the same day 13963
of the same month of the year as the term it succeeds. In the 13964
event that a student member cannot fulfill a two-year term, a 13965
replacement shall be selected to fill the unexpired term in the 13966
same manner used to make the original selection. 13967

Sec. 3352.02. The board of trustees of Wright state 13968
university shall annually elect from their members a ~~chairman~~ 13969
chairperson and ~~vice-chairman~~ vice-chairperson; and they may also 13970
appoint a secretary of the board, a treasurer, and such other 13971
officers of the university as the interest of the university 13972
requires, who may be members of the board. The treasurer, before 13973
entering upon the discharge of ~~his~~ official duties, shall give 13974
bond to the state or be insured for the faithful performance of 13975
~~his~~ the treasurer's duties and the proper accounting for all 13976
moneys coming into ~~his~~ the treasurer's care. The amount of said 13977
bond or insurance shall be determined by the board, but shall not 13978
be for a sum less than the estimated amount which may come into 13979
~~his~~ the treasurer's control at any time, less any reasonable 13980
deductible. Said bond shall be approved by the attorney general. 13981

Sec. 3353.02. (A) There is hereby created the eTech Ohio 13982
commission as an independent agency to advance education and 13983
accelerate the learning of the citizens of this state through 13984
technology. The commission shall provide leadership and support in 13985

extending the knowledge of the citizens of this state by promoting 13986
access to and use of all forms of educational technology, 13987
including educational television and radio, radio reading 13988
services, broadband networks, videotapes, compact discs, digital 13989
video on demand (DVD), and the internet. The commission also shall 13990
administer programs to provide financial and other assistance to 13991
school districts and other educational institutions for the 13992
acquisition and utilization of educational technology. 13993

The commission is a body corporate and politic, an agency of 13994
the state performing essential governmental functions of the 13995
state. 13996

(B) The commission shall consist of thirteen members, nine of 13997
whom shall be voting members. Six of the voting members shall be 13998
representatives of the public. Of the representatives of the 13999
public, four shall be appointed by the governor with the advice 14000
and consent of the senate, one shall be appointed by the speaker 14001
of the house of representatives, and one shall be appointed by the 14002
president of the senate. The superintendent of public instruction 14003
or a designee of the superintendent, the chancellor of the Ohio 14004
board of regents or a designee of the chancellor, and the ~~director~~ 14005
~~of the office of information technology~~ state chief information 14006
officer or a designee of the ~~director~~ officer shall be ex officio 14007
voting members. Of the nonvoting members, two shall be members of 14008
the house of representatives appointed by the speaker of the house 14009
of representatives and two shall be members of the senate 14010
appointed by the president of the senate. The members appointed 14011
from each chamber shall not be members of the same political 14012
party. 14013

(C) Initial terms of office for members appointed by the 14014
governor shall be one year for one member, two years for one 14015
member, three years for one member, and four years for one member. 14016

At the first meeting of the commission, members appointed by the 14017
governor shall draw lots to determine the length of the term each 14018
member will serve. Thereafter, terms of office for members 14019
appointed by the governor shall be for four years. Terms of office 14020
for voting members appointed by the speaker of the house of 14021
representatives and the president of the senate shall be for four 14022
years. Any member who is a representative of the public may be 14023
reappointed by the member's respective appointing authority, but 14024
no such member may serve more than two consecutive four-year 14025
terms. Such a member may be removed by the member's respective 14026
appointing authority for cause. 14027

Any legislative member appointed by the speaker of the house 14028
of representatives or the president of the senate who ceases to be 14029
a member of the legislative chamber from which the member was 14030
appointed shall cease to be a member of the commission. The 14031
speaker of the house of representatives and the president of the 14032
senate may remove their respective appointments to the commission 14033
at any time. 14034

(D) Vacancies among appointed members shall be filled in the 14035
manner provided for original appointments. Any member appointed to 14036
fill a vacancy occurring prior to the expiration of the term for 14037
which the member's predecessor was appointed shall hold office for 14038
the remainder of that term. Any appointed member shall continue in 14039
office subsequent to the expiration of that member's term until 14040
the member's successor takes office or until a period of sixty 14041
days has elapsed, whichever occurs first. 14042

(E) Members of the commission shall serve without 14043
compensation. The members who are representatives of the public 14044
shall be reimbursed, pursuant to office of budget and management 14045
guidelines, for actual and necessary expenses incurred in the 14046
performance of official duties. 14047

(F) The governor shall appoint the chairperson of the 14048

commission from among the commission's voting members. The 14049
chairperson shall serve a term of two years and may be 14050
reappointed. The commission shall elect other officers as 14051
necessary from among its voting members and shall prescribe its 14052
rules of procedure. 14053

(G) The commission shall establish advisory groups as needed 14054
to address topics of interest and to provide guidance to the 14055
commission regarding educational technology issues and the 14056
technology needs of educators, learners, and the public. Members 14057
of each advisory group shall be appointed by the commission and 14058
shall include representatives of individuals or organizations with 14059
an interest in the topic addressed by the advisory group. 14060

Sec. 3354.16. (A) When the board of trustees of a community 14061
college district has by resolution determined to let by contract 14062
the work of improvements pursuant to the official plan of such 14063
district, contracts in amounts exceeding a dollar amount set by 14064
the board, which dollar amount shall not exceed fifty thousand 14065
dollars, shall be advertised after notices calling for bids have 14066
been published once a week for three consecutive weeks, in at 14067
least one newspaper of general circulation within the community 14068
college district wherein the work is to be done. Subject to 14069
section 3354.10 of the Revised Code, the board of trustees of the 14070
district may let such contract to the lowest responsive and 14071
responsible bidder, in accordance with section 9.312 of the 14072
Revised Code, who meets the requirements of section 153.54 of the 14073
Revised Code. Such contract shall be in writing and shall be 14074
accompanied by or shall refer to plans and specifications for the 14075
work to be done. Such contract shall be approved by the board of 14076
trustees and signed by the president of the board and by the 14077
contractor. 14078

(B) On the first day of January of every even-numbered year, 14079

the chancellor of the board of regents shall adjust the fifty 14080
thousand dollar contract limit set forth in division (A) of this 14081
section, as adjusted in any previous year pursuant to this 14082
division. The chancellor shall adjust the limit according to the 14083
average increase or decrease for each of the two years immediately 14084
preceding the adjustment as set forth in the United States 14085
department of commerce, bureau of ~~the census~~ economic analysis 14086
implicit price deflator for construction gross domestic product, 14087
nonresidential structures, or an alternative if the federal 14088
government ceases to publish this metric, provided that no 14089
increase or decrease for any year shall exceed three per cent of 14090
the contract limit in existence at the time of the adjustment. 14091
Notwithstanding division (A) of this section, the limit adjusted 14092
under this division shall be used thereafter in lieu of the limit 14093
in division (A) of this section. 14094

(C) Before entering into an improvement pursuant to division 14095
(A) of this section, the board of trustees of a community college 14096
district shall require separate and distinct proposals to be made 14097
for furnishing materials or doing work on the improvement, or 14098
both, in the board's discretion, for each separate and distinct 14099
branch or class of work entering into the improvement. The board 14100
of trustees also may require a single, combined proposal for the 14101
entire project for materials or doing work, or both, in the 14102
board's discretion, that includes each separate and distinct 14103
branch or class of work entering into the improvement. The board 14104
of trustees need not solicit separate proposals for a branch or 14105
class of work for an improvement if the estimate cost for that 14106
branch or class of work is less than five thousand dollars. 14107

(D) When more than one branch or class of work is required, 14108
no contract for the entire job, or for a greater portion thereof 14109
than is embraced in one such branch or class of work shall be 14110
awarded, unless the separate bids do not cover all the work and 14111

materials required or the bids for the whole or for two or more 14112
kinds of work or materials are lower than the separate bids in the 14113
aggregate. The board of trustees need not award separate contracts 14114
for a branch or class of work entering into an improvement if the 14115
estimated cost for that branch or class of work is less than five 14116
thousand dollars. 14117

Sec. 3355.12. (A) When the managing authority of the 14118
university branch district has determined to let by contract the 14119
work of improvements, contracts in amounts exceeding a dollar 14120
amount set by the managing authority, which dollar amount shall 14121
not exceed fifty thousand dollars, shall be advertised after 14122
notices calling for bids have been published once a week for three 14123
consecutive weeks, in at least one newspaper of general 14124
circulation within the university branch district wherein the work 14125
is to be done. Such managing authority may let such contract to 14126
the lowest responsive and responsible bidder, in accordance with 14127
section 9.312 of the Revised Code, who meets the requirements of 14128
section 153.54 of the Revised Code. Such contract shall be in 14129
writing and shall be accompanied by or shall refer to plans and 14130
specifications for the work to be done. Such contract shall be 14131
approved by the managing authority of the university branch 14132
district and signed by the chairperson or vice-chairperson of the 14133
managing authority and by the contractor. 14134

(B) On the first day of January of every even-numbered year, 14135
the chancellor of the board of regents shall adjust the fifty 14136
thousand dollar contract limit set forth in division (A) of this 14137
section, as adjusted in any previous year pursuant to this 14138
division. The chancellor shall adjust the limit according to the 14139
average increase or decrease for each of the two years immediately 14140
preceding the adjustment as set forth in the United States 14141
department of commerce, bureau of ~~the census~~ economic analysis 14142
implicit price deflator for ~~construction~~ gross domestic product, 14143

nonresidential structures, or an alternative if the federal 14144
government ceases to publish this metric, provided that no 14145
increase or decrease for any year shall exceed three per cent of 14146
the contract limit in existence at the time of the adjustment. 14147
Notwithstanding division (A) of this section, the limit adjusted 14148
under this division shall be used thereafter in lieu of the limit 14149
in division (A) of this section. 14150

(C) Before entering into an improvement pursuant to division 14151
(A) of this section, the managing authority of the university 14152
branch district shall require separate and distinct proposals to 14153
be made for furnishing materials or doing work on the improvement, 14154
or both, in the board's discretion, for each separate and distinct 14155
branch or class of work entering into the improvement. The 14156
managing authority also may require a single, combined proposal 14157
for the entire project for materials or doing work, or both, in 14158
the board's discretion, that includes each separate and distinct 14159
branch or class of work entering into the improvement. The 14160
managing authority need not solicit separate proposals for a 14161
branch or class of work for an improvement if the estimate cost 14162
for that branch or class of work is less than five thousand 14163
dollars. 14164

(D) When more than one branch or class of work is required, 14165
no contract for the entire job, or for a greater portion thereof 14166
than is embraced in one such branch or class of work shall be 14167
awarded, unless the separate bids do not cover all the work and 14168
materials required or the bids for the whole or for two or more 14169
kinds of work or materials are lower than the separate bids in the 14170
aggregate. The managing authority need not award separate 14171
contracts for a branch or class of work entering into an 14172
improvement if the estimated cost for that branch or class of work 14173
is less than five thousand dollars. 14174

Sec. 3356.02. The board of trustees of Youngstown state 14175
university shall annually elect from their members a ~~chairman~~ 14176
chairperson and a ~~vice-chairman~~ vice-chairperson; and they may 14177
also appoint a secretary of the board, a treasurer, and such other 14178
officers of the university as the interest of the university 14179
requires, who may be members of the board. The treasurer, before 14180
entering upon the discharge of ~~his~~ official duties, shall give 14181
bond to the state or be insured for faithful performance of ~~his~~ 14182
the treasurer's duties and the proper accounting for all moneys 14183
coming into ~~his~~ the treasurer's care. The amount of said bond or 14184
insurance shall be determined by the board, but shall not be for a 14185
sum less than the estimated amount which may come into ~~his~~ the 14186
treasurer's control at any time, less any reasonable deductible. 14187
~~Said bond shall be approved by the attorney general.~~ 14188

Sec. 3357.16. (A) When the board of trustees of a technical 14189
college district has by resolution determined to let by contract 14190
the work of improvements pursuant to the official plan of such 14191
district, contracts in amounts exceeding a dollar amount set by 14192
the board, which dollar amount shall not exceed fifty thousand 14193
dollars, shall be advertised after notice calling for bids has 14194
been published once a week for three consecutive weeks, in at 14195
least one newspaper of general circulation within the technical 14196
college district where the work is to be done. The board of 14197
trustees of the technical college district may let such contract 14198
to the lowest responsive and responsible bidder, in accordance 14199
with section 9.312 of the Revised Code, who meets the requirements 14200
of section 153.54 of the Revised Code. Such contract shall be in 14201
writing and shall be accompanied by or shall refer to plans and 14202
specifications for the work to be done. Such contract shall be 14203
approved by the board of trustees and signed by the president of 14204
the board and by the contractor. 14205

(B) On the first day of January of every even-numbered year, 14206
the chancellor of the board of regents shall adjust the fifty 14207
thousand dollar contract limit set forth in division (A) of this 14208
section, as adjusted in any previous year pursuant to this 14209
division. The chancellor shall adjust the limit according to the 14210
average increase or decrease for each of the two years immediately 14211
preceding the adjustment as set forth in the United States 14212
department of commerce, bureau of ~~the census~~ economic analysis 14213
implicit price deflator for construction gross domestic product, 14214
nonresidential structures, or an alternative if the federal 14215
government ceases to publish this metric, provided that no 14216
increase or decrease for any year shall exceed three per cent of 14217
the contract limit in existence at the time of the adjustment. 14218
Notwithstanding division (A) of this section, the limit adjusted 14219
under this division shall be used thereafter in lieu of the limit 14220
in division (A) of this section. 14221

(C) Before entering into an improvement pursuant to division 14222
(A) of this section, the board of trustees of a technical college 14223
district shall require separate and distinct proposals to be made 14224
for furnishing materials or doing work on the improvement, or 14225
both, in the board's discretion, for each separate and distinct 14226
branch or class of work entering into the improvement. The board 14227
of trustees also may require a single, combined proposal for the 14228
entire project for materials or doing work, or both, in the 14229
board's discretion, that includes each separate and distinct 14230
branch or class of work entering into the improvement. The board 14231
of trustees need not solicit separate proposals for a branch or 14232
class of work for an improvement if the estimate cost for that 14233
branch or class of work is less than five thousand dollars. 14234

(D) When more than one branch or class of work is required, 14235
no contract for the entire job, or for a greater portion thereof 14236
than is embraced in one such branch or class of work shall be 14237

awarded, unless the separate bids do not cover all the work and 14238
materials required or the bids for the whole or for two or more 14239
kinds of work or materials are lower than the separate bids in the 14240
aggregate. The board of trustees need not award separate contracts 14241
for a branch or class of work entering into an improvement if the 14242
estimated cost for that branch or class of work is less than five 14243
thousand dollars. 14244

Sec. 3359.02. The board of trustees of the university of 14245
Akron shall annually elect from their members a ~~chairman~~ 14246
chairperson and a ~~vice-chairman~~ vice-chairperson; and they may 14247
also appoint a secretary of the board, a treasurer, and such other 14248
officers of the university as the interest of the university 14249
requires, who may be members of the board. The treasurer, before 14250
entering upon the discharge of ~~his~~ official duties, shall give 14251
bond to the state or be insured for the faithful performance of 14252
~~his~~ the treasurer's duties and the proper accounting for all 14253
moneys coming into ~~his~~ the treasurer's care. The amount of said 14254
bonds or insurance shall be determined by the board, but shall not 14255
be for a sum less than the estimated amount which may come into 14256
~~his~~ the treasurer's control at any time, less any reasonable 14257
deductible. ~~Said bond shall be approved by the attorney general.~~ 14258

Sec. 3361.02. The board of trustees of the university of 14259
Cincinnati shall annually elect from their members a ~~chairman~~ 14260
chairperson and a ~~vice-chairman~~ vice-chairperson, and they may 14261
also appoint a secretary of the board, a treasurer, and such other 14262
officers of the university as the interests of the university 14263
require, who may be members of the board. The treasurer, before 14264
entering upon the discharge of ~~his~~ official duties, shall give 14265
bond to the state or be insured for the faithful performance of 14266
~~his~~ the treasurer's duties and the proper accounting for all 14267
moneys coming into ~~his~~ the treasurer's care. The amount of said 14268

bond or insurance shall be determined by the board, but shall not 14269
be for a sum less than the estimated amount which may come into 14270
~~his~~ the treasurer's control at any time, less any reasonable 14271
deductible. ~~Said bond shall be approved by the attorney general.~~ 14272

Sec. 3364.02. The board of trustees of the university of 14273
Toledo annually shall elect from among its members a chairperson 14274
and a vice-chairperson, and also may appoint a secretary of the 14275
board, a treasurer, and such other officers of the university as 14276
the interest of the university requires, who may be members of the 14277
board. The treasurer, before entering upon the discharge of 14278
official duties, shall give bond to the state or be insured for 14279
the faithful performance of the treasurer's duties and the proper 14280
accounting for all moneys coming into the treasurer's care. The 14281
amount of that bond or insurance shall be determined by the board, 14282
but shall not be for a sum less than the estimated amount which 14283
may come into the treasurer's control at any time, less any 14284
reasonable deductible. 14285

Sec. 3365.15. The program known as "seniors to sophomores," 14286
or any successor name, shall permit nonpublic school students to 14287
participate. 14288

Sec. 3501.17. (A) The expenses of the board of elections 14289
shall be paid from the county treasury, in pursuance of 14290
appropriations by the board of county commissioners, in the same 14291
manner as other county expenses are paid. If the board of county 14292
commissioners fails to appropriate an amount sufficient to provide 14293
for the necessary and proper expenses of the board of elections 14294
pertaining to the conduct of elections, the board of elections may 14295
apply to the court of common pleas within the county, which shall 14296
fix the amount necessary to be appropriated and the amount shall 14297
be appropriated. Payments shall be made upon vouchers of the board 14298

of elections certified to by its chairperson or acting chairperson 14299
and the director or deputy director, upon warrants of the county 14300
auditor. 14301

The board of elections shall not incur any obligation 14302
involving the expenditure of money unless there are moneys 14303
sufficient in the funds appropriated therefor to meet the 14304
obligation. If the board of elections requests a transfer of funds 14305
from one of its appropriation items to another, the board of 14306
county commissioners shall adopt a resolution providing for the 14307
transfer except as otherwise provided in section 5705.40 of the 14308
Revised Code. The expenses of the board of elections shall be 14309
apportioned among the county and the various subdivisions as 14310
provided in this section, and the amount chargeable to each 14311
subdivision shall be withheld by the auditor from the moneys 14312
payable thereto at the time of the next tax settlement. At the 14313
time of submitting budget estimates in each year, the board of 14314
elections shall submit to the taxing authority of each 14315
subdivision, upon the request of the subdivision, an estimate of 14316
the amount to be withheld from the subdivision during the next 14317
fiscal year. 14318

(B) Except as otherwise provided in division (F) of this 14319
section, the compensation of the members of the board of elections 14320
and of the director, deputy director, and regular employees in the 14321
board's offices, other than compensation for overtime worked; the 14322
expenditures for the rental, furnishing, and equipping of the 14323
office of the board and for the necessary office supplies for the 14324
use of the board; the expenditures for the acquisition, repair, 14325
care, and custody of the polling places, booths, guardrails, and 14326
other equipment for polling places; the cost of tally sheets, 14327
maps, flags, ballot boxes, and all other permanent records and 14328
equipment; the cost of all elections held in and for the state and 14329
county; and all other expenses of the board which are not 14330

chargeable to a political subdivision in accordance with this 14331
section shall be paid in the same manner as other county expenses 14332
are paid. 14333

(C) The compensation of judges of elections and intermittent 14334
employees in the board's offices; the cost of renting, moving, 14335
heating, and lighting polling places and of placing and removing 14336
ballot boxes and other fixtures and equipment thereof, including 14337
voting machines, marking devices, and automatic tabulating 14338
equipment; the cost of printing and delivering ballots, cards of 14339
instructions, registration lists required under section 3503.23 of 14340
the Revised Code, and other election supplies, including the 14341
supplies required to comply with division (H) of section 3506.01 14342
of the Revised Code; the cost of contractors engaged by the board 14343
to prepare, program, test, and operate voting machines, marking 14344
devices, and automatic tabulating equipment; and all other 14345
expenses of conducting primaries and elections in the odd-numbered 14346
years shall be charged to the subdivisions in and for which such 14347
primaries or elections are held. The charge for each primary or 14348
general election in odd-numbered years for each subdivision shall 14349
be determined in the following manner: first, the total cost of 14350
all chargeable items used in conducting such elections shall be 14351
ascertained; second, the total charge shall be divided by the 14352
number of precincts participating in such election, in order to 14353
fix the cost per precinct; third, the cost per precinct shall be 14354
prorated by the board of elections to the subdivisions conducting 14355
elections for the nomination or election of offices in such 14356
precinct; fourth, the total cost for each subdivision shall be 14357
determined by adding the charges prorated to it in each precinct 14358
within the subdivision. 14359

(D) The entire cost of special elections held on a day other 14360
than the day of a primary or general election, both in 14361
odd-numbered or in even-numbered years, shall be charged to the 14362

subdivision. Where a special election is held on the same day as a 14363
primary or general election in an even-numbered year, the 14364
subdivision submitting the special election shall be charged only 14365
for the cost of ballots and advertising. Where a special election 14366
is held on the same day as a primary or general election in an 14367
odd-numbered year, the subdivision submitting the special election 14368
shall be charged for the cost of ballots and advertising for such 14369
special election, in addition to the charges prorated to such 14370
subdivision for the election or nomination of candidates in each 14371
precinct within the subdivision, as set forth in the preceding 14372
paragraph. 14373

(E) Where a special election is held on the day specified by 14374
division (E) of section 3501.01 of the Revised Code for the 14375
holding of a primary election, for the purpose of submitting to 14376
the voters of the state constitutional amendments proposed by the 14377
general assembly, and a subdivision conducts a special election on 14378
the same day, the entire cost of the special election shall be 14379
divided proportionally between the state and the subdivision based 14380
upon a ratio determined by the number of issues placed on the 14381
ballot by each, except as otherwise provided in division (G) of 14382
this section. Such proportional division of cost shall be made 14383
only to the extent funds are available for such purpose from 14384
amounts appropriated by the general assembly to the secretary of 14385
state. If a primary election is also being conducted in the 14386
subdivision, the costs shall be apportioned as otherwise provided 14387
in this section. 14388

(F) When a precinct is open during a general, primary, or 14389
special election solely for the purpose of submitting to the 14390
voters a statewide ballot issue, the state shall bear the entire 14391
cost of the election in that precinct and shall reimburse the 14392
county for all expenses incurred in opening the precinct. 14393

(G) The state shall bear the entire cost of advertising in 14394

newspapers statewide ballot issues, explanations of those issues, 14395
and arguments for or against those issues, as required by Section 14396
1g of Article II and Section 1 of Article XVI, Ohio Constitution, 14397
and any other section of law. ~~The Ohio ballot board~~ Appropriations 14398
made to the controlling board shall be used to reimburse the 14399
secretary of state for all expenses the secretary of state incurs 14400
for such advertising under division (G) of section 3505.062 of the 14401
Revised Code. 14402

(H) The cost of renting, heating, and lighting registration 14403
places; the cost of the necessary books, forms, and supplies for 14404
the conduct of registration; and the cost of printing and posting 14405
precinct registration lists shall be charged to the subdivision in 14406
which such registration is held. 14407

(I) At the request of a majority of the members of the board 14408
of elections, the board of county commissioners may, by 14409
resolution, establish an elections revenue fund. Except as 14410
otherwise provided in this division, the purpose of the fund shall 14411
be to accumulate revenue withheld by or paid to the county under 14412
this section for the payment of any expense related to the duties 14413
of the board of elections specified in section 3501.11 of the 14414
Revised Code, upon approval of a majority of the members of the 14415
board of elections. The fund shall not accumulate any revenue 14416
withheld by or paid to the county under this section for the 14417
compensation of the members of the board of elections or of the 14418
director, deputy director, or other regular employees in the 14419
board's offices, other than compensation for overtime worked. 14420

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the 14421
Revised Code, the board of county commissioners may, by 14422
resolution, transfer money to the elections revenue fund from any 14423
other fund of the political subdivision from which such payments 14424
lawfully may be made. Following an affirmative vote of a majority 14425
of the members of the board of elections, the board of county 14426

commissioners may, by resolution, rescind an elections revenue fund established under this division. If an elections revenue fund is rescinded, money that has accumulated in the fund shall be transferred to the county general fund.

(J) As used in this section:

(1) "Political subdivision" and "subdivision" mean any board of county commissioners, board of township trustees, legislative authority of a municipal corporation, board of education, or any other board, commission, district, or authority that is empowered to levy taxes or permitted to receive the proceeds of a tax levy, regardless of whether the entity receives tax settlement moneys as described in division (A) of this section;

(2) "Statewide ballot issue" means any ballot issue, whether proposed by the general assembly or by initiative or referendum, that is submitted to the voters throughout the state.

Sec. 3501.19. (A) Except as otherwise provided in division (C) of this section, on each of the following dates, the board of elections shall send a notice by nonforwardable mail to each elector who is registered to vote in a precinct in which an election will be conducted:

(1) The sixtieth day before the day of any special election that may be held on the first Tuesday after the first Monday in August, 2006;

(2) The sixtieth day before the day of the 2006 general election;

(3) The sixtieth day before the day of the 2008 primary election;

(4) The sixtieth day before the day of the 2008 general election.

(B) The notice required under division (A) of this section

shall include each of the following: 14457

(1) The day of the election; 14458

(2) The location of the polling place for the precinct in 14459
which the elector is registered to vote; 14460

(3) A reminder, which shall be indicated in bold type, 14461
stating as follows: 14462

"Voters must bring identification to the polls in order to 14463
verify identity. Identification may include a current and valid 14464
photo identification, a military identification ~~that shows the~~ 14465
~~voter's name and current address~~, or a copy of a current utility 14466
bill, bank statement, government check, paycheck, or other 14467
government document, other than this reminder or a voter 14468
registration notification, that shows the voter's name and current 14469
address. Voters who do not provide one of these documents will 14470
still be able to vote by providing the last four digits of the 14471
voter's social security number and by casting a provisional 14472
ballot. Voters who do not have any of the above forms of 14473
identification, including a social security number, will still be 14474
able to vote by signing an affirmation swearing to the voter's 14475
identity under penalty of election falsification and by casting a 14476
provisional ballot." 14477

(C) If the notice sent under division (A) of this section is 14478
returned undelivered to the board, the board shall cause the 14479
elector's name in the official registration list and in the poll 14480
list or signature pollbook for that elector's precinct to be 14481
marked to indicate that the notice was returned to the board. 14482

At the first election at which an elector whose name has been 14483
so marked appears to vote, the elector shall be required to 14484
provide identification to the election officials. 14485

If the elector provides to the election officials a current 14486
and valid photo identification, a military identification ~~that~~ 14487

~~shows the voter's name and current address~~, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of an election mailed by a board of elections under division (A) of this section or a notice of voter registration notification mailed by a board of elections under section 3503.19 of the Revised Code, the voter shall be permitted to cast a ballot in accordance with division (B) of section 3505.18 of the Revised Code. The board shall correct that elector's registration, if needed, and shall remove the indication that the elector's notice was returned from that elector's name on the official registration list and on the poll list or signature pollbook.

If the elector provides to the election officials a photo identification that does not contain the elector's current address, if the elector provides the last four digits of the elector's social security number, if the elector is unable to provide any of the required forms of identification, if the elector refuses to provide any of the required forms of identification, or if the elector executes an affirmation under division (A)(4) of section 3505.18 of the Revised Code, the elector shall be permitted to vote by provisional ballot under section 3505.181 of the Revised Code. If the provisional ballot is counted pursuant to division (B)(3) of section 3505.183 of the Revised Code, the board shall correct that elector's registration, if needed, and shall remove the indication that the elector's notice was returned from that elector's name on the official registration list and on the poll list or signature pollbook.

(D) No board of elections shall be required to mail a notice under division (A) of this section to any elector who registered to vote within thirty days prior to the date for mailing the notice under that division.

(E) A notice mailed to an elector under division (A) of this section shall not be considered a government document that contains the voter's name and current address for the purpose of providing identification under sections 3503.14, 3503.16, 3503.19, 3503.28, 3505.18, 3505.181, 3505.182, 3505.183, 3509.03, 3509.031, 3509.04, 3509.05, 3511.02, and 3511.09 of the Revised Code.

Sec. 3503.14. (A) The secretary of state shall prescribe the form and content of the registration, change of residence, and change of name forms used in this state. The forms shall meet the requirements of the National Voter Registration Act of 1993 and shall include spaces for all of the following:

(1) The voter's name;

(2) The voter's address;

(3) The current date;

(4) The voter's date of birth;

(5) The voter to provide one or more of the following:

(a) The voter's driver's license number, if any;

(b) The last four digits of the voter's social security number, if any;

(c) A copy of a current and valid photo identification, a copy of a military identification ~~that shows the voter's name and current address~~, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the voter's name and address.

(6) The voter's signature.

The registration form shall include a space on which the person registering an applicant shall sign the person's name and provide the person's address and a space on which the person registering an applicant shall name the employer who is employing that person to register the applicant.

Except for forms prescribed by the secretary of state under section 3503.11 of the Revised Code, the secretary of state shall permit boards of elections to produce forms that have subdivided spaces for each individual alphanumeric character of the information provided by the voter so as to accommodate the electronic reading and conversion of the voter's information to data and the subsequent electronic transfer of that data to the statewide voter registration database established under section 3503.15 of the Revised Code.

(B) None of the following persons who are registering an applicant in the course of that official's or employee's normal duties shall sign the person's name, provide the person's address, or name the employer who is employing the person to register an applicant on a form prepared under this section:

- (1) An election official;
- (2) A county treasurer;
- (3) A deputy registrar of motor vehicles;
- (4) An employee of a designated agency;
- (5) An employee of a public high school;
- (6) An employee of a public vocational school;
- (7) An employee of a public library;
- (8) An employee of the office of a county treasurer;
- (9) An employee of the bureau of motor vehicles;
- (10) An employee of a deputy registrar of motor vehicles;

(11) An employee of an election official. 14578

(C) Except as provided in section 3501.382 of the Revised 14579
Code, any applicant who is unable to sign the applicant's own name 14580
shall make an "X," if possible, which shall be certified by the 14581
signing of the name of the applicant by the person filling out the 14582
form, who shall add the person's own signature. If an applicant is 14583
unable to make an "X," the applicant shall indicate in some manner 14584
that the applicant desires to register to vote or to change the 14585
applicant's name or residence. The person registering the 14586
applicant shall sign the form and attest that the applicant 14587
indicated that the applicant desired to register to vote or to 14588
change the applicant's name or residence. 14589

(D) No registration, change of residence, or change of name 14590
form shall be rejected solely on the basis that a person 14591
registering an applicant failed to sign the person's name or 14592
failed to name the employer who is employing that person to 14593
register the applicant as required under division (A) of this 14594
section. 14595

(E) As used in this section, "registering an applicant" 14596
includes any effort, for compensation, to provide voter 14597
registration forms or to assist persons in completing or returning 14598
those forms. 14599

Sec. 3503.16. (A) Whenever a registered elector changes the 14600
place of residence of that registered elector from one precinct to 14601
another within a county or from one county to another, or has a 14602
change of name, that registered elector shall report the change by 14603
delivering a change of residence or change of name form, whichever 14604
is appropriate, as prescribed by the secretary of state under 14605
section 3503.14 of the Revised Code to the state or local office 14606
of a designated agency, a public high school or vocational school, 14607
a public library, the office of the county treasurer, the office 14608

of the secretary of state, any office of the registrar or deputy 14609
registrar of motor vehicles, or any office of a board of elections 14610
in person or by a third person. Any voter registration, change of 14611
address, or change of name application, returned by mail, may be 14612
sent only to the secretary of state or the board of elections. 14613

A registered elector also may update the registration of that 14614
registered elector by filing a change of residence or change of 14615
name form on the day of a special, primary, or general election at 14616
the polling place in the precinct in which that registered elector 14617
resides or at the board of elections or at another site designated 14618
by the board. 14619

(B)(1)(a) Any registered elector who moves within a precinct 14620
on or prior to the day of a general, primary, or special election 14621
and has not filed a notice of change of residence with the board 14622
of elections may vote in that election by going to that registered 14623
elector's assigned polling place, completing and signing a notice 14624
of change of residence, showing identification in the form of a 14625
current and valid photo identification, a military identification 14626
~~that shows the voter's name and current address~~, or a copy of a 14627
current utility bill, bank statement, government check, paycheck, 14628
or other government document, other than a notice of an election 14629
mailed by a board of elections under section 3501.19 of the 14630
Revised Code or a notice of voter registration mailed by a board 14631
of elections under section 3503.19 of the Revised Code, that shows 14632
the name and current address of the elector, and casting a ballot. 14633
If the elector provides either a driver's license or a state 14634
identification card issued under section 4507.50 of the Revised 14635
Code that does not contain the elector's current residence 14636
address, the elector shall provide the last four digits of the 14637
elector's driver's license number or state identification card 14638
number, and the precinct election official shall mark the poll 14639
list or signature pollbook to indicate that the elector has 14640

provided a driver's license or state identification card number 14641
with a former address and record the last four digits of the 14642
elector's driver's license number or state identification card 14643
number. 14644

(b) Any registered elector who changes the name of that 14645
registered elector and remains within a precinct on or prior to 14646
the day of a general, primary, or special election and has not 14647
filed a notice of change of name with the board of elections may 14648
vote in that election by going to that registered elector's 14649
assigned polling place, completing and signing a notice of a 14650
change of name, and casting a provisional ballot under section 14651
3505.181 of the Revised Code. 14652

(2) Any registered elector who moves from one precinct to 14653
another within a county or moves from one precinct to another and 14654
changes the name of that registered elector on or prior to the day 14655
of a general, primary, or special election and has not filed a 14656
notice of change of residence or change of name, whichever is 14657
appropriate, with the board of elections may vote in that election 14658
if that registered elector complies with division (G) of this 14659
section or does all of the following: 14660

(a) Appears at anytime during regular business hours on or 14661
after the twenty-eighth day prior to the election in which that 14662
registered elector wishes to vote or, if the election is held on 14663
the day of a presidential primary election, the twenty-fifth day 14664
prior to the election, through noon of the Saturday prior to the 14665
election at the office of the board of elections, appears at any 14666
time during regular business hours on the Monday prior to the 14667
election at the office of the board of elections, or appears on 14668
the day of the election at either of the following locations: 14669

(i) The polling place in the precinct in which that 14670
registered elector resides; 14671

(ii) The office of the board of elections or, if pursuant to 14672
division (C) of section 3501.10 of the Revised Code the board has 14673
designated another location in the county at which registered 14674
electors may vote, at that other location instead of the office of 14675
the board of elections. 14676

(b) Completes and signs, under penalty of election 14677
falsification, a notice of change of residence or change of name, 14678
whichever is appropriate, and files it with election officials at 14679
the polling place, at the office of the board of elections, or, if 14680
pursuant to division (C) of section 3501.10 of the Revised Code 14681
the board has designated another location in the county at which 14682
registered electors may vote, at that other location instead of 14683
the office of the board of elections, whichever is appropriate; 14684

(c) Votes a provisional ballot under section 3505.181 of the 14685
Revised Code at the polling place, at the office of the board of 14686
elections, or, if pursuant to division (C) of section 3501.10 of 14687
the Revised Code the board has designated another location in the 14688
county at which registered electors may vote, at that other 14689
location instead of the office of the board of elections, 14690
whichever is appropriate, using the address to which that 14691
registered elector has moved or the name of that registered 14692
elector as changed, whichever is appropriate; 14693

(d) Completes and signs, under penalty of election 14694
falsification, a statement attesting that that registered elector 14695
moved or had a change of name, whichever is appropriate, on or 14696
prior to the day of the election, has voted a provisional ballot 14697
at the polling place in the precinct in which that registered 14698
elector resides, at the office of the board of elections, or, if 14699
pursuant to division (C) of section 3501.10 of the Revised Code 14700
the board has designated another location in the county at which 14701
registered electors may vote, at that other location instead of 14702
the office of the board of elections, whichever is appropriate, 14703

and will not vote or attempt to vote at any other location for 14704
that particular election. The statement required under division 14705
(B)(2)(d) of this section shall be included on the notice of 14706
change of residence or change of name, whichever is appropriate, 14707
required under division (B)(2)(b) of this section. 14708

(C) Any registered elector who moves from one county to 14709
another county within the state on or prior to the day of a 14710
general, primary, or special election and has not registered to 14711
vote in the county to which that registered elector moved may vote 14712
in that election if that registered elector complies with division 14713
(G) of this section or does all of the following: 14714

(1) Appears at any time during regular business hours on or 14715
after the twenty-eighth day prior to the election in which that 14716
registered elector wishes to vote or, if the election is held on 14717
the day of a presidential primary election, the twenty-fifth day 14718
prior to the election, through noon of the Saturday prior to the 14719
election at the office of the board of elections or, if pursuant 14720
to division (C) of section 3501.10 of the Revised Code the board 14721
has designated another location in the county at which registered 14722
electors may vote, at that other location instead of the office of 14723
the board of elections, appears during regular business hours on 14724
the Monday prior to the election at the office of the board of 14725
elections or, if pursuant to division (C) of section 3501.10 of 14726
the Revised Code the board has designated another location in the 14727
county at which registered electors may vote, at that other 14728
location instead of the office of the board of elections, or 14729
appears on the day of the election at the office of the board of 14730
elections or, if pursuant to division (C) of section 3501.10 of 14731
the Revised Code the board has designated another location in the 14732
county at which registered electors may vote, at that other 14733
location instead of the office of the board of elections; 14734

(2) Completes and signs, under penalty of election 14735

falsification, a notice of change of residence and files it with 14736
election officials at the board of elections or, if pursuant to 14737
division (C) of section 3501.10 of the Revised Code the board has 14738
designated another location in the county at which registered 14739
electors may vote, at that other location instead of the office of 14740
the board of elections; 14741

(3) Votes a provisional ballot under section 3505.181 of the 14742
Revised Code at the office of the board of elections or, if 14743
pursuant to division (C) of section 3501.10 of the Revised Code 14744
the board has designated another location in the county at which 14745
registered electors may vote, at that other location instead of 14746
the office of the board of elections, using the address to which 14747
that registered elector has moved; 14748

(4) Completes and signs, under penalty of election 14749
falsification, a statement attesting that that registered elector 14750
has moved from one county to another county within the state on or 14751
prior to the day of the election, has voted at the office of the 14752
board of elections or, if pursuant to division (C) of section 14753
3501.10 of the Revised Code the board has designated another 14754
location in the county at which registered electors may vote, at 14755
that other location instead of the office of the board of 14756
elections, and will not vote or attempt to vote at any other 14757
location for that particular election. The statement required 14758
under division (C)(4) of this section shall be included on the 14759
notice of change of residence required under division (C)(2) of 14760
this section. 14761

(D) A person who votes by absent voter's ballots pursuant to 14762
division (G) of this section shall not make written application 14763
for the ballots pursuant to Chapter 3509. of the Revised Code. 14764
Ballots cast pursuant to division (G) of this section shall be set 14765
aside in a special envelope and counted during the official 14766
canvass of votes in the manner provided for in sections 3505.32 14767

and 3509.06 of the Revised Code insofar as that manner is 14768
applicable. The board shall examine the pollbooks to verify that 14769
no ballot was cast at the polls or by absent voter's ballots under 14770
Chapter 3509. or 3511. of the Revised Code by an elector who has 14771
voted by absent voter's ballots pursuant to division (G) of this 14772
section. Any ballot determined to be insufficient for any of the 14773
reasons stated above or stated in section 3509.07 of the Revised 14774
Code shall not be counted. 14775

Subject to division (C) of section 3501.10 of the Revised 14776
Code, a board of elections may lease or otherwise acquire a site 14777
different from the office of the board at which registered 14778
electors may vote pursuant to division (B) or (C) of this section. 14779

(E) Upon receiving a change of residence or change of name 14780
form, the board of elections shall immediately send the registrant 14781
an acknowledgment notice. If the change of residence or change of 14782
name form is valid, the board shall update the voter's 14783
registration as appropriate. If that form is incomplete, the board 14784
shall inform the registrant in the acknowledgment notice specified 14785
in this division of the information necessary to complete or 14786
update that registrant's registration. 14787

(F) Change of residence and change of name forms shall be 14788
available at each polling place, and when these forms are 14789
completed, noting changes of residence or name, as appropriate, 14790
they shall be filed with election officials at the polling place. 14791
Election officials shall return completed forms, together with the 14792
pollbooks and tally sheets, to the board of elections. 14793

The board of elections shall provide change of residence and 14794
change of name forms to the probate court and court of common 14795
pleas. The court shall provide the forms to any person eighteen 14796
years of age or older who has a change of name by order of the 14797
court or who applies for a marriage license. The court shall 14798
forward all completed forms to the board of elections within five 14799

days after receiving them. 14800

(G) A registered elector who otherwise would qualify to vote 14801
under division (B) or (C) of this section but is unable to appear 14802
at the office of the board of elections or, if pursuant to 14803
division (C) of section 3501.10 of the Revised Code the board has 14804
designated another location in the county at which registered 14805
electors may vote, at that other location, on account of personal 14806
illness, physical disability, or infirmity, may vote on the day of 14807
the election if that registered elector does all of the following: 14808

(1) Makes a written application that includes all of the 14809
information required under section 3509.03 of the Revised Code to 14810
the appropriate board for an absent voter's ballot on or after the 14811
twenty-seventh day prior to the election in which the registered 14812
elector wishes to vote through noon of the Saturday prior to that 14813
election and requests that the absent voter's ballot be sent to 14814
the address to which the registered elector has moved if the 14815
registered elector has moved, or to the address of that registered 14816
elector who has not moved but has had a change of name; 14817

(2) Declares that the registered elector has moved or had a 14818
change of name, whichever is appropriate, and otherwise is 14819
qualified to vote under the circumstances described in division 14820
(B) or (C) of this section, whichever is appropriate, but that the 14821
registered elector is unable to appear at the board of elections 14822
because of personal illness, physical disability, or infirmity; 14823

(3) Completes and returns along with the completed absent 14824
voter's ballot a notice of change of residence indicating the 14825
address to which the registered elector has moved, or a notice of 14826
change of name, whichever is appropriate; 14827

(4) Completes and signs, under penalty of election 14828
falsification, a statement attesting that the registered elector 14829
has moved or had a change of name on or prior to the day before 14830

the election, has voted by absent voter's ballot because of 14831
personal illness, physical disability, or infirmity that prevented 14832
the registered elector from appearing at the board of elections, 14833
and will not vote or attempt to vote at any other location or by 14834
absent voter's ballot mailed to any other location or address for 14835
that particular election. 14836

Sec. 3503.19. (A) Persons qualified to register or to change 14837
their registration because of a change of address or change of 14838
name may register or change their registration in person at any 14839
state or local office of a designated agency, at the office of the 14840
registrar or any deputy registrar of motor vehicles, at a public 14841
high school or vocational school, at a public library, at the 14842
office of a county treasurer, or at a branch office established by 14843
the board of elections, or in person, through another person, or 14844
by mail at the office of the secretary of state or at the office 14845
of a board of elections. A registered elector may also change the 14846
elector's registration on election day at any polling place where 14847
the elector is eligible to vote, in the manner provided under 14848
section 3503.16 of the Revised Code. 14849

Any state or local office of a designated agency, the office 14850
of the registrar or any deputy registrar of motor vehicles, a 14851
public high school or vocational school, a public library, or the 14852
office of a county treasurer shall transmit any voter registration 14853
application or change of registration form that it receives to the 14854
board of elections of the county in which the state or local 14855
office is located, within five days after receiving the voter 14856
registration application or change of registration form. 14857

An otherwise valid voter registration application that is 14858
returned to the appropriate office other than by mail must be 14859
received by a state or local office of a designated agency, the 14860
office of the registrar or any deputy registrar of motor vehicles, 14861

a public high school or vocational school, a public library, the office of a county treasurer, the office of the secretary of state, or the office of a board of elections no later than the thirtieth day preceding a primary, special, or general election for the person to qualify as an elector eligible to vote at that election. An otherwise valid registration application received after that day entitles the elector to vote at all subsequent elections.

Any state or local office of a designated agency, the office of the registrar or any deputy registrar of motor vehicles, a public high school or vocational school, a public library, or the office of a county treasurer shall date stamp a registration application or change of name or change of address form it receives using a date stamp that does not disclose the identity of the state or local office that receives the registration.

Voter registration applications, if otherwise valid, that are returned by mail to the office of the secretary of state or to the office of a board of elections must be postmarked no later than the thirtieth day preceding a primary, special, or general election in order for the person to qualify as an elector eligible to vote at that election. If an otherwise valid voter registration application that is returned by mail does not bear a postmark or a legible postmark, the registration shall be valid for that election if received by the office of the secretary of state or the office of a board of elections no later than twenty-five days preceding any special, primary, or general election.

(B)(1) Any person may apply in person, by telephone, by mail, or through another person for voter registration forms to the office of the secretary of state or the office of a board of elections.

(2)(a) An applicant may return the applicant's completed registration form in person or by mail to any state or local

office of a designated agency, to a public high school or 14894
vocational school, to a public library, to the office of a county 14895
treasurer, to the office of the secretary of state, or to the 14896
office of a board of elections. 14897

(b) Subject to division (B)(2)(c) of this section, an 14898
applicant may return the applicant's completed registration form 14899
through another person to any board of elections or the office of 14900
the secretary of state. 14901

(c) A person who receives compensation for registering a 14902
voter shall return any registration form entrusted to that person 14903
by an applicant to any board of elections or to the office of the 14904
secretary of state. 14905

(d) If a board of elections or the office of the secretary of 14906
state receives a registration form under division (B)(2)(b) or (c) 14907
of this section before the thirtieth day before an election, the 14908
board or the office of the secretary of state, as applicable, 14909
shall forward the registration to the board of elections of the 14910
county in which the applicant is seeking to register to vote 14911
within ten days after receiving the application. If a board of 14912
elections or the office of the secretary of state receives a 14913
registration form under division (B)(2)(b) or (c) of this section 14914
on or after the thirtieth day before an election, the board or the 14915
office of the secretary of state, as applicable, shall forward the 14916
registration to the board of elections of the county in which the 14917
applicant is seeking to register to vote within thirty days after 14918
that election. 14919

(C)(1) A board of elections that receives a voter 14920
registration application and is satisfied as to the truth of the 14921
statements made in the registration form shall register the 14922
applicant not later than twenty business days after receiving the 14923
application, unless that application is received during the thirty 14924
days immediately preceding the day of an election. The board shall 14925

promptly notify the applicant in writing of each of the following: 14926

(a) The applicant's registration; 14927

(b) The precinct in which the applicant is to vote; 14928

(c) In bold type as follows: 14929

"Voters must bring identification to the polls in order to 14930
verify identity. Identification may include a current and valid 14931
photo identification, a military identification ~~that shows the~~ 14932
~~voter's name and current address~~, or a copy of a current utility 14933
bill, bank statement, government check, paycheck, or other 14934
government document, other than this notification or a 14935
notification of an election mailed by a board of elections, that 14936
shows the voter's name and current address. Voters who do not 14937
provide one of these documents will still be able to vote by 14938
providing the last four digits of the voter's social security 14939
number and by casting a provisional ballot. Voters who do not have 14940
any of the above forms of identification, including a social 14941
security number, will still be able to vote by signing an 14942
affirmation swearing to the voter's identity under penalty of 14943
election falsification and by casting a provisional ballot." 14944

The notification shall be by nonforwardable mail. If the mail 14945
is returned to the board, it shall investigate and cause the 14946
notification to be delivered to the correct address. 14947

(2) If, after investigating as required under division (C)(1) 14948
of this section, the board is unable to verify the voter's correct 14949
address, it shall cause the voter's name in the official 14950
registration list and in the poll list or signature pollbook to be 14951
marked to indicate that the voter's notification was returned to 14952
the board. 14953

At the first election at which a voter whose name has been so 14954
marked appears to vote, the voter shall be required to provide 14955
identification to the election officials and to vote by 14956

provisional ballot under section 3505.181 of the Revised Code. If 14957
the provisional ballot is counted pursuant to division (B)(3) of 14958
section 3505.183 of the Revised Code, the board shall correct that 14959
voter's registration, if needed, and shall remove the indication 14960
that the voter's notification was returned from that voter's name 14961
on the official registration list and on the poll list or 14962
signature pollbook. If the provisional ballot is not counted 14963
pursuant to division (B)(4)(a)(i), (v), or (vi) of section 14964
3505.183 of the Revised Code, the voter's registration shall be 14965
canceled. The board shall notify the voter by United States mail 14966
of the cancellation. 14967

(3) If a notice of the disposition of an otherwise valid 14968
registration application is sent by nonforwardable mail and is 14969
returned undelivered, the person shall be registered as provided 14970
in division (C)(2) of this section and sent a confirmation notice 14971
by forwardable mail. If the person fails to respond to the 14972
confirmation notice, update the person's registration, or vote by 14973
provisional ballot as provided in division (C)(2) of this section 14974
in any election during the period of two federal elections 14975
subsequent to the mailing of the confirmation notice, the person's 14976
registration shall be canceled. 14977

Sec. 3503.28. (A) The secretary of state shall develop an 14978
information brochure regarding voter registration. The brochure 14979
shall include, but is not limited to, all of the following 14980
information: 14981

(1) The applicable deadlines for registering to vote or for 14982
returning an applicant's completed registration form; 14983

(2) The applicable deadline for returning an applicant's 14984
completed registration form if the person returning the form is 14985
being compensated for registering voters; 14986

(3) The locations to which a person may return an applicant's 14987

completed registration form; 14988

(4) The location to which a person who is compensated for 14989
registering voters may return an applicant's completed 14990
registration form; 14991

(5) The registration and affirmation requirements applicable 14992
to persons who are compensated for registering voters under 14993
section 3503.29 of the Revised Code; 14994

(6) A notice, which shall be written in bold type, stating as 14995
follows: 14996

"Voters must bring identification to the polls in order to 14997
verify identity. Identification may include a current and valid 14998
photo identification, a military identification ~~that shows the~~ 14999
~~voter's name and current address~~, or a copy of a current utility 15000
bill, bank statement, government check, paycheck, or other 15001
government document, other than a notice of an election or a voter 15002
registration notification sent by a board of elections, that shows 15003
the voter's name and current address. Voters who do not provide 15004
one of these documents will still be able to vote by providing the 15005
last four digits of the voter's social security number and by 15006
casting a provisional ballot. Voters who do not have any of the 15007
above forms of identification, including a social security number, 15008
will still be able to vote by signing an affirmation swearing to 15009
the voter's identity under penalty of election falsification and 15010
by casting a provisional ballot." 15011

(B) Except as otherwise provided in division (D) of this 15012
section, a board of elections, designated agency, public high 15013
school, public vocational school, public library, office of a 15014
county treasurer, or deputy registrar of motor vehicles shall 15015
distribute a copy of the brochure developed under division (A) of 15016
this section to any person who requests more than two voter 15017
registration forms at one time. 15018

(C)(1) The secretary of state shall provide the information 15019
required to be included in the brochure developed under division 15020
(A) of this section to any person who prints a voter registration 15021
form that is made available on a web site of the office of the 15022
secretary of state. 15023

(2) If a board of elections operates and maintains a web 15024
site, the board shall provide the information required to be 15025
included in the brochure developed under division (A) of this 15026
section to any person who prints a voter registration form that is 15027
made available on that web site. 15028

(D) A board of elections shall not be required to distribute 15029
a copy of a brochure under division (B) of this section to any of 15030
the following officials or employees who are requesting more than 15031
two voter registration forms at one time in the course of the 15032
official's or employee's normal duties: 15033

(1) An election official; 15034

(2) A county treasurer; 15035

(3) A deputy registrar of motor vehicles; 15036

(4) An employee of a designated agency; 15037

(5) An employee of a public high school; 15038

(6) An employee of a public vocational school; 15039

(7) An employee of a public library; 15040

(8) An employee of the office of a county treasurer; 15041

(9) An employee of the bureau of motor vehicles; 15042

(10) An employee of a deputy registrar of motor vehicles; 15043

(11) An employee of an election official. 15044

(E) As used in this section, "registering voters" includes 15045
any effort, for compensation, to provide voter registration forms 15046
or to assist persons in completing or returning those forms. 15047

Sec. 3505.18. (A)(1) When an elector appears in a polling 15048
place to vote, the elector shall announce to the precinct election 15049
officials the elector's full name and current address and provide 15050
proof of the elector's identity in the form of a current and valid 15051
photo identification, a military identification ~~that shows the~~ 15052
~~voter's name and current address~~, or a copy of a current utility 15053
bill, bank statement, government check, paycheck, or other 15054
government document, other than a notice of an election mailed by 15055
a board of elections under section 3501.19 of the Revised Code or 15056
a notice of voter registration mailed by a board of elections 15057
under section 3503.19 of the Revised Code, that shows the name and 15058
current address of the elector. If the elector provides either a 15059
driver's license or a state identification card issued under 15060
section 4507.50 of the Revised Code that does not contain the 15061
elector's current residence address, the elector shall provide the 15062
last four digits of the elector's driver's license number or state 15063
identification card number, and the precinct election official 15064
shall mark the poll list or signature pollbook to indicate that 15065
the elector has provided a driver's license or state 15066
identification card number with a former address and record the 15067
last four digits of the elector's driver's license number or state 15068
identification card number. 15069

(2) If an elector has but is unable to provide to the 15070
precinct election officials any of the forms of identification 15071
required under division (A)(1) of this section, but has a social 15072
security number, the elector may provide the last four digits of 15073
the elector's social security number. Upon providing the social 15074
security number information, the elector may cast a provisional 15075
ballot under section 3505.181 of the Revised Code, the envelope of 15076
which ballot shall include that social security number 15077
information. 15078

(3) If an elector has but is unable to provide to the 15079

precinct election officials any of the forms of identification 15080
required under division (A)(1) of this section and if the elector 15081
has a social security number but is unable to provide the last 15082
four digits of the elector's social security number, the elector 15083
may cast a provisional ballot under section 3505.181 of the 15084
Revised Code. 15085

(4) If an elector does not have any of the forms of 15086
identification required under division (A)(1) of this section and 15087
cannot provide the last four digits of the elector's social 15088
security number because the elector does not have a social 15089
security number, the elector may execute an affirmation under 15090
penalty of election falsification that the elector cannot provide 15091
the identification required under that division or the last four 15092
digits of the elector's social security number for those reasons. 15093
Upon signing the affirmation, the elector may cast a provisional 15094
ballot under section 3505.181 of the Revised Code. The secretary 15095
of state shall prescribe the form of the affirmation, which shall 15096
include spaces for all of the following: 15097

- (a) The elector's name; 15098
- (b) The elector's address; 15099
- (c) The current date; 15100
- (d) The elector's date of birth; 15101
- (e) The elector's signature. 15102

(5) If an elector does not have any of the forms of 15103
identification required under division (A)(1) of this section and 15104
cannot provide the last four digits of the elector's social 15105
security number because the elector does not have a social 15106
security number, and if the elector declines to execute an 15107
affirmation under division (A)(4) of this section, the elector may 15108
cast a provisional ballot under section 3505.181 of the Revised 15109
Code, the envelope of which ballot shall include the elector's 15110

name. 15111

(6) If an elector has but declines to provide to the precinct 15112
election officials any of the forms of identification required 15113
under division (A)(1) of this section or the elector has a social 15114
security number but declines to provide to the precinct election 15115
officials the last four digits of the elector's social security 15116
number, the elector may cast a provisional ballot under section 15117
3505.181 of the Revised Code. 15118

(B) After the elector has announced the elector's full name 15119
and current address and provided any of the forms of 15120
identification required under division (A)(1) of this section, the 15121
elector shall write the elector's name and address at the proper 15122
place in the poll list or signature pollbook provided for the 15123
purpose, except that if, for any reason, an elector is unable to 15124
write the elector's name and current address in the poll list or 15125
signature pollbook, the elector may make the elector's mark at the 15126
place intended for the elector's name, and a precinct election 15127
official shall write the name of the elector at the proper place 15128
on the poll list or signature pollbook following the elector's 15129
mark. The making of such a mark shall be attested by the precinct 15130
election official, who shall evidence the same by signing the 15131
precinct election official's name on the poll list or signature 15132
pollbook as a witness to the mark. Alternatively, if applicable, 15133
an attorney in fact acting pursuant to section 3501.382 of the 15134
Revised Code may sign the elector's signature in the poll list or 15135
signature pollbook in accordance with that section. 15136

The elector's signature in the poll list or signature 15137
pollbook then shall be compared with the elector's signature on 15138
the elector's registration form or a digitized signature list as 15139
provided for in section 3503.13 of the Revised Code, and if, in 15140
the opinion of a majority of the precinct election officials, the 15141
signatures are the signatures of the same person, the election 15142

officials shall enter the date of the election on the registration 15143
form or shall record the date by other means prescribed by the 15144
secretary of state. The validity of an attorney in fact's 15145
signature on behalf of an elector shall be determined in 15146
accordance with section 3501.382 of the Revised Code. 15147

If the right of the elector to vote is not then challenged, 15148
or, if being challenged, the elector establishes the elector's 15149
right to vote, the elector shall be allowed to proceed to use the 15150
voting machine. If voting machines are not being used in that 15151
precinct, the judge in charge of ballots shall then detach the 15152
next ballots to be issued to the elector from Stub B attached to 15153
each ballot, leaving Stub A attached to each ballot, hand the 15154
ballots to the elector, and call the elector's name and the stub 15155
number on each of the ballots. The judge shall enter the stub 15156
numbers opposite the signature of the elector in the pollbook. The 15157
elector shall then retire to one of the voting compartments to 15158
mark the elector's ballots. No mark shall be made on any ballot 15159
which would in any way enable any person to identify the person 15160
who voted the ballot. 15161

Sec. 3505.181. (A) All of the following individuals shall be 15162
permitted to cast a provisional ballot at an election: 15163

(1) An individual who declares that the individual is a 15164
registered voter in the jurisdiction in which the individual 15165
desires to vote and that the individual is eligible to vote in an 15166
election, but the name of the individual does not appear on the 15167
official list of eligible voters for the polling place or an 15168
election official asserts that the individual is not eligible to 15169
vote; 15170

(2) An individual who has a social security number and 15171
provides to the election officials the last four digits of the 15172
individual's social security number as permitted by division 15173

(A)(2) of section 3505.18 of the Revised Code;	15174
(3) An individual who has but is unable to provide to the election officials any of the forms of identification required under division (A)(1) of section 3505.18 of the Revised Code and who has a social security number but is unable to provide the last four digits of the individual's social security number as permitted under division (A)(2) of that section;	15175 15176 15177 15178 15179 15180
(4) An individual who does not have any of the forms of identification required under division (A)(1) of section 3505.18 of the Revised Code, who cannot provide the last four digits of the individual's social security number under division (A)(2) of that section because the individual does not have a social security number, and who has executed an affirmation as permitted under division (A)(4) of that section;	15181 15182 15183 15184 15185 15186 15187
(5) An individual whose name in the poll list or signature pollbook has been marked under section 3509.09 or 3511.13 of the Revised Code as having requested an absent voter's ballot or an armed service absent voter's ballot for that election and who appears to vote at the polling place;	15188 15189 15190 15191 15192
(6) An individual whose notification of registration has been returned undelivered to the board of elections and whose name in the official registration list and in the poll list or signature pollbook has been marked under division (C)(2) of section 3503.19 of the Revised Code;	15193 15194 15195 15196 15197
(7) An individual who is challenged under section 3505.20 of the Revised Code and the election officials determine that the person is ineligible to vote or are unable to determine the person's eligibility to vote;	15198 15199 15200 15201
(8) An individual whose application or challenge hearing has been postponed until after the day of the election under division (D)(1) of section 3503.24 of the Revised Code;	15202 15203 15204

(9) An individual who changes the individual's name and 15205
remains within the precinct, moves from one precinct to another 15206
within a county, moves from one precinct to another and changes 15207
the individual's name, or moves from one county to another within 15208
the state, and completes and signs the required forms and 15209
statements under division (B) or (C) of section 3503.16 of the 15210
Revised Code; 15211

(10) An individual whose signature, in the opinion of the 15212
precinct officers under section 3505.22 of the Revised Code, is 15213
not that of the person who signed that name in the registration 15214
forms; 15215

(11) An individual who is challenged under section 3513.20 of 15216
the Revised Code who refuses to make the statement required under 15217
that section, who a majority of the precinct officials find lacks 15218
any of the qualifications to make the individual a qualified 15219
elector, or who a majority of the precinct officials find is not 15220
affiliated with or a member of the political party whose ballot 15221
the individual desires to vote; 15222

(12) An individual who does not have any of the forms of 15223
identification required under division (A)(1) of section 3505.18 15224
of the Revised Code, who cannot provide the last four digits of 15225
the individual's social security number under division (A)(2) of 15226
that section because the person does not have a social security 15227
number, and who declines to execute an affirmation as permitted 15228
under division (A)(4) of that section; 15229

(13) An individual who has but declines to provide to the 15230
precinct election officials any of the forms of identification 15231
required under division (A)(1) of section 3501.18 of the Revised 15232
Code or who has a social security number but declines to provide 15233
to the precinct election officials the last four digits of the 15234
individual's social security number. 15235

(B) An individual who is eligible to cast a provisional ballot under division (A) of this section shall be permitted to cast a provisional ballot as follows:

(1) An election official at the polling place shall notify the individual that the individual may cast a provisional ballot in that election.

(2) The individual shall be permitted to cast a provisional ballot at that polling place upon the execution of a written affirmation by the individual before an election official at the polling place stating that the individual is both of the following:

(a) A registered voter in the jurisdiction in which the individual desires to vote;

(b) Eligible to vote in that election.

(3) An election official at the polling place shall transmit the ballot cast by the individual, the voter information contained in the written affirmation executed by the individual under division (B)(2) of this section, or the individual's name if the individual declines to execute such an affirmation to an appropriate local election official for verification under division (B)(4) of this section.

(4) If the appropriate local election official to whom the ballot or voter or address information is transmitted under division (B)(3) of this section determines that the individual is eligible to vote, the individual's provisional ballot shall be counted as a vote in that election.

(5)(a) At the time that an individual casts a provisional ballot, the appropriate local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain under the system established under division (B)(5)(b) of this section

whether the vote was counted, and, if the vote was not counted, 15267
the reason that the vote was not counted. 15268

(b) The appropriate state or local election official shall 15269
establish a free access system, in the form of a toll-free 15270
telephone number, that any individual who casts a provisional 15271
ballot may access to discover whether the vote of that individual 15272
was counted, and, if the vote was not counted, the reason that the 15273
vote was not counted. The free access system established under 15274
this division also shall provide to an individual whose 15275
provisional ballot was not counted information explaining how that 15276
individual may contact the board of elections to register to vote 15277
or to resolve problems with the individual's voter registration. 15278

The appropriate state or local election official shall 15279
establish and maintain reasonable procedures necessary to protect 15280
the security, confidentiality, and integrity of personal 15281
information collected, stored, or otherwise used by the free 15282
access system established under this division. Access to 15283
information about an individual ballot shall be restricted to the 15284
individual who cast the ballot. 15285

(6) If, at the time that an individual casts a provisional 15286
ballot, the individual provides identification in the form of a 15287
current and valid photo identification, a military identification 15288
~~that shows the voter's name and current address~~, or a copy of a 15289
current utility bill, bank statement, government check, paycheck, 15290
or other government document, other than a notice of an election 15291
mailed by a board of elections under section 3501.19 of the 15292
Revised Code or a notice of voter registration mailed by a board 15293
of elections under section 3503.19 of the Revised Code, that shows 15294
the individual's name and current address, or provides the last 15295
four digits of the individual's social security number, or 15296
executes an affirmation that the elector does not have any of 15297
those forms of identification or the last four digits of the 15298

individual's social security number because the individual does 15299
not have a social security number, or declines to execute such an 15300
affirmation, the appropriate local election official shall record 15301
the type of identification provided, the social security number 15302
information, the fact that the affirmation was executed, or the 15303
fact that the individual declined to execute such an affirmation 15304
and include that information with the transmission of the ballot 15305
or voter or address information under division (B)(3) of this 15306
section. If the individual declines to execute such an 15307
affirmation, the appropriate local election official shall record 15308
the individual's name and include that information with the 15309
transmission of the ballot under division (B)(3) of this section. 15310

(7) If an individual casts a provisional ballot pursuant to 15311
division (A)(3), (7), (8), (12), or (13) of this section, the 15312
election official shall indicate, on the provisional ballot 15313
verification statement required under section 3505.182 of the 15314
Revised Code, that the individual is required to provide 15315
additional information to the board of elections or that an 15316
application or challenge hearing has been postponed with respect 15317
to the individual, such that additional information is required 15318
for the board of elections to determine the eligibility of the 15319
individual who cast the provisional ballot. 15320

(8) During the ten days after the day of an election, an 15321
individual who casts a provisional ballot pursuant to division 15322
(A)(3), (7), (12), or (13) of this section shall appear at the 15323
office of the board of elections and provide to the board any 15324
additional information necessary to determine the eligibility of 15325
the individual who cast the provisional ballot. 15326

(a) For a provisional ballot cast pursuant to division 15327
(A)(3), (12), or (13) of this section to be eligible to be 15328
counted, the individual who cast that ballot, within ten days 15329
after the day of the election, shall do any of the following: 15330

(i) Provide to the board of elections proof of the individual's identity in the form of a current and valid photo identification, a military identification ~~that shows the voter's name and current address~~, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the individual's name and current address;

(ii) Provide to the board of elections the last four digits of the individual's social security number;

(iii) In the case of a provisional ballot executed pursuant to division (A)(12) of this section, execute an affirmation as permitted under division (A)(4) of section 3505.18 of the Revised Code.

(b) For a provisional ballot cast pursuant to division (A)(7) of this section to be eligible to be counted, the individual who cast that ballot, within ten days after the day of that election, shall provide to the board of elections any identification or other documentation required to be provided by the applicable challenge questions asked of that individual under section 3505.20 of the Revised Code.

(C)(1) If an individual declares that the individual is eligible to vote in a jurisdiction other than the jurisdiction in which the individual desires to vote, or if, upon review of the precinct voting location guide using the residential street address provided by the individual, an election official at the polling place at which the individual desires to vote determines that the individual is not eligible to vote in that jurisdiction, the election official shall direct the individual to the polling place for the jurisdiction in which the individual appears to be

eligible to vote, explain that the individual may cast a 15363
provisional ballot at the current location but the ballot will not 15364
be counted if it is cast in the wrong precinct, and provide the 15365
telephone number of the board of elections in case the individual 15366
has additional questions. 15367

(2) If the individual refuses to travel to the polling place 15368
for the correct jurisdiction or to the office of the board of 15369
elections to cast a ballot, the individual shall be permitted to 15370
vote a provisional ballot at that jurisdiction in accordance with 15371
division (B) of this section. If any of the following apply, the 15372
provisional ballot cast by that individual shall not be opened or 15373
counted: 15374

(a) The individual is not properly registered in that 15375
jurisdiction. 15376

(b) The individual is not eligible to vote in that election 15377
in that jurisdiction. 15378

(c) The individual's eligibility to vote in that jurisdiction 15379
in that election cannot be established upon examination of the 15380
records on file with the board of elections. 15381

(D) The appropriate local election official shall cause 15382
voting information to be publicly posted at each polling place on 15383
the day of each election. 15384

(E) As used in this section and sections 3505.182 and 15385
3505.183 of the Revised Code: 15386

(1) "Jurisdiction" means the precinct in which a person is a 15387
legally qualified elector. 15388

(2) "Precinct voting location guide" means either of the 15389
following: 15390

(a) An electronic or paper record that lists the correct 15391
jurisdiction and polling place for either each specific 15392

residential street address in the county or the range of 15393
residential street addresses located in each neighborhood block in 15394
the county; 15395

(b) Any other method that a board of elections creates that 15396
allows a precinct election official or any elector who is at a 15397
polling place in that county to determine the correct jurisdiction 15398
and polling place of any qualified elector who resides in the 15399
county. 15400

(3) "Voting information" means all of the following: 15401

(a) A sample version of the ballot that will be used for that 15402
election; 15403

(b) Information regarding the date of the election and the 15404
hours during which polling places will be open; 15405

(c) Instructions on how to vote, including how to cast a vote 15406
and how to cast a provisional ballot; 15407

(d) Instructions for mail-in registrants and first-time 15408
voters under applicable federal and state laws; 15409

(e) General information on voting rights under applicable 15410
federal and state laws, including information on the right of an 15411
individual to cast a provisional ballot and instructions on how to 15412
contact the appropriate officials if these rights are alleged to 15413
have been violated; 15414

(f) General information on federal and state laws regarding 15415
prohibitions against acts of fraud and misrepresentation. 15416

Sec. 3505.182. Each individual who casts a provisional ballot 15417
under section 3505.181 of the Revised Code shall execute a written 15418
affirmation. The form of the written affirmation shall be printed 15419
upon the face of the provisional ballot envelope and shall be 15420
substantially as follows: 15421

"Provisional Ballot Affirmation	15422
STATE OF OHIO	15423
I, (Name of provisional voter), solemnly	15424
swear or affirm that I am a registered voter in the jurisdiction	15425
in which I am voting this provisional ballot and that I am	15426
eligible to vote in the election in which I am voting this	15427
provisional ballot.	15428
I understand that, if the above-provided information is not	15429
fully completed and correct, if the board of elections determines	15430
that I am not registered to vote, a resident of this precinct, or	15431
eligible to vote in this election, or if the board of elections	15432
determines that I have already voted in this election, my	15433
provisional ballot will not be counted. I further understand that	15434
knowingly providing false information is a violation of law and	15435
subjects me to possible criminal prosecution.	15436
I hereby declare, under penalty of election falsification,	15437
that the above statements are true and correct to the best of my	15438
knowledge and belief.	15439
.....	15440
(Signature of Voter)	15441
.....	15442
(Voter's date of birth)	15443
The last four digits of the	15444
voter's social security number	
.....	15445
(To be provided if the voter is	15446
unable to provide a current and	
valid photo identification, a	
military identification that	
shows the voter's name and	
current address , or a current	
utility bill, bank statement,	

government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the voter's name and current address but is able to provide these last four digits)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 15447
OF THE FIFTH DEGREE. 15448

Additional Information For Determining Ballot Validity 15449

(May be completed at voter's discretion) 15450

Voter's current address: 15451

Voter's former address if 15452

photo identification does not contain voter's current address

Voter's driver's license 15453

number or, if not provided above, the last four digits of voter's social security number

(Please circle number type) 15454

(Voter may attach a copy of any of the following for 15455

identification purposes: a current and valid photo identification, a military identification ~~that shows the voter's name and current address~~, or a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section

3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the voter's name and current address.)

Reason for voting provisional ballot (Check one): 15456

..... Requested, but did not receive, absent voter's ballot 15457

..... Other 15458

Verification Statement 15459

(To be completed by election official) 15460

The Provisional Ballot Affirmation printed above was 15461

subscribed and affirmed before me this day of 15462

..... (Month), (Year). 15463

(If applicable, the election official must check the 15464

following true statement concerning additional information needed 15465

to determine the eligibility of the provisional voter.) 15466

..... The provisional voter is required to provide 15467

additional information to the board of elections. 15468

..... An application or challenge hearing regarding this 15469

voter has been postponed until after the election. 15470

(The election official must check the following true 15471

statement concerning identification provided by the provisional 15472

voter, if any.) 15473

..... The provisional voter provided a current and valid 15474

photo identification. 15475

..... The provisional voter provided a current valid photo 15476

identification, other than a driver's license or a state 15477

identification card, with the voter's former address instead of 15478

current address and has provided the election official both the 15479

current and former addresses. 15480

..... The provisional voter provided a military 15481

identification ~~that shows the voter's name and current address~~ or 15482

a copy of a current utility bill, bank statement, government 15483

check, paycheck, or other government document, other than a notice 15484
of an election mailed by a board of elections under section 15485
3501.19 of the Revised Code or a notice of voter registration 15486
mailed by a board of elections under section 3503.19 of the 15487
Revised Code, with the voter's name and current address. 15488

..... The provisional voter provided the last four digits of 15489
the voter's social security number. 15490

..... The provisional voter is not able to provide a current 15491
and valid photo identification, a military identification ~~that~~ 15492
~~shows the voter's name and current address~~, or a copy of a current 15493
utility bill, bank statement, government check, paycheck, or other 15494
government document, other than a notice of an election mailed by 15495
a board of elections under section 3501.19 of the Revised Code or 15496
a notice of voter registration mailed by a board of elections 15497
under section 3503.19 of the Revised Code, with the voter's name 15498
and current address but does have one of these forms of 15499
identification. The provisional voter must provide one of the 15500
foregoing items of identification to the board of elections within 15501
ten days after the election. 15502

..... The provisional voter is not able to provide a current 15503
and valid photo identification, a military identification ~~that~~ 15504
~~shows the voter's name and current address~~, or a copy of a current 15505
utility bill, bank statement, government check, paycheck, or other 15506
government document, other than a notice of an election mailed by 15507
a board of elections under section 3501.19 of the Revised Code or 15508
a notice of voter registration mailed by a board of elections 15509
under section 3503.19 of the Revised Code, with the voter's name 15510
and current address but does have one of these forms of 15511
identification. Additionally, the provisional voter does have a 15512
social security number but is not able to provide the last four 15513
digits of the voter's social security number before voting. The 15514
provisional voter must provide one of the foregoing items of 15515

identification or the last four digits of the voter's social 15516
security number to the board of elections within ten days after 15517
the election. 15518

..... The provisional voter does not have a current and valid 15519
photo identification, a military identification ~~that shows the~~ 15520
~~voter's name and current address~~, a copy of a current utility 15521
bill, bank statement, government check, paycheck, or other 15522
government document with the voter's name and current address, or 15523
a social security number, but has executed an affirmation. 15524

..... The provisional voter does not have a current and valid 15525
photo identification, a military identification ~~that shows the~~ 15526
~~voter's name and current address~~, a copy of a current utility 15527
bill, bank statement, government check, paycheck, or other 15528
government document with the voter's name and current address, or 15529
a social security number, and has declined to execute an 15530
affirmation. 15531

..... The provisional voter declined to provide a current and 15532
valid photo identification, a military identification ~~that shows~~ 15533
~~the voter's name and current address~~, a copy of a current utility 15534
bill, bank statement, government check, paycheck, or other 15535
government document with the voter's name and current address, or 15536
the last four digits of the voter's social security number but 15537
does have one of these forms of identification or a social 15538
security number. The provisional voter must provide one of the 15539
foregoing items of identification or the last four digits of the 15540
voter's social security number to the board of elections within 15541
ten days after the election. 15542

..... 15543
(Signature of Election Official)" 15544

In addition to any information required to be included on the 15545
written affirmation, an individual casting a provisional ballot 15546
may provide additional information to the election official to 15547

assist the board of elections in determining the individual's 15548
eligibility to vote in that election, including the date and 15549
location at which the individual registered to vote, if known. 15550

If the individual declines to execute the affirmation, an 15551
appropriate local election official shall comply with division 15552
(B)(6) of section 3505.181 of the Revised Code. 15553

Sec. 3505.183. (A) When the ballot boxes are delivered to the 15554
board of elections from the precincts, the board shall separate 15555
the provisional ballot envelopes from the rest of the ballots. 15556
Teams of employees of the board consisting of one member of each 15557
major political party shall place the sealed provisional ballot 15558
envelopes in a secure location within the office of the board. The 15559
sealed provisional ballot envelopes shall remain in that secure 15560
location until the validity of those ballots is determined under 15561
division (B) of this section. While the provisional ballot is 15562
stored in that secure location, and prior to the counting of the 15563
provisional ballots, if the board receives information regarding 15564
the validity of a specific provisional ballot under division (B) 15565
of this section, the board may note, on the sealed provisional 15566
ballot envelope for that ballot, whether the ballot is valid and 15567
entitled to be counted. 15568

(B)(1) To determine whether a provisional ballot is valid and 15569
entitled to be counted, the board shall examine its records and 15570
determine whether the individual who cast the provisional ballot 15571
is registered and eligible to vote in the applicable election. The 15572
board shall examine the information contained in the written 15573
affirmation executed by the individual who cast the provisional 15574
ballot under division (B)(2) of section 3505.181 of the Revised 15575
Code. If the individual declines to execute such an affirmation, 15576
the individual's name, written by either the individual or the 15577
election official at the direction of the individual, shall be 15578

included in a written affirmation in order for the provisional 15579
ballot to be eligible to be counted; otherwise, the following 15580
information shall be included in the written affirmation in order 15581
for the provisional ballot to be eligible to be counted: 15582

(a) The individual's name and signature; 15583

(b) A statement that the individual is a registered voter in 15584
the jurisdiction in which the provisional ballot is being voted; 15585

(c) A statement that the individual is eligible to vote in 15586
the election in which the provisional ballot is being voted. 15587

(2) In addition to the information required to be included in 15588
an affirmation under division (B)(1) of this section, in 15589
determining whether a provisional ballot is valid and entitled to 15590
be counted, the board also shall examine any additional 15591
information for determining ballot validity provided by the 15592
provisional voter on the affirmation, provided by the provisional 15593
voter to an election official under section 3505.182 of the 15594
Revised Code, or provided to the board of elections during the ten 15595
days after the day of the election under division (B)(8) of 15596
section 3505.181 of the Revised Code, to assist the board in 15597
determining the individual's eligibility to vote. 15598

(3) If, in examining a provisional ballot affirmation and 15599
additional information under divisions (B)(1) and (2) of this 15600
section, the board determines that all of the following apply, the 15601
provisional ballot envelope shall be opened, and the ballot shall 15602
be placed in a ballot box to be counted: 15603

(a) The individual named on the affirmation is properly 15604
registered to vote. 15605

(b) The individual named on the affirmation is eligible to 15606
cast a ballot in the precinct and for the election in which the 15607
individual cast the provisional ballot. 15608

(c) The individual provided all of the information required 15609
under division (B)(1) of this section in the affirmation that the 15610
individual executed at the time the individual cast the 15611
provisional ballot. 15612

(d) If applicable, the individual provided any additional 15613
information required under division (B)(8) of section 3505.181 of 15614
the Revised Code within ten days after the day of the election. 15615

(e) If applicable, the hearing conducted under division (B) 15616
of section 3503.24 of the Revised Code after the day of the 15617
election resulted in the individual's inclusion in the official 15618
registration list. 15619

(4)(a) If, in examining a provisional ballot affirmation and 15620
additional information under divisions (B)(1) and (2) of this 15621
section, the board determines that any of the following applies, 15622
the provisional ballot envelope shall not be opened, and the 15623
ballot shall not be counted: 15624

(i) The individual named on the affirmation is not qualified 15625
or is not properly registered to vote. 15626

(ii) The individual named on the affirmation is not eligible 15627
to cast a ballot in the precinct or for the election in which the 15628
individual cast the provisional ballot. 15629

(iii) The individual did not provide all of the information 15630
required under division (B)(1) of this section in the affirmation 15631
that the individual executed at the time the individual cast the 15632
provisional ballot. 15633

(iv) The individual has already cast a ballot for the 15634
election in which the individual cast the provisional ballot. 15635

(v) If applicable, the individual did not provide any 15636
additional information required under division (B)(8) of section 15637
3505.181 of the Revised Code within ten days after the day of the 15638

election. 15639

(vi) If applicable, the hearing conducted under division (B) 15640
of section 3503.24 of the Revised Code after the day of the 15641
election did not result in the individual's inclusion in the 15642
official registration list. 15643

(vii) The individual failed to provide a current and valid 15644
photo identification, a military identification ~~that shows the~~ 15645
~~voter's name and current address~~, a copy of a current utility 15646
bill, bank statement, government check, paycheck, or other 15647
government document, other than a notice of an election mailed by 15648
a board of elections under section 3501.19 of the Revised Code or 15649
a notice of voter registration mailed by a board of elections 15650
under section 3503.19 of the Revised Code, with the voter's name 15651
and current address, or the last four digits of the individual's 15652
social security number or to execute an affirmation under division 15653
(A) of section 3505.18 or division (B) of section 3505.181 of the 15654
Revised Code. 15655

(b) If, in examining a provisional ballot affirmation and 15656
additional information under divisions (B)(1) and (2) of this 15657
section, the board is unable to determine either of the following, 15658
the provisional ballot envelope shall not be opened, and the 15659
ballot shall not be counted: 15660

(i) Whether the individual named on the affirmation is 15661
qualified or properly registered to vote; 15662

(ii) Whether the individual named on the affirmation is 15663
eligible to cast a ballot in the precinct or for the election in 15664
which the individual cast the provisional ballot. 15665

(C)(1) For each provisional ballot rejected under division 15666
(B)(4) of this section, the board shall record the name of the 15667
provisional voter who cast the ballot, the identification number 15668
of the provisional ballot envelope, the names of the election 15669

officials who determined the validity of that ballot, the date and 15670
time that the determination was made, and the reason that the 15671
ballot was not counted. 15672

(2) Provisional ballots that are rejected under division 15673
(B)(4) of this section shall not be counted but shall be preserved 15674
in their provisional ballot envelopes unopened until the time 15675
provided by section 3505.31 of the Revised Code for the 15676
destruction of all other ballots used at the election for which 15677
ballots were provided, at which time they shall be destroyed. 15678

(D) Provisional ballots that the board determines are 15679
eligible to be counted under division (B)(3) of this section shall 15680
be counted in the same manner as provided for other ballots under 15681
section 3505.27 of the Revised Code. No provisional ballots shall 15682
be counted in a particular county until the board determines the 15683
eligibility to be counted of all provisional ballots cast in that 15684
county under division (B) of this section for that election. 15685
Observers, as provided in section 3505.21 of the Revised Code, may 15686
be present at all times that the board is determining the 15687
eligibility of provisional ballots to be counted and counting 15688
those provisional ballots determined to be eligible. No person 15689
shall recklessly disclose the count or any portion of the count of 15690
provisional ballots in such a manner as to jeopardize the secrecy 15691
of any individual ballot. 15692

(E)(1) Except as otherwise provided in division (E)(2) of 15693
this section, nothing in this section shall prevent a board of 15694
elections from examining provisional ballot affirmations and 15695
additional information under divisions (B)(1) and (2) of this 15696
section to determine the eligibility of provisional ballots to be 15697
counted during the ten days after the day of an election. 15698

(2) A board of elections shall not examine the provisional 15699
ballot affirmation and additional information under divisions 15700
(B)(1) and (2) of this section of any provisional ballot for which 15701

an election official has indicated under division (B)(7) of 15702
section 3505.181 of the Revised Code that additional information 15703
is required for the board of elections to determine the 15704
eligibility of the individual who cast that provisional ballot 15705
until the individual provides any information required under 15706
division (B)(8) of section 3505.181 of the Revised Code, until any 15707
hearing required to be conducted under section 3503.24 of the 15708
Revised Code with regard to the provisional voter is held, or 15709
until the eleventh day after the day of the election, whichever is 15710
earlier. 15711

Sec. 3509.03. Except as provided in section 3509.031 or 15712
division (B) of section 3509.08 of the Revised Code, any qualified 15713
elector desiring to vote absent voter's ballots at an election 15714
shall make written application for those ballots to the director 15715
of elections of the county in which the elector's voting residence 15716
is located. The application need not be in any particular form but 15717
shall contain all of the following: 15718

(A) The elector's name; 15719

(B) The elector's signature; 15720

(C) The address at which the elector is registered to vote; 15721

(D) The elector's date of birth; 15722

(E) One of the following: 15723

(1) The elector's driver's license number; 15724

(2) The last four digits of the elector's social security 15725
number; 15726

(3) A copy of the elector's current and valid photo 15727
identification, a copy of a military identification ~~that shows the~~ 15728
~~elector's name and current address~~, or a copy of a current utility 15729
bill, bank statement, government check, paycheck, or other 15730
government document, other than a notice of an election mailed by 15731

a board of elections under section 3501.19 of the Revised Code or 15732
a notice of voter registration mailed by a board of elections 15733
under section 3503.19 of the Revised Code, that shows the name and 15734
address of the elector. 15735

(F) A statement identifying the election for which absent 15736
voter's ballots are requested; 15737

(G) A statement that the person requesting the ballots is a 15738
qualified elector; 15739

(H) If the request is for primary election ballots, the 15740
elector's party affiliation; 15741

(I) If the elector desires ballots to be mailed to the 15742
elector, the address to which those ballots shall be mailed. 15743

A voter who will be outside the United States on the day of 15744
any election during a calendar year may use a single federal post 15745
card application to apply for absent voter's ballots. Those 15746
ballots shall be sent to the voter for use at the primary and 15747
general elections in that year and any special election to be held 15748
on the day in that year specified by division (E) of section 15749
3501.01 of the Revised Code for the holding of a primary election, 15750
designated by the general assembly for the purpose of submitting 15751
constitutional amendments proposed by the general assembly to the 15752
voters of the state unless the voter reports a change in the 15753
voter's voting status to the board of elections or the voter's 15754
intent to vote in any such election in the precinct in this state 15755
where the voter is registered to vote. A single federal postcard 15756
application shall be processed by the board of elections pursuant 15757
to section 3509.04 of the Revised Code the same as if the voter 15758
had applied separately for absent voter's ballots for each 15759
election. When mailing absent voter's ballots to a voter who 15760
applied for them by single federal post card application, the 15761
board shall enclose notification to the voter that the voter must 15762

report to the board subsequent changes in the voter's voting 15763
status or the voter's subsequent intent to vote in any such 15764
election in the precinct in this state where the voter is 15765
registered to vote. Such notification shall be in a form 15766
prescribed by the secretary of state. As used in this section, 15767
"voting status" means the voter's name at the time the voter 15768
applied for absent voter's ballots by single federal post card 15769
application and the voter's address outside the United States to 15770
which the voter requested that those ballots be sent. 15771

Each application for absent voter's ballots shall be 15772
delivered to the director not earlier than the first day of 15773
January of the year of the elections for which the absent voter's 15774
ballots are requested or not earlier than ninety days before the 15775
day of the election at which the ballots are to be voted, 15776
whichever is earlier, and not later than twelve noon of the third 15777
day before the day of the election at which the ballots are to be 15778
voted, or not later than the close of regular business hours on 15779
the day before the day of the election at which the ballots are to 15780
be voted if the application is delivered in person to the office 15781
of the board. 15782

Sec. 3509.031. (A) Any qualified elector who is a member of 15783
the organized militia called to active duty within the state and 15784
who will be unable to vote on election day on account of that 15785
active duty may make written application for absent voter's 15786
ballots to the director of elections for the county in which the 15787
elector's voting residence is located. The elector may personally 15788
deliver the application to the director or may mail it, send it by 15789
facsimile machine, or otherwise send it to the director. The 15790
application need not be in any particular form but shall contain 15791
all of the following: 15792

(1) The elector's name; 15793

(2) The elector's signature;	15794
(3) The address at which the elector is registered to vote;	15795
(4) The elector's date of birth;	15796
(5) One of the following:	15797
(a) The elector's driver's license number;	15798
(b) The last four digits of the elector's social security number;	15799 15800
(c) A copy of the elector's current and valid photo identification, a copy of a military identification that shows the elector's name and current address , or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector.	15801 15802 15803 15804 15805 15806 15807 15808 15809
(6) A statement identifying the election for which absent voter's ballots are requested;	15810 15811
(7) A statement that the person requesting the ballots is a qualified elector;	15812 15813
(8) A statement that the elector is a member of the organized militia serving on active duty within the state;	15814 15815
(9) If the request is for primary election ballots, the elector's party affiliation;	15816 15817
(10) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed;	15818 15819
(11) If the elector desires ballots to be sent to the elector by facsimile machine, the telephone number to which they shall be so sent.	15820 15821 15822

(B) Application to have absent voter's ballots mailed or sent 15823
by facsimile machine to a qualified elector who is a member of the 15824
organized militia called to active duty within the state and who 15825
will be unable to vote on election day on account of that active 15826
duty may be made by the spouse of the militia member or the 15827
father, mother, father-in-law, mother-in-law, grandfather, 15828
grandmother, brother or sister of the whole blood or half blood, 15829
son, daughter, adopting parent, adopted child, stepparent, 15830
stepchild, uncle, aunt, nephew, or niece of the militia member. 15831
The application shall be in writing upon a blank form furnished 15832
only by the director. The form of the application shall be 15833
prescribed by the secretary of state. The director shall furnish 15834
that blank form to any of the relatives specified in this division 15835
desiring to make the application, only upon the request of such a 15836
relative in person at the office of the board or upon the written 15837
request of such a relative mailed to the office of the board. The 15838
application, subscribed and sworn to by the applicant, shall 15839
contain all of the following: 15840

(1) The full name of the elector for whom ballots are 15841
requested; 15842

(2) A statement that such person is a qualified elector in 15843
the county; 15844

(3) The address at which the elector is registered to vote; 15845

(4) The elector's date of birth; 15846

(5) One of the following: 15847

(a) The elector's driver's license number; 15848

(b) The last four digits of the elector's social security 15849
number; 15850

(c) A copy of the elector's current and valid photo 15851
identification, a copy of a military identification ~~that shows the~~ 15852

~~elector's name and current address~~, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector.

(6) A statement identifying the election for which absent voter's ballots are requested;

(7) A statement that the elector is a member of the organized militia serving on active duty within the state;

(8) If the request is for primary election ballots, the elector's party affiliation;

(9) A statement that the applicant bears a relationship to the elector as specified in division (B) of this section;

(10) The address to which ballots shall be mailed or telephone number to which ballots shall be sent by facsimile machine;

(11) The signature and address of the person making the application.

(C) Applications to have absent voter's ballots mailed or sent by facsimile machine shall not be valid if dated, postmarked, or received by the director prior to the ninetieth day before the day of the election for which ballots are requested or if delivered to the director later than twelve noon of the third day preceding the day of such election. If, after the ninetieth day and before four p.m. of the day before the day of an election, a valid application for absent voter's ballots is delivered to the director of elections at the office of the board by a militia member making application in the militia member's own behalf, the director shall forthwith deliver to the militia member all absent

voter's ballots then ready for use, together with an 15884
identification envelope. The militia member shall then vote the 15885
absent voter's ballots in the manner provided in section 3509.05 15886
of the Revised Code. 15887

Sec. 3509.04. (A) If a director of a board of elections 15888
receives an application for absent voter's ballots that does not 15889
contain all of the required information, the director promptly 15890
shall notify the applicant of the additional information required 15891
to be provided by the applicant to complete that application. 15892

(B) Upon receipt by the director of elections of an 15893
application for absent voter's ballots that contain all of the 15894
required information, as provided by sections 3509.03 and 3509.031 15895
and division (G) of section 3503.16 of the Revised Code, the 15896
director, if the director finds that the applicant is a qualified 15897
elector, shall deliver to the applicant in person or mail directly 15898
to the applicant by special delivery mail, air mail, or regular 15899
mail, postage prepaid, proper absent voter's ballots. The director 15900
shall deliver or mail with the ballots an unsealed identification 15901
envelope upon the face of which shall be printed a form 15902
substantially as follows: 15903

"Identification Envelope Statement of Voter 15904

I,(Name of voter), declare under 15905
penalty of election falsification that the within ballot or 15906
ballots contained no voting marks of any kind when I received 15907
them, and I caused the ballot or ballots to be marked, enclosed in 15908
the identification envelope, and sealed in that envelope. 15909

My voting residence in Ohio is 15910

..... 15911

(Street and Number, if any, or Rural Route and Number) 15912

of (City, Village, or Township) 15913

Ohio, which is in Ward	Precinct	15914
in that city, village, or township.		15915
The primary election ballots, if any, within this envelope		15916
are primary election ballots of the	Party.	15917
Ballots contained within this envelope are to be voted at the		15918
..... (general, special, or primary) election to be held on		15919
the	day of,	15920
My date of birth is	(Month and Day),	15921
.....	(Year).	15922
(Voter must provide one of the following:)		15923
My driver's license number is	(Driver's	15924
license number).		15925
The last four digits of my Social Security Number are		15926
.....	(Last four digits of Social Security Number).	15927
..... In lieu of providing a driver's license number or the		15928
last four digits of my Social Security Number, I am enclosing a		15929
copy of one of the following in the return envelope in which this		15930
identification envelope will be mailed: a current and valid photo		15931
identification, a military identification that shows my name and		15932
current address , or a current utility bill, bank statement,		15933
government check, paycheck, or other government document, other		15934
than a notice of an election mailed by a board of elections under		15935
section 3501.19 of the Revised Code or a notice of voter		15936
registration mailed by a board of elections, that shows my name		15937
and address.		15938
I hereby declare, under penalty of election falsification,		15939
that the statements above are true, as I verily believe.		15940
.....		15941
(Signature of Voter)		15942
WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF		15943

THE FIFTH DEGREE." 15944

The director shall mail with the ballots and the unsealed 15945
identification envelope an unsealed return envelope upon the face 15946
of which shall be printed the official title and post-office 15947
address of the director. In the upper left corner on the face of 15948
the return envelope, several blank lines shall be printed upon 15949
which the voter may write the voter's name and return address, and 15950
beneath these lines there shall be printed a box beside the words 15951
"check if out-of-country." The voter shall check this box if the 15952
voter will be outside the United States on the day of the 15953
election. The return envelope shall be of such size that the 15954
identification envelope can be conveniently placed within it for 15955
returning the identification envelope to the director. 15956

Sec. 3509.05. (A) When an elector receives an absent voter's 15957
ballot pursuant to the elector's application or request, the 15958
elector shall, before placing any marks on the ballot, note 15959
whether there are any voting marks on it. If there are any voting 15960
marks, the ballot shall be returned immediately to the board of 15961
elections; otherwise, the elector shall cause the ballot to be 15962
marked, folded in a manner that the stub on it and the 15963
indorsements and facsimile signatures of the members of the board 15964
of elections on the back of it are visible, and placed and sealed 15965
within the identification envelope received from the director of 15966
elections for that purpose. Then, the elector shall cause the 15967
statement of voter on the outside of the identification envelope 15968
to be completed and signed, under penalty of election 15969
falsification. 15970

If the elector does not provide the elector's driver's 15971
license number or the last four digits of the elector's social 15972
security number on the statement of voter on the identification 15973
envelope, the elector also shall include in the return envelope 15974

with the identification envelope a copy of the elector's current 15975
valid photo identification, a copy of a military identification 15976
~~that shows the elector's name and current address~~, or a copy of a 15977
current utility bill, bank statement, government check, paycheck, 15978
or other government document, other than a notice of an election 15979
mailed by a board of elections under section 3501.19 of the 15980
Revised Code or a notice of voter registration mailed by a board 15981
of elections under section 3503.19 of the Revised Code, that shows 15982
the name and address of the elector. 15983

The elector shall mail the identification envelope to the 15984
director from whom it was received in the return envelope, postage 15985
prepaid, or the elector may personally deliver it to the director, 15986
or the spouse of the elector, the father, mother, father-in-law, 15987
mother-in-law, grandfather, grandmother, brother, or sister of the 15988
whole or half blood, or the son, daughter, adopting parent, 15989
adopted child, stepparent, stepchild, uncle, aunt, nephew, or 15990
niece of the elector may deliver it to the director. The return 15991
envelope shall be transmitted to the director in no other manner, 15992
except as provided in section 3509.08 of the Revised Code. 15993

Each elector who will be outside the United States on the day 15994
of the election shall check the box on the return envelope 15995
indicating this fact. 15996

When absent voter's ballots are delivered to an elector at 15997
the office of the board, the elector may retire to a voting 15998
compartment provided by the board and there mark the ballots. 15999
Thereupon, the elector shall fold them, place them in the 16000
identification envelope provided, seal the envelope, fill in and 16001
sign the statement on the envelope under penalty of election 16002
falsification, and deliver the envelope to the director of the 16003
board. 16004

Except as otherwise provided in divisions (B) and (C) of this 16005
section, all other envelopes containing marked absent voter's 16006

ballots shall be delivered to the director not later than the 16007
close of the polls on the day of an election. Absent voter's 16008
ballots delivered to the director later than the times specified 16009
shall not be counted, but shall be kept by the board in the sealed 16010
identification envelopes in which they are delivered to the 16011
director, until the time provided by section 3505.31 of the 16012
Revised Code for the destruction of all other ballots used at the 16013
election for which ballots were provided, at which time they shall 16014
be destroyed. 16015

(B) Except as otherwise provided in division (C) of this 16016
section, any return envelope that indicates that the voter will be 16017
outside the United States on the day of the election shall be 16018
delivered to the director prior to the eleventh day after the 16019
election. Ballots delivered in such envelopes that are received 16020
after the close of the polls on election day through the tenth day 16021
thereafter shall be counted on the eleventh day at the board of 16022
elections in the manner provided in divisions (C) and (D) of 16023
section 3509.06 of the Revised Code. Any such ballots that are 16024
signed or postmarked after the close of the polls on the day of 16025
the election or that are received by the director later than the 16026
tenth day following the election shall not be counted, but shall 16027
be kept by the board in the sealed identification envelopes as 16028
provided in division (A) of this section. 16029

(C) In any year in which a presidential primary election is 16030
held, any return envelope that indicates that the voter will be 16031
outside the United States on the day of the presidential primary 16032
election shall be delivered to the director prior to the 16033
twenty-first day after that election. Ballots delivered in such 16034
envelopes that are received after the close of the polls on 16035
election day through the twentieth day thereafter shall be counted 16036
on the twenty-first day at the board of elections in the manner 16037
provided in divisions (C) and (D) of section 3509.06 of the 16038

Revised Code. Any such ballots that are signed or postmarked after 16039
the close of the polls on the day of that election or that are 16040
received by the director later than the twentieth day following 16041
that election shall not be counted, but shall be kept by the board 16042
in the sealed identification envelopes as provided in division (A) 16043
of this section. 16044

Sec. 3511.02. Notwithstanding any section of the Revised Code 16045
to the contrary, whenever any person applies for registration as a 16046
voter on a form adopted in accordance with federal regulations 16047
relating to the "Uniformed and Overseas Citizens Absentee Voting 16048
Act," 100 Stat. 924, 42 U.S.C.A. 1973ff (1986), this application 16049
shall be sufficient for voter registration and as a request for an 16050
absent voter's ballot. Armed service absent voter's ballots may be 16051
obtained by any person meeting the requirements of section 3511.01 16052
of the Revised Code by applying to the director of the board of 16053
elections of the county in which the person's voting residence is 16054
located, in one of the following ways: 16055

(A) That person may make written application for those 16057
ballots. The person may personally deliver the application to the 16058
director or may mail it, send it by facsimile machine, or 16059
otherwise send it to the director. The application need not be in 16060
any particular form but shall contain all of the following 16061
information: 16062

- (1) The elector's name; 16063
- (2) The elector's signature; 16064
- (3) The address at which the elector is registered to vote; 16065
- (4) The elector's date of birth; 16066
- (5) One of the following: 16067
 - (a) The elector's driver's license number; 16068

(b) The last four digits of the elector's social security number;	16069 16070
(c) A copy of the elector's current and valid photo identification, a copy of a military identification that shows the elector's name and current address , or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector.	16071 16072 16073 16074 16075 16076 16077 16078 16079
(6) A statement identifying the election for which absent voter's ballots are requested;	16080 16081
(7) A statement that the person requesting the ballots is a qualified elector;	16082 16083
(8) A statement that the elector is an absent uniformed services voter as defined in 42 U.S.C. 1973ff-6;	16084 16085
(9) A statement of the elector's length of residence in the state immediately preceding the commencement of service or immediately preceding the date of leaving to be with or near the service member, whichever is applicable;	16086 16087 16088 16089
(10) If the request is for primary election ballots, the elector's party affiliation;	16090 16091
(11) If the elector desires ballots to be mailed to the elector, the address to which those ballots shall be mailed;	16092 16093
(12) If the elector desires ballots to be sent to the elector by facsimile machine, the telephone number to which they shall be so sent.	16094 16095 16096
(B) A voter or any relative of a voter listed in division (C) of this section may use a single federal post card application to	16097 16098

apply for armed service absent voter's ballots for use at the 16099
primary and general elections in a given year and any special 16100
election to be held on the day in that year specified by division 16101
(E) of section 3501.01 of the Revised Code for the holding of a 16102
primary election, designated by the general assembly for the 16103
purpose of submitting constitutional amendments proposed by the 16104
general assembly to the voters of the state. A single federal 16105
postcard application shall be processed by the board of elections 16106
pursuant to section 3511.04 of the Revised Code the same as if the 16107
voter had applied separately for armed service absent voter's 16108
ballots for each election. 16109

(C) Application to have armed service absent voter's ballots 16110
mailed or sent by facsimile machine to such a person may be made 16111
by the spouse when the person is a service member, or by the 16112
father, mother, father-in-law, mother-in-law, grandfather, 16113
grandmother, brother or sister of the whole blood or half blood, 16114
son, daughter, adopting parent, adopted child, stepparent, 16115
stepchild, uncle, aunt, nephew, or niece of such a person. The 16116
application shall be in writing upon a blank form furnished only 16117
by the director or on a single federal post card as provided in 16118
division (B) of this section. The form of the application shall be 16119
prescribed by the secretary of state. The director shall furnish 16120
that blank form to any of the relatives specified in this division 16121
desiring to make the application, only upon the request of such a 16122
relative made in person at the office of the board or upon the 16123
written request of such a relative mailed to the office of the 16124
board. The application, subscribed and sworn to by the applicant, 16125
shall contain all of the following: 16126

(1) The full name of the elector for whom ballots are 16127
requested; 16128

(2) A statement that the elector is an absent uniformed 16129
services voter as defined in 42 U.S.C. 1973ff-6; 16130

(3) The address at which the elector is registered to vote;	16131
(4) A statement identifying the elector's length of residence in the state immediately preceding the commencement of service, or immediately preceding the date of leaving to be with or near a service member, as the case may be;	16132 16133 16134 16135
(5) The elector's date of birth;	16136
(6) One of the following:	16137
(a) The elector's driver's license number;	16138
(b) The last four digits of the elector's social security number;	16139 16140
(c) A copy of the elector's current and valid photo identification, a copy of a military identification that shows the elector's name and current address , or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than a notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the name and address of the elector.	16141 16142 16143 16144 16145 16146 16147 16148 16149
(7) A statement identifying the election for which absent voter's ballots are requested;	16150 16151
(8) A statement that the person requesting the ballots is a qualified elector;	16152 16153
(9) If the request is for primary election ballots, the elector's party affiliation;	16154 16155
(10) A statement that the applicant bears a relationship to the elector as specified in division (C) of this section;	16156 16157
(11) The address to which ballots shall be mailed or the telephone number to which ballots shall be sent by facsimile machine;	16158 16159 16160

(12) The signature and address of the person making the application. 16161
16162

Each application for armed service absent voter's ballots shall be delivered to the director not earlier than the first day of January of the year of the elections for which the armed service absent voter's ballots are requested or not earlier than ninety days before the day of the election at which the ballots are to be voted, whichever is earlier, and not later than twelve noon of the third day preceding the day of the election, or not later than the close of regular business hours on the day before the day of the election at which those ballots are to be voted if the application is delivered in person to the office of the board. 16163
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(D) If the voter for whom the application is made is entitled to vote for presidential and vice-presidential electors only, the applicant shall submit to the director in addition to the requirements of divisions (A), (B), and (C) of this section, a statement to the effect that the voter is qualified to vote for presidential and vice-presidential electors and for no other offices. 16173
16174
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Sec. 3511.05. (A) The director of the board of elections shall place armed service absent voter's ballots sent by mail in an unsealed identification envelope, gummed ready for sealing. The director shall include with armed service absent voter's ballots sent by facsimile machine an instruction sheet for preparing a gummed envelope in which the ballots shall be returned. The envelope for returning ballots sent by either means shall have printed or written on its face a form substantially as follows: 16180
16181
16182
16183
16184
16185
16186
16187

~~"IDENTIFICATION ENVELOPE~~ 16188

~~Armed Service Absent Voter's Ballots~~ 16189

~~Election~~ 16190

(Day of week and date)	16191
Information Concerning Voter	16192
1. What is your full name?	16193
(Name must be printed)	16194
2. What is the date of your birth?	16195
3. Are you a citizen of the United States?	16196
4. Where were you born?	16197
5. If a naturalized citizen, when and in what court were you naturalized?	16198 16199
6. Are you serving in the armed forces of the United States, or are you the spouse of a person serving in the armed forces of the United States? (Indicate which one)	16200 16201 16202
7. What was the date at the commencement of your service, or the date you left the state of Ohio to be with or near your service member spouse?	16203 16204 16205
8. Did you reside in the state of Ohio at the time of the commencement of your service, or the time you left the state of Ohio to be with or near your service member spouse?	16206 16207 16208
If so: What street and street number?	16209
What city or village?	16210
What township?	16211
What county?	16212
What is your present Ohio address?	16213
9. How long had you continuously resided in Ohio immediately preceding the commencement of your service, or immediately preceding the date you left the state of Ohio to be with or near your service member spouse?	16214 16215 16216 16217
10. Will you be outside the United States on the day of the election? (Applicants who answer "yes" to this	16218 16219

~~question must also check the appropriate box on the return 16220
envelope to indicate that they will be outside the United States.) 16221~~

~~I hereby declare, under penalty of election falsification, 16222
that the answers to the questions above set out are true and 16223
correct to the best of my knowledge and belief, and that I am not 16224
claiming, for the purpose of voting, a voting residence in any 16225
other state. 16226~~

~~WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY 16227
OF THE FIFTH DEGREE. 16228~~

~~..... 16229
(Voter must WRITE the voter's 16230
usual signature here.)" 16231~~

~~If the identification envelope is for use in a primary 16232
election, it shall contain an additional question as follows: 16233~~

~~"11. With what political party are you affiliated?" 16234
16235~~

"Identification Envelope Statement of Voter 16236

I,(Name of voter), declare under 16237
penalty of election falsification that the within ballot or 16238
ballots contained no voting marks of any kind when I received 16239
them, and I caused the ballot or ballots to be marked, enclosed in 16240
the identification envelope, and sealed in that envelope. 16241

My voting residence in Ohio is 16242

..... 16243

(Street and Number, if any, or Rural Route and Number) 16244

of (City, Village, or Township) 16245

Ohio, which is in Ward Precinct 16246

in that city, village, or township. 16247

The primary election ballots, if any, within this envelope 16248

are primary election ballots of the Party. 16249

Ballots contained within this envelope are to be voted at the 16250
..... (general, special, or primary) election to be held on 16251
the day of, 16252

My date of birth is (Month and Day), 16253
..... (Year). 16254

(Voter must provide one of the following:) 16255

My driver's license number is (Driver's 16256
license number). 16257

The last four digits of my Social Security Number are 16258
..... (Last four digits of Social Security Number). 16259

..... In lieu of providing a driver's license number or the 16260
last four digits of my Social Security Number, I am enclosing a 16261
copy of one of the following in the return envelope in which this 16262
identification envelope will be mailed: a current and valid photo 16263
identification, a military identification, or a current utility 16264
bill, bank statement, government check, paycheck, or other 16265
government document, other than a notice of an election mailed by 16266
a board of elections under section 3501.19 of the Revised Code or 16267
a notice of voter registration mailed by a board of elections, 16268
that shows my name and address. 16269

I hereby declare, under penalty of election falsification, 16270
that the statements above are true, as I verily believe. 16271

..... 16272
(Signature of Voter) 16273

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF 16274
THE FIFTH DEGREE." 16275

(B) The director shall also mail with the ballots and the 16276
unsealed identification envelope sent by mail an unsealed return 16277
envelope, gummed, ready for sealing, for use by the voter in 16278
returning the voter's marked ballots to the director. The director 16279

shall send with the ballots and the instruction sheet for 16280
preparing a gummed envelope sent by facsimile machine an 16281
instruction sheet for preparing a second gummed envelope as 16282
described in this division, for use by the voter in returning that 16283
voter's marked ballots to the director. The return envelope shall 16284
have two parallel lines, each one quarter of an inch in width, 16285
printed across its face paralleling the top, with an intervening 16286
space of one quarter of an inch between such lines. The top line 16287
shall be one and one-quarter inches from the top of the envelope. 16288
Between the parallel lines shall be printed: "OFFICIAL ELECTION 16289
ARMED SERVICE ABSENT VOTER'S BALLOTS -- VIA AIR MAIL." Three blank 16290
lines shall be printed in the upper left corner on the face of the 16291
envelope for the use by the voter in placing the voter's complete 16292
military, naval, or mailing address on these lines, and beneath 16293
these lines there shall be printed a box beside the words "check 16294
if out-of-country." The voter shall check this box if the voter 16295
will be outside the United States on the day of the election. The 16296
official title and the post-office address of the director to whom 16297
the envelope shall be returned shall be printed on the face of 16298
such envelope in the lower right portion below the bottom parallel 16299
line. 16300

(C) On the back of each identification envelope and each 16301
return envelope shall be printed the following: 16302

"Instructions to voter: 16303

If the flap on this envelope is so firmly stuck to the back 16304
of the envelope when received by you as to require forcible 16305
opening in order to use it, open the envelope in the manner least 16306
injurious to it, and, after marking your ballots and enclosing 16307
same in the envelope for mailing them to the director of the board 16308
of elections, reclose the envelope in the most practicable way, by 16309
sealing or otherwise, and sign the blank form printed below. 16310

The flap on this envelope was firmly stuck to the back of the 16311

envelope when received, and required forced opening before sealing 16312
and mailing. 16313

..... 16314
(Signature of voter)" 16315

(D) Division (C) of this section does not apply when absent 16316
voter's ballots are sent by facsimile machine. 16317

Sec. 3511.09. Upon receiving armed service absent voter's 16318
ballots, the elector shall cause the questions on the face of the 16319
identification envelope to be answered, and, by writing the 16320
elector's usual signature in the proper place on the 16321
identification envelope, the elector shall declare under penalty 16322
of election falsification that the answers to those questions are 16323
true and correct to the best of the elector's knowledge and 16324
belief. Then, the elector shall note whether there are any voting 16325
marks on the ballot. If there are any voting marks, the ballot 16326
shall be returned immediately to the board of elections; 16327
otherwise, the elector shall cause the ballot to be marked, folded 16328
separately so as to conceal the markings on it, deposited in the 16329
identification envelope, and securely sealed in the identification 16330
envelope. The elector then shall cause the identification envelope 16331
to be placed within the return envelope, sealed in the return 16332
envelope, and mailed to the director of the board of elections to 16333
whom it is addressed. If the elector does not provide the 16334
elector's driver's license number or the last four digits of the 16335
elector's social security number on the statement of voter on the 16336
identification envelope, the elector also shall include in the 16337
return envelope with the identification envelope a copy of the 16338
elector's current valid photo identification, a copy of a military 16339
identification ~~that shows the elector's name and current address,~~ 16340
or a copy of a current utility bill, bank statement, government 16341
check, paycheck, or other government document, other than a notice 16342
of an election mailed by a board of elections under section 16343

3501.19 of the Revised Code or a notice of voter registration 16344
mailed by a board of elections under section 3503.19 of the 16345
Revised Code, that shows the name and address of the elector. Each 16346
elector who will be outside the United States on the day of the 16347
election shall check the box on the return envelope indicating 16348
this fact and shall mail the return envelope to the director prior 16349
to the close of the polls on election day. 16350

Every armed services absent voter's ballot identification 16351
envelope shall be accompanied by the following statement in 16352
boldface capital letters: WHOEVER COMMITS ELECTION FALSIFICATION 16353
IS GUILTY OF A FELONY OF THE FIFTH DEGREE. 16354

Sec. 3702.71. As used in sections 3702.71 to 3702.81 of the 16355
Revised Code: 16356

(A) "Primary care physician" means an individual who is 16357
authorized under Chapter 4731. of the Revised Code to practice 16358
medicine and surgery or osteopathic medicine and surgery and is 16359
board certified or board eligible in a primary care specialty. 16360

(B) "Primary care service" means professional comprehensive 16361
personal health services, which may include health education and 16362
disease prevention, treatment of uncomplicated health problems, 16363
diagnosis of chronic health problems, overall management of health 16364
care services for an individual or a family, and the services of a 16365
psychiatrist. "Primary care service" also includes providing the 16366
initial contact for health care services and making referrals for 16367
secondary and tertiary care and for continuity of health care 16368
services. 16369

(C) "Primary care specialty" means general internal medicine, 16370
pediatrics, adolescent medicine, obstetrics and gynecology, 16371
psychiatry, child and adolescent psychiatry, geriatric psychiatry, 16372
combined internal medicine and pediatrics, geriatrics, or family 16373
practice. 16374

Sec. 3702.72. (A) A primary care physician who will not have 16375
an outstanding obligation for medical service to the federal 16376
government, a state, or other entity at the time of participation 16377
in the physician loan repayment program and meets one of the 16378
following requirements may apply for participation in the 16379
physician loan repayment program: 16380

(1) The primary care physician is enrolled in the final year 16381
of an accredited program required for board certification in a 16382
primary care specialty. 16383

(2) The primary care physician is enrolled in the final year 16384
of a fellowship program in a primary care specialty. 16385

(3) The primary care physician holds a valid certificate to 16386
practice medicine and surgery or osteopathic medicine and surgery 16387
issued under Chapter 4731. of the Revised Code. 16388

(B) An application for participation in the physician loan 16389
repayment program shall be submitted to the director of health on 16390
a form that the director shall prescribe. The information required 16391
to be submitted with an application includes the following: 16392

(1) The applicant's name, permanent address or address at 16393
which the applicant is currently residing if different from the 16394
permanent address, and telephone number; 16395

(2) The applicant's primary care specialty or specialties; 16396

(3) The medical school or osteopathic medical school the 16397
applicant attended, the dates of attendance, and verification of 16398
attendance; 16399

(4) The facility or institution where the applicant's medical 16400
residency program was completed or is being performed, and, if 16401
completed, the date of completion; 16402

(5) If applicable, the facility or institution where the 16403
applicant's fellowship was completed or is being performed, and, 16404

<u>if completed, the date of completion;</u>	16405
<u>(6)</u> A summary and verification of the educational expenses for which the applicant seeks reimbursement under the program;	16406 16407
(6) <u>(7)</u> Verification of the applicant's authorization under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	16408 16409 16410
(7) <u>(8)</u> Verification of the applicant's United States citizenship or status as a legal alien.	16411 16412
Sec. 3702.73. If <u>funds are available in the physician loan repayment fund created under section 3702.78 of the Revised Code</u> <u>and</u> the general assembly has appropriated funds for the physician loan repayment program, the director of health shall approve an applicant for participation in the program if the director finds that, in accordance with the priorities established under section 3702.77 of the Revised Code, the applicant is eligible for participation in the program and the applicant's primary care specialty is needed in a health resource shortage area.	16413 16414 16415 16416 16417 16418 16419 16420 16421
Upon approval, the director shall notify and enter into discussions with the applicant. The object of the discussions is to facilitate the recruitment of the applicant to a site within a health resource shortage area at which, according to the priorities established under section 3702.77 of the Revised Code, the applicant's primary care specialty is most needed.	16422 16423 16424 16425 16426 16427
If the director and applicant agree on the applicant's placement at a particular site within a health resource shortage area, the applicant shall prepare, sign, and deliver to the director a letter of intent agreeing to that placement.	16428 16429 16430 16431
Sec. 3702.74. (A) A primary care physician who has signed a letter of intent under section 3702.73 of the Revised Code, <u>and</u> the director of health, and the Ohio board of regents may enter	16432 16433 16434

into a contract for the physician's participation in the physician 16435
loan repayment program. ~~A lending institution~~ The physician's 16436
employer or other funding source may also be a party to the 16437
contract. 16438

(B) The contract shall include all of the following 16439
obligations: 16440

(1) The primary care physician agrees to provide primary care 16441
services in the health resource shortage area identified in the 16442
letter of intent for at least two years ~~or one year per twenty~~ 16443
~~thousand dollars of repayment agreed to under division (B)(3) of~~ 16444
~~this section, whichever is greater;~~ 16445

(2) When providing primary care services in the health 16446
resource shortage area, the primary care physician agrees to do 16447
all of the following: 16448

(a) Provide primary care services for a minimum of forty 16449
hours per week, of which at least twenty-one hours will be spent 16450
providing patient care in an outpatient or ambulatory setting; 16451

(b) Provide primary care services without regard to a 16452
patient's ability to pay; 16453

(c) Meet the conditions prescribed by the "Social Security 16454
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and the 16455
department of job and family services for participation in the 16456
~~medical assistance~~ medicaid program established under Chapter 16457
5111. of the Revised Code and enter into a contract with the 16458
department to provide primary care services to recipients of the 16459
medical assistance program; 16460

(d) Meet the conditions established by the department of job 16461
and family services for participation in the disability medical 16462
assistance program established under Chapter 5115. of the Revised 16463
Code and enter into a contract with the department to provide 16464
primary care services to recipients of disability medical 16465

assistance. 16466

(3) ~~The Ohio board of regents~~ department of health agrees, as 16467
provided in section 3702.75 of the Revised Code, to repay, so long 16468
as the primary care physician performs the service obligation 16469
agreed to under division (B)(1) of this section, all or part of 16470
the principal and interest of a government or other educational 16471
loan taken by the primary care physician for expenses described in 16472
section 3702.75 of the Revised Code; 16473

(4) The primary care physician agrees to pay the ~~board the~~ 16474
~~following as damages~~ department of health an amount established by 16475
rules adopted under section 3702.79 of the Revised Code if the 16476
physician fails to complete the service obligation agreed to under 16477
division (B)(1) of this section; 16478

~~(a) If the failure occurs during the first two years of the~~ 16479
~~service obligation, three times the total amount the board has~~ 16480
~~agreed to repay under division (B)(3) of this section;~~ 16481

~~(b) If the failure occurs after the first two years of the~~ 16482
~~service obligation, three times the amount the board is still~~ 16483
~~obligated to repay under division (B)(3) of this section.~~ 16484

(C) The contract may include any other terms agreed upon by 16485
the parties, ~~including an assignment to the Ohio board of regents~~ 16486
~~of the physician's duty to pay the principal and interest of a~~ 16487
~~government or other educational loan taken by the physician for~~ 16488
~~expenses described in section 3702.75 of the Revised Code. If the~~ 16489
~~board assumes the physician's duty to pay a loan, the contract~~ 16490
~~shall set forth the total amount of principal and interest to be~~ 16491
~~paid, an amortization schedule, and the amount of each payment to~~ 16492
~~be made under the schedule.~~ 16493

Sec. 3702.75. There is hereby created the physician loan 16494
repayment program. Under the program, the ~~Ohio board of regents~~ 16495

department of health, by means of a contract provision under 16496
division (B)(3) of section 3702.74 of the Revised Code, may agree 16497
to repay all or part of the principal and interest of a government 16498
or other educational loan taken by a primary care physician for 16499
the following expenses, so long as the expenses were incurred 16500
while the physician was enrolled in, for up to a maximum of four 16501
years, a medical school or osteopathic medical school in the 16502
United States that was, during the time enrolled, accredited by 16503
the liaison committee on medical education or the American 16504
osteopathic association, or a medical school or osteopathic 16505
medical school located outside the United States that was, during 16506
the time enrolled, acknowledged by the world health organization 16507
and verified by a member state of that organization as operating 16508
within the state's jurisdiction: 16509

(A) Tuition; 16510

(B) Other educational expenses, such as fees, books, and 16511
laboratory expenses, for specific purposes and in amounts 16512
determined to be reasonable by the director of health; 16513

(C) Room and board, in an amount determined reasonable by the 16514
director of health. 16515

~~No~~ In the first and second years, no repayment shall exceed 16516
~~twenty~~ twenty-five thousand dollars in ~~any~~ each year. In the third 16517
and fourth years, no repayment shall exceed thirty-five thousand 16518
dollars in each year. If, however, a repayment results in an 16519
increase in the primary care physician's federal, state, or local 16520
income tax liability, ~~the Ohio board of regents,~~ at the 16521
physician's request ~~and with the approval of the director of~~ 16522
~~health,~~ the department may reimburse the physician for the 16523
increased tax liability, regardless of the amount of the repayment 16524
made to the physician in that year. 16525

Not later than the thirty-first day of January each year, the 16526

~~Ohio board of regents~~ department shall mail to each physician to 16527
whom or on whose behalf repayment is made under this section a 16528
statement showing the amount ~~of principal and interest~~ repaid by 16529
the ~~board~~ department pursuant to the contract in the preceding 16530
year. The statement shall be sent by ordinary mail with address 16531
correction and forwarding requested in the manner prescribed by 16532
the United States postal service. 16533

Sec. 3702.78. The director of health may accept gifts of 16534
money from any source for the implementation and administration of 16535
sections 3702.72 to 3702.77 of the Revised Code. ~~The Ohio board of~~ 16536
~~regents may accept gifts of money from any source for~~ 16537
~~implementation and administration of the physician loan repayment~~ 16538
~~program under sections 3702.74 and 3702.75 of the Revised Code.~~ 16539

The director shall pay all gifts accepted under this section 16540
into the state treasury, to the credit of the health resource 16541
shortage area fund, which is hereby created. ~~The board shall pay,~~ 16542
and all ~~gifts accepted under this section,~~ and damages collected 16543
under division (B)(4) of section 3702.74 of the Revised Code, into 16544
the state treasury, to the credit of the physician loan repayment 16545
fund, which is hereby created. 16546

The director shall use the health resource shortage area ~~fund~~ 16547
and the physician loan repayment funds for the implementation and 16548
administration of sections 3702.72 to 3702.77 of the Revised Code. 16549
~~The board shall use the physician loan repayment fund for the~~ 16550
~~implementation and administration of the physician loan repayment~~ 16551
~~program under sections 3702.74 and 3702.75 of the Revised Code.~~ 16552

Sec. 3702.79. The director of health, in accordance with 16553
Chapter 119. of the Revised Code, shall adopt rules as necessary 16554
to implement and administer sections 3702.71 to 3702.78 of the 16555
Revised Code. In preparing rules, the director shall consult with 16556

~~the Ohio board of regents and the physician loan repayment~~ 16557
advisory board. 16558

Sec. 3702.81. There is hereby created the physician loan 16559
repayment advisory board. The board shall consist of ~~eleven~~ ten 16560
members as follows: 16561

(A) The following ~~six~~ five members appointed by the governor: 16562
a representative of ~~the department of health, a representative of~~ 16563
the Ohio academy of family practice, a representative of the board 16564
of regents, a representative of the Ohio association of community 16565
health centers, a representative of the Ohio state medical 16566
association, and a representative of the Ohio osteopathic 16567
association; 16568

(B) Two members of the house of representatives, one from 16569
each political party, appointed by the speaker of the house of 16570
representatives; 16571

(C) Two members of the senate, one from each political party, 16572
appointed by the president of the senate. 16573

(D) The director of health or an employee of the department 16574
of health designated by the director. 16575

Of the initial appointments made by the governor, three shall 16576
be for terms ending June 30, 1994, and four shall be for terms 16577
ending June 30, 1995. Of the initial appointments made by the 16578
speaker of the house of representatives, one shall be for a term 16579
ending June 30, 1994, and one shall be for a term ending June 30, 16580
1995. Of the initial appointments made by the president of the 16581
senate, one shall be for a term ending June 30, 1994, and one 16582
shall be for a term ending June 30, 1995. Thereafter, terms of 16583
office shall be two years, commencing on the first day of July and 16584
ending on the thirtieth day of June. Each member shall hold office 16585
from the date of appointment until the end of the term for which 16586

the member was appointed, except that a legislative member ceases 16587
to be a member of the board upon ceasing to be a member of the 16588
general assembly. 16589

Vacancies shall be filled in the manner prescribed for the 16590
original appointment. A member appointed to fill a vacancy 16591
occurring prior to the expiration of the term for which the 16592
member's predecessor was appointed shall hold office for the 16593
remainder of that term. A member shall continue in office 16594
subsequent to the expiration of the member's term until a 16595
successor takes office or until sixty days have elapsed, whichever 16596
occurs first. No person shall be appointed to the board for more 16597
than two consecutive terms. 16598

The governor, speaker, ~~or president, or director~~ may remove a 16599
member for whom the governor, speaker, ~~or president, or director~~ 16600
was the appointing authority, for misfeasance, malfeasance, or 16601
willful neglect of duty. 16602

The ~~governor board~~ shall designate a member ~~of the board~~ to 16603
serve as chairperson of the board. 16604

The board shall meet at least once annually. The chairperson 16605
shall call special meetings as needed or upon the request of six 16606
members. 16607

Six members of the board constitute a quorum to transact and 16608
vote on all business coming before the board. 16609

Members of the board shall serve without compensation. 16610

The department of health shall provide the board with staff 16611
assistance as requested by the board. 16612

Sec. 3702.85. There is hereby created the dentist loan 16613
repayment program, which shall be administered by the department 16614
of health in cooperation with ~~the board of regents and~~ the dentist 16615
loan repayment advisory board. The program shall provide loan 16616

repayment on behalf of individuals who agree to provide dental 16617
services in areas designated as dental health resource shortage 16618
areas by the director of health pursuant to section 3702.87 of the 16619
Revised Code. 16620

Under the program, the ~~Ohio board~~ department of ~~regents~~ 16621
health, by means of a contract entered into under section 3702.91 16622
of the Revised Code, may agree to repay all or part of the 16623
principal and interest of a government or other educational loan 16624
taken by an individual for the following expenses incurred while 16625
the individual was enrolled in an accredited dental college or a 16626
dental college located outside of the United States that meets the 16627
standards of section 4715.11 of the Revised Code: 16628

(A) Tuition; 16629

(B) Other educational expenses, such as fees, books, and 16630
laboratory expenses that are for purposes and in amounts 16631
determined reasonable by the director of health; 16632

(C) Room and board, in an amount determined reasonable by the 16633
director of health. 16634

Sec. 3702.86. The director of health, in accordance with 16635
Chapter 119. of the Revised Code, shall adopt rules as necessary 16636
to implement and administer sections 3702.85 to 3702.95 of the 16637
Revised Code. In preparing rules, the director shall consult with 16638
~~the Ohio board of regents and~~ the dentist loan repayment advisory 16639
board. 16640

Sec. 3702.91. (A) An individual who has signed a letter of 16641
intent under section 3702.90 of the Revised Code may enter into a 16642
contract with the director of health ~~and the Ohio board of regents~~ 16643
for participation in the dentist loan repayment program. A lending 16644
institution may also be a party to the contract. 16645

(B) The contract shall include all of the following 16646

obligations:	16647
(1) The individual agrees to provide dental services in the dental health resource shortage area identified in the letter of intent for at least one year.	16648 16649 16650
(2) When providing dental services in the dental health resource shortage area, the individual agrees to do all of the following:	16651 16652 16653
(a) Provide dental services for a minimum of forty hours per week;	16654 16655
(b) Provide dental services without regard to a patient's ability to pay;	16656 16657
(c) Meet the conditions prescribed by the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and the department of job and family services for participation in the medicaid program established under Chapter 5111. of the Revised Code and enter into a contract with the department to provide dental services to medicaid recipients.	16658 16659 16660 16661 16662 16663
(3) The Ohio board of regents <u>department of health</u> agrees, as provided in section 3702.85 of the Revised Code, to repay, so long as the individual performs the service obligation agreed to under division (B)(1) of this section, all or part of the principal and interest of a government or other educational loan taken by the individual for expenses described in section 3702.85 of the Revised Code up to but not exceeding twenty thousand dollars per year of service.	16664 16665 16666 16667 16668 16669 16670 16671
(4) The individual agrees to pay the board <u>department of health</u> the following as damages if the individual fails to complete the service obligation agreed to under division (B)(1) of this section:	16672 16673 16674 16675
(a) If the failure occurs during the first two years of the	16676

service obligation, three times the total amount the ~~board~~ department has agreed to repay under division (B)(3) of this section; 16677
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(b) If the failure occurs after the first two years of the service obligation, three times the amount the ~~board~~ department is still obligated to repay under division (B)(3) of this section. 16680
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(C) The contract may include any other terms agreed upon by the parties, including an assignment to the ~~Ohio board of regents~~ department of health of the individual's duty to pay the principal and interest of a government or other educational loan taken by the individual for expenses described in section 3702.85 of the Revised Code. If the ~~board~~ department assumes the individual's duty to pay a loan, the contract shall set forth the total amount of principal and interest to be paid, an amortization schedule, and the amount of each payment to be made under the schedule. 16683
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(D) Not later than the thirty-first day of January of each year, the ~~Ohio board of regents~~ department of health shall mail to each individual to whom or on whose behalf repayment is made under the dentist loan repayment program a statement showing the amount of principal and interest repaid by the ~~board~~ department pursuant to the contract in the preceding year. The statement shall be sent by ordinary mail with address correction and forwarding requested in the manner prescribed by the United States postal service. 16692
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Sec. 3702.93. The dentist loan repayment advisory board shall determine the amounts that will be paid as loan repayments on behalf of participants in the dentist loan repayment program. No repayment shall exceed twenty thousand dollars in any year, except that if a repayment results in an increase in the participant's federal, state, or local income tax liability, the ~~Ohio board of regents~~ department of health, at the participant's request and with the approval of the director of health, may reimburse the 16700
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participant for the increased tax liability, regardless of the 16708
amount of the repayment in that year. Total repayment on behalf of 16709
a participant shall not exceed eighty thousand dollars over the 16710
time of participation in the program. 16711

Sec. 3702.95. The director of health may accept gifts of 16712
money from any source for the implementation and administration of 16713
sections 3702.85 to 3702.93 of the Revised Code. ~~The Ohio board of 16714
regents may accept gifts of money from any source for 16715
implementation and administration of the dentist loan repayment 16716
program under sections 3702.85 and 3702.91 of the Revised Code. 16717~~

The director shall pay all gifts accepted under this section 16718
into the state treasury, to the credit of the dental health 16719
resource shortage area fund, which is hereby created. ~~The board 16720
shall pay, and all gifts accepted under this section, and damages 16721
collected under division (B)(4) of section 3702.91 of the Revised 16722
Code, into the state treasury, to the credit of the dentist loan 16723
repayment fund, which is hereby created. 16724~~

The director shall use the dental health resource shortage 16725
area ~~fund~~ and dentist loan repayment funds for the implementation 16726
and administration of sections 3702.85 ~~and 3702.87 to 3702.93 to~~ to 16727
3702.95 of the Revised Code. ~~The board shall use the dentist loan 16728
repayment fund for the implementation and administration of the 16729
dentist loan repayment program under sections 3702.85 and 3702.91 16730
of the Revised Code. 16731~~

Sec. 3703.01. (A) Except as otherwise provided in this 16732
section, the division of industrial compliance in the department 16733
of commerce shall do all of the following: 16734

(1) Inspect all nonresidential buildings within the meaning 16735
of section 3781.06 of the Revised Code; 16736

(2) Condemn all unsanitary or defective plumbing that is 16737

found in connection with those places; 16738

(3) Order changes in plumbing necessary to insure the safety 16739
of the public health. 16740

(B)(1)(a) The division of industrial compliance, boards of 16741
health of city and general health districts, and county building 16742
departments shall not inspect plumbing or collect fees for 16743
inspecting plumbing in particular types of buildings in any 16744
municipal corporation that is certified by the board of building 16745
standards under section 3781.10 of the Revised Code to exercise 16746
enforcement authority for plumbing in those types of buildings. 16747

(b) The division shall not inspect plumbing or collect fees 16748
for inspecting plumbing in particular types of buildings in any 16749
health district that employs one or more plumbing inspectors 16750
certified pursuant to division (D) of this section to enforce 16751
Chapters 3781. and 3791. of the Revised Code and the rules adopted 16752
pursuant to those chapters relating to plumbing in those types of 16753
buildings. 16754

(c) The division shall not inspect plumbing or collect fees 16755
for inspecting plumbing in particular types of buildings in any 16756
health district where the county building department is authorized 16757
to inspect those types of buildings pursuant to a contract 16758
described in division (C)(1) of this section. 16759

(d) The division shall not inspect plumbing or collect fees 16760
for inspecting plumbing in particular types of buildings in any 16761
health district where the board of health has entered into a 16762
contract with the board of health of another district to conduct 16763
inspections pursuant to division (C)(2) of this section. 16764

(2) No county building department shall inspect plumbing or 16765
collect fees for inspecting plumbing in any type of building in a 16766
health district unless the department is authorized to inspect 16767
that type of building pursuant to a contract described in division 16768

(C)(1) of this section. 16769

(3) No municipal corporation shall inspect plumbing or 16770
collect fees for inspecting plumbing in types of buildings for 16771
which it is not certified by the board of building standards under 16772
section 3781.10 of the Revised Code to exercise enforcement 16773
authority. 16774

(4) No board of health of a health district shall inspect 16775
plumbing or collect fees for inspecting plumbing in types of 16776
buildings for which it does not have a plumbing inspector 16777
certified pursuant to division (D) of this section. 16778

(C)(1) The board of health of a health district may enter 16779
into a contract with a board of county commissioners to authorize 16780
the county building department to inspect plumbing in buildings 16781
within the health district. The contract may designate that the 16782
department inspect either residential or nonresidential buildings, 16783
as those terms are defined in section 3781.06 of the Revised Code, 16784
or both types of buildings, so long as the department employs or 16785
contracts with a plumbing inspector certified pursuant to division 16786
(D) of this section to inspect the types of buildings the contract 16787
designates. The board of health may enter into a contract 16788
regardless of whether the health district employs any certified 16789
plumbing inspectors to enforce Chapters 3781. and 3791. of the 16790
Revised Code. 16791

(2) The board of health of a health district, regardless of 16792
whether it employs any certified plumbing inspectors to enforce 16793
Chapters 3781. and 3791. of the Revised Code, may enter into a 16794
contract with the board of health of another health district to 16795
authorize that board to inspect plumbing in buildings within the 16796
contracting board's district. The contract may designate the 16797
inspection of either residential or nonresidential buildings as 16798
defined in section 3781.06 of the Revised Code, or both types of 16799
buildings, so long as the board that performs the inspections 16800

employs a plumbing inspector certified pursuant to division (D) of 16801
this section to inspect the types of buildings the contract 16802
designates. 16803

(D) The superintendent of industrial compliance shall adopt 16804
rules prescribing minimum qualifications based on education, 16805
training, experience, or demonstrated ability, that the 16806
superintendent shall use in certifying or recertifying plumbing 16807
inspectors to do plumbing inspections for health districts and 16808
county building departments that are authorized to perform 16809
inspections pursuant to a contract under division (C)(1) of this 16810
section, and for continuing education of plumbing inspectors. 16811
Those minimum qualifications shall be related to the types of 16812
buildings for which a person seeks certification. 16813

(E) The superintendent may enter into reciprocal 16814
registration, licensure, or certification agreements with other 16815
states and other agencies of this state relative to plumbing 16816
inspectors if both of the following apply: 16817

(1) The requirements for registration, licensure, or 16818
certification of plumbing inspectors under the laws of the other 16819
state or laws administered by the other agency are substantially 16820
equal to the requirements the superintendent adopts under division 16821
(D) of this section for certifying plumbing inspectors. 16822

(2) The other state or agency extends similar reciprocity to 16823
persons certified under this chapter. 16824

(F) The superintendent may select and contract with one or 16825
more persons to do all of the following regarding examinations for 16826
certification of plumbing inspectors: 16827

(1) Prepare, administer, score, and maintain the 16828
confidentiality of the examination; 16829

(2) Maintain responsibility for all expenses required to 16830
comply with division (F)(1) of this section; 16831

(3) Charge each applicant a fee for administering the examination in an amount the superintendent authorizes; 16832
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(4) Design the examination for certification of plumbing inspectors to determine an applicant's competence to inspect plumbing. 16834
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(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. 16837
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(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. 16841
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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~~ Kirby Goss tire site in ~~Wyandot~~ Muskingum county or other tire sites in the state. 16845
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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 16854
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section 3735.66 of the Revised Code for the community reinvestment 16862
area in which the property is located. If any part of the new 16863
structure or remodeling that would be exempted is of real property 16864
to be used for commercial or industrial purposes, the legislative 16865
authority and the owner of the property shall enter into a written 16866
agreement pursuant to section 3735.671 of the Revised Code prior 16867
to commencement of construction or remodeling; if such an 16868
agreement is subject to approval by the board of education of the 16869
school district within the territory of which the property is or 16870
will be located, the agreement shall not be formally approved by 16871
the legislative authority until the board of education approves 16872
the agreement in the manner prescribed by that section. 16873

(B) The housing officer shall verify the construction of the 16874
new structure or the cost of the remodeling and the facts asserted 16875
in the application. The housing officer shall determine whether 16876
the construction or the cost of the remodeling meets the 16877
requirements for an exemption under this section. In cases 16878
involving a structure of historical or architectural significance, 16879
the housing officer shall not determine whether the remodeling 16880
meets the requirements for a tax exemption unless the 16881
appropriateness of the remodeling has been certified, in writing, 16882
by the society, association, agency, or legislative authority that 16883
has designated the structure or by any organization or person 16884
authorized, in writing, by such society, association, agency, or 16885
legislative authority to certify the appropriateness of the 16886
remodeling. 16887

(C) If the construction or remodeling meets the requirements 16888
for exemption, the housing officer shall forward the application 16889
to the county auditor with a certification as to the division of 16890
this section under which the exemption is granted, and the period 16891
and percentage of the exemption as determined by the legislative 16892
authority pursuant to that division. If the construction or 16893

remodeling is of commercial or industrial property and the 16894
legislative authority is not required to certify a copy of a 16895
resolution under section 3735.671 of the Revised Code, the housing 16896
officer shall comply with the notice requirements prescribed under 16897
section 5709.83 of the Revised Code, unless the board has adopted 16898
a resolution under that section waiving its right to receive such 16899
a notice. 16900

(D) Except as provided in division (F) of this section, the 16901
tax exemption shall first apply in the year the construction or 16902
remodeling would first be taxable but for this section. In the 16903
case of remodeling that qualifies for exemption, a percentage, not 16904
to exceed one hundred per cent, of the amount by which the 16905
remodeling increased the assessed value of the structure shall be 16906
exempted from real property taxation. In the case of construction 16907
of a structure that qualifies for exemption, a percentage, not to 16908
exceed one hundred per cent, of the assessed value of the 16909
structure shall be exempted from real property taxation. In either 16910
case, the percentage shall be the percentage set forth in the 16911
agreement if the structure or remodeling is to be used for 16912
commercial or industrial purposes, or the percentage set forth in 16913
the resolution describing the community reinvestment area if the 16914
structure or remodeling is to be used for residential purposes. 16915

The construction of new structures and the remodeling of 16916
existing structures are hereby declared to be a public purpose for 16917
which exemptions from real property taxation may be granted for 16918
the following periods: 16919

(1) For every dwelling containing not more than two family 16920
units located within the same community reinvestment area and upon 16921
which the cost of remodeling is at least two thousand five hundred 16922
dollars, a period to be determined by the legislative authority 16923
adopting the resolution describing the community reinvestment area 16924
where the dwelling is located, but not exceeding ten years unless 16925

extended pursuant to division (D)(3) of this section; 16926

(2) For every dwelling containing more than two units and 16927
commercial or industrial properties, located within the same 16928
community reinvestment area, upon which the cost of remodeling is 16929
at least five thousand dollars, a period to be determined by the 16930
legislative authority adopting the resolution, but not exceeding 16931
twelve years unless extended pursuant to division (D)(3) of this 16932
section; 16933

(3) The period of exemption for a dwelling described in 16934
division (D)(1) or (2) of this section may be extended by a 16935
legislative authority for up to an additional ten years if the 16936
dwelling is a structure of historical or architectural 16937
significance, is a certified historic structure that has been 16938
subject to federal tax treatment under 26 U.S.C. 47 and 170(h), 16939
and units within the structure have been leased to individual 16940
tenants for five consecutive years; 16941

(4) Except as provided in division (F) of this section, for 16942
construction of every dwelling, and commercial or industrial 16943
structure located within the same community reinvestment area, a 16944
period to be determined by the legislative authority adopting the 16945
resolution, but not exceeding fifteen years. 16946

(E) Any person, board, or officer authorized by section 16947
5715.19 of the Revised Code to file complaints with the county 16948
board of revision may file a complaint with the housing officer 16949
challenging the continued exemption of any property granted an 16950
exemption under this section. A complaint against exemption shall 16951
be filed prior to the thirty-first day of December of the tax year 16952
for which taxation of the property is requested. The housing 16953
officer shall determine whether the property continues to meet the 16954
requirements for exemption and shall certify the housing officer's 16955
findings to the complainant. If the housing officer determines 16956
that the property does not meet the requirements for exemption, 16957

the housing officer shall notify the county auditor, who shall 16958
correct the tax list and duplicate accordingly. 16959

(F) The owner of a dwelling constructed in a community 16960
reinvestment area may file an application for an exemption after 16961
the year the construction first became subject to taxation. The 16962
application shall be processed in accordance with the procedures 16963
prescribed under this section and shall be granted if the 16964
construction that is the subject of the application otherwise 16965
meets the requirements for an exemption under this section. If 16966
approved, the exemption sought in the application first applies in 16967
the year the application is filed. An exemption approved pursuant 16968
to this division continues only for those years remaining in the 16969
period described in division (D)~~(3)~~(4) of this section. No 16970
exemption may be claimed for any year in that period that precedes 16971
the year in which the application is filed. 16972

Sec. 3743.02. (A) Any person who wishes to manufacture 16973
fireworks in this state shall submit to the fire marshal an 16974
application for licensure as a manufacturer of fireworks before 16975
the first day of October of each year. The application shall be 16976
submitted prior to the operation of a fireworks plant, shall be on 16977
a form prescribed by the fire marshal, shall contain all 16978
information required by this section or requested by the fire 16979
marshal, and shall be accompanied by the license fee, 16980
fingerprints, and proof of insurance coverage described in 16981
division (B) of this section. 16982

The fire marshal shall prescribe a form for applications for 16983
licensure as a manufacturer of fireworks and make a copy of the 16984
form available, upon request, to persons who seek that licensure. 16985

(B) An applicant for licensure as a manufacturer of fireworks 16986
shall submit with the application all of the following: 16987

(1) A license fee of two thousand seven hundred fifty 16988

dollars, which the fire marshal shall use to pay for fireworks 16989
safety education, training programs, and inspections. If the 16990
applicant has any storage locations approved in accordance with 16991
division (I) of section 3743.04 of the Revised Code, the applicant 16992
also shall submit a fee of one hundred dollars per storage 16993
location for the inspection of each storage location. 16994

(2) Proof of comprehensive general liability insurance 16995
coverage, specifically including fire and smoke casualty on 16996
premises and products, in an amount not less than one million 16997
dollars for each occurrence for bodily injury liability and 16998
wrongful death liability at the fireworks plant. All applicants 16999
shall submit evidence of comprehensive general liability insurance 17000
coverage verified by the insurer and certified as to its provision 17001
of the minimum coverage required under this division. 17002

(3) One ~~complete~~ set of the applicant's fingerprints or 17003
similar identifying information and a ~~complete~~ set of fingerprints 17004
or similar identifying information of any individual holding, 17005
owning, or controlling a five per cent or greater beneficial or 17006
equity interest in the applicant for the license. The fire marshal 17007
may adopt rules in accordance with Chapter 119. of the Revised 17008
Code specifying the method to be used by the applicant to provide 17009
the fingerprint or similar identifying information, fees to be 17010
assessed by the fire marshal to conduct such background checks, 17011
and the procedures to be used by the fire marshal to verify 17012
compliance with this section. Such rules may include provisions 17013
establishing the frequency that license renewal applicants must 17014
update background check information filed by the applicant with 17015
previous license applications and provisions describing 17016
alternative forms of background check information that may be 17017
accepted by the fire marshal to verify compliance with this 17018
section. 17019

(C) A separate application for licensure as a manufacturer of 17020

fireworks shall be submitted for each fireworks plant that a 17021
person wishes to operate in this state. 17022

(D) If an applicant intends to include the processing of 17023
fireworks as any part of its proposed manufacturing of fireworks, 17024
a statement indicating that intent shall be included in its 17025
application for licensure. 17026

Sec. 3743.04. (A) The license of a manufacturer of fireworks 17027
is effective for one year beginning on the first day of December. 17028
The fire marshal shall issue or renew a license only on that date 17029
and at no other time. If a manufacturer of fireworks wishes to 17030
continue manufacturing fireworks at the designated fireworks plant 17031
after its then effective license expires, it shall apply no later 17032
than the first day of October for a new license pursuant to 17033
section 3743.02 of the Revised Code. The fire marshal shall send a 17034
written notice of the expiration of its license to a licensed 17035
manufacturer at least three months before the expiration date. 17036

(B) If, during the effective period of its licensure, a 17037
licensed manufacturer of fireworks wishes to construct, locate, or 17038
relocate any buildings or other structures on the premises of its 17039
fireworks plant, to make any structural change or renovation in 17040
any building or other structure on the premises of its fireworks 17041
plant, or to change the nature of its manufacturing of fireworks 17042
so as to include the processing of fireworks, the manufacturer 17043
shall notify the fire marshal in writing. The fire marshal may 17044
require a licensed manufacturer also to submit documentation, 17045
including, but not limited to, plans covering the proposed 17046
construction, location, relocation, structural change or 17047
renovation, or change in manufacturing of fireworks, if the fire 17048
marshal determines the documentation is necessary for evaluation 17049
purposes in light of the proposed construction, location, 17050
relocation, structural change or renovation, or change in 17051

manufacturing of fireworks. 17052

Upon receipt of the notification and additional documentation 17053
required by the fire marshal, the fire marshal shall inspect the 17054
premises of the fireworks plant to determine if the proposed 17055
construction, location, relocation, structural change or 17056
renovation, or change in manufacturing of fireworks conforms to 17057
sections 3743.02 to 3743.08 of the Revised Code and the rules 17058
adopted by the fire marshal pursuant to section 3743.05 of the 17059
Revised Code. The fire marshal shall issue a written authorization 17060
to the manufacturer for the construction, location, relocation, 17061
structural change or renovation, or change in manufacturing of 17062
fireworks if the fire marshal determines, upon the inspection and 17063
a review of submitted documentation, that the construction, 17064
location, relocation, structural change or renovation, or change 17065
in manufacturing of fireworks conforms to those sections and 17066
rules. Upon authorizing a change in manufacturing of fireworks to 17067
include the processing of fireworks, the fire marshal shall make 17068
notations on the manufacturer's license and in the list of 17069
licensed manufacturers in accordance with section 3743.03 of the 17070
Revised Code. 17071

On or before June 1, 1998, a licensed manufacturer shall 17072
install, in every licensed building in which fireworks are 17073
manufactured, stored, or displayed and to which the public has 17074
access, interlinked fire detection, smoke exhaust, and smoke 17075
evacuation systems that are approved by the superintendent of the 17076
division of industrial compliance, and shall comply with floor 17077
plans showing occupancy load limits and internal circulation and 17078
egress patterns that are approved by the fire marshal and 17079
superintendent, and that are submitted under seal as required by 17080
section 3791.04 of the Revised Code. Notwithstanding section 17081
3743.59 of the Revised Code, the construction and safety 17082
requirements established in this division are not subject to any 17083

variance, waiver, or exclusion. 17084

(C) The license of a manufacturer of fireworks authorizes the 17085
manufacturer to engage only in the following activities: 17086

(1) The manufacturing of fireworks on the premises of the 17087
fireworks plant as described in the application for licensure or 17088
in the notification submitted under division (B) of this section, 17089
except that a licensed manufacturer shall not engage in the 17090
processing of fireworks unless authorized to do so by its license. 17091

(2) To possess for sale at wholesale and sell at wholesale 17092
the fireworks manufactured by the manufacturer, to persons who are 17093
licensed wholesalers of fireworks, to out-of-state residents in 17094
accordance with section 3743.44 of the Revised Code, to residents 17095
of this state in accordance with section 3743.45 of the Revised 17096
Code, or to persons located in another state provided the 17097
fireworks are shipped directly out of this state to them by the 17098
manufacturer. A person who is licensed as a manufacturer of 17099
fireworks on June 14, 1988, also may possess for sale and sell 17100
pursuant to division (C)(2) of this section fireworks other than 17101
those the person manufactures. The possession for sale shall be on 17102
the premises of the fireworks plant described in the application 17103
for licensure or in the notification submitted under division (B) 17104
of this section, and the sale shall be from the inside of a 17105
licensed building and from no other structure or device outside a 17106
licensed building. At no time shall a licensed manufacturer sell 17107
any class of fireworks outside a licensed building. 17108

(3) Possess for sale at retail and sell at retail the 17109
fireworks manufactured by the manufacturer, other than 1.4G 17110
fireworks as designated by the fire marshal in rules adopted 17111
pursuant to division (A) of section 3743.05 of the Revised Code, 17112
to licensed exhibitors in accordance with sections 3743.50 to 17113
3743.55 of the Revised Code, and possess for sale at retail and 17114
sell at retail the fireworks manufactured by the manufacturer, 17115

including 1.4G fireworks, to out-of-state residents in accordance 17116
with section 3743.44 of the Revised Code, to residents of this 17117
state in accordance with section 3743.45 of the Revised Code, or 17118
to persons located in another state provided the fireworks are 17119
shipped directly out of this state to them by the manufacturer. A 17120
person who is licensed as a manufacturer of fireworks on June 14, 17121
1988, may also possess for sale and sell pursuant to division 17122
(C)(3) of this section fireworks other than those the person 17123
manufactures. The possession for sale shall be on the premises of 17124
the fireworks plant described in the application for licensure or 17125
in the notification submitted under division (B) of this section, 17126
and the sale shall be from the inside of a licensed building and 17127
from no other structure or device outside a licensed building. At 17128
no time shall a licensed manufacturer sell any class of fireworks 17129
outside a licensed building. 17130

A licensed manufacturer of fireworks shall sell under 17131
division (C) of this section only fireworks that meet the 17132
standards set by the consumer product safety commission or by the 17133
American fireworks standard laboratories or that have received an 17134
EX number from the United States department of transportation. 17135

(D) The license of a manufacturer of fireworks shall be 17136
protected under glass and posted in a conspicuous place on the 17137
premises of the fireworks plant. Except as otherwise provided in 17138
this division, the license is not transferable or assignable. A 17139
license may be transferred to another person for the same 17140
fireworks plant for which the license was issued if the assets of 17141
the plant are transferred to that person by inheritance or by a 17142
sale approved by the fire marshal. The license is subject to 17143
revocation in accordance with section 3743.08 of the Revised Code. 17144

(E) The fire marshal shall not place the license of a 17145
manufacturer of fireworks in a temporarily inactive status while 17146
the holder of the license is attempting to qualify to retain the 17147

license. 17148

(F) Each licensed manufacturer of fireworks that possesses 17149
fireworks for sale and sells fireworks under division (C) of 17150
section 3743.04 of the Revised Code, or a designee of the 17151
manufacturer, whose identity is provided to the fire marshal by 17152
the manufacturer, annually shall attend a continuing education 17153
program ~~consisting of not less than eight hours of instruction.~~ 17154
The fire marshal shall develop the program and the fire marshal or 17155
a person or public agency approved by the fire marshal shall 17156
conduct it. A licensed manufacturer or the manufacturer's designee 17157
who attends a program as required under this division, within one 17158
year after attending the program, shall conduct in-service 17159
training as approved by the fire marshal for other employees of 17160
the licensed manufacturer regarding the information obtained in 17161
the program. A licensed manufacturer shall provide the fire 17162
marshal with notice of the date, time, and place of all in-service 17163
training ~~not less than thirty days prior to an in-service training~~ 17164
~~event.~~ For any program conducted under this division, the fire 17165
marshal shall, in accordance with rules adopted by the fire 17166
marshal under Chapter 119. of the Revised Code, establish the 17167
subjects to be taught, the length of classes, the standards for 17168
approval, and time periods for notification by the licensee to the 17169
state fire marshal of any in-service training. 17170

(G) A licensed manufacturer shall maintain comprehensive 17171
general liability insurance coverage in the amount and type 17172
specified under division (B)(2) of section 3743.02 of the Revised 17173
Code at all times. Each policy of insurance required under this 17174
division shall contain a provision requiring the insurer to give 17175
not less than fifteen days' prior written notice to the fire 17176
marshal before termination, lapse, or cancellation of the policy, 17177
or any change in the policy that reduces the coverage below the 17178
minimum required under this division. Prior to canceling or 17179

reducing the amount of coverage of any comprehensive general liability insurance coverage required under this division, a licensed manufacturer shall secure supplemental insurance in an amount and type that satisfies the requirements of this division so that no lapse in coverage occurs at any time. A licensed manufacturer who secures supplemental insurance shall file evidence of the supplemental insurance with the fire marshal prior to canceling or reducing the amount of coverage of any comprehensive general liability insurance coverage required under this division.

(H) The fire marshal shall adopt rules for the expansion or contraction of a licensed premises and for approval of such expansions or contractions. The boundaries of a licensed premises, including any geographic expansion or contraction of those boundaries, shall be approved by the fire marshal in accordance with rules the fire marshal adopts. If the licensed premises consists of more than one parcel of real estate, those parcels shall be contiguous unless an exception is allowed pursuant to division (I) of this section.

(I)(1) A licensed manufacturer may expand its licensed premises within this state to include not more than two storage locations that are located upon one or more real estate parcels that are noncontiguous to the licensed premises as that licensed premises exists on the date a licensee submits an application as described below, if all of the following apply:

(a) The licensee submits an application to the fire marshal and an application fee of one hundred dollars per storage location for which the licensee is requesting approval.

(b) The identity of the holder of the license remains the same at the storage location.

(c) The storage location has received a valid certificate of

zoning compliance as applicable and a valid certificate of 17211
occupancy for each building or structure at the storage location 17212
issued by the authority having jurisdiction to issue the 17213
certificate for the storage location, and those certificates 17214
permit the distribution and storage of fireworks regulated under 17215
this chapter at the storage location and in the buildings or 17216
structures. The storage location shall be in compliance with all 17217
other applicable federal, state, and local laws and regulations. 17218

(d) Every building or structure located upon the storage 17219
location is separated from occupied residential and nonresidential 17220
buildings or structures, railroads, highways, or any other 17221
buildings or structures on the licensed premises in accordance 17222
with the distances specified in the rules adopted by the fire 17223
marshal pursuant to section 3743.05 of the Revised Code. 17224

(e) Neither the licensee nor any person holding, owning, or 17225
controlling a five per cent or greater beneficial or equity 17226
interest in the licensee has been convicted of or pleaded guilty 17227
to a felony under the laws of this state, any other state, or the 17228
United States, after ~~the effective date of this amendment~~ 17229
September 29, 2005. 17230

(f) The fire marshal approves the application for expansion. 17231

(2) The fire marshal shall approve an application for 17232
expansion requested under division (I)(1) of this section if the 17233
fire marshal receives the application fee and proof that the 17234
requirements of divisions (I)(1)(b) to (e) of this section are 17235
satisfied. The storage location shall be considered part of the 17236
original licensed premises and shall use the same distinct number 17237
assigned to the original licensed premises with any additional 17238
designations as the fire marshal deems necessary in accordance 17239
with section 3743.03 of the Revised Code. 17240

(J)(1) A licensee who obtains approval for the use of a 17241

storage location in accordance with division (I) of this section 17242
shall use the storage location exclusively for the following 17243
activities, in accordance with division (C) of this section: 17244

(a) The packaging, assembling, or storing of fireworks, which 17245
shall only occur in buildings, ~~or structures, or trailers~~ approved 17246
for such hazardous uses by the building code official having 17247
jurisdiction for the storage location ~~and or, for 1.4G fireworks,~~ 17248
in containers or trailers approved for such hazardous uses by the 17249
fire marshal if such containers or trailers are not subject to 17250
regulation by the building code adopted in accordance with Chapter 17251
3781. of the Revised Code. All such storage shall be in accordance 17252
with the rules adopted by the fire marshal under division (G) of 17253
section 3743.05 of the Revised Code for the packaging, assembling, 17254
and storage of fireworks. 17255

(b) Distributing fireworks to other parcels of real estate 17256
located on the manufacturer's licensed premises, to licensed 17257
wholesalers or other licensed manufacturers in this state or to 17258
similarly licensed persons located in another state or country; 17259

(c) Distributing fireworks to a licensed exhibitor of 17260
fireworks pursuant to a properly issued permit in accordance with 17261
section 3743.54 of the Revised Code. 17262

(2) A licensed manufacturer shall not engage in any sales 17263
activity, including the retail sale of fireworks otherwise 17264
permitted under division (C)(2) or (C)(3) of this section, or 17265
pursuant to section 3743.44 or 3743.45 of the Revised Code, at the 17266
storage location approved under this section. 17267

(3) A storage location may not be relocated for a minimum 17268
period of five years after the storage location is approved by the 17269
fire marshal in accordance with division (I) of this section. 17270

(K) The licensee shall prohibit public access to the storage 17271
location. The fire marshal shall adopt rules to describe the 17272

acceptable measures a manufacturer shall use to prohibit access to 17273
the storage site. 17274

Sec. 3743.15. (A) Except as provided in division (C) of this 17275
section, any person who wishes to be a wholesaler of fireworks in 17276
this state shall submit to the fire marshal an application for 17277
licensure as a wholesaler of fireworks before the first day of 17278
October of each year. The application shall be submitted prior to 17279
commencement of business operations, shall be on a form prescribed 17280
by the fire marshal, shall contain all information requested by 17281
the fire marshal, and shall be accompanied by the license fee, 17282
fingerprints, and proof of insurance coverage described in 17283
division (B) of this section. 17284

The fire marshal shall prescribe a form for applications for 17285
licensure as a wholesaler of fireworks and make a copy of the form 17286
available, upon request, to persons who seek that licensure. 17287

(B) An applicant for licensure as a wholesaler of fireworks 17288
shall submit with the application all of the following: 17289

(1) A license fee of two thousand seven hundred fifty 17290
dollars, which the fire marshal shall use to pay for fireworks 17291
safety education, training programs, and inspections. If the 17292
applicant has any storage locations approved in accordance with 17293
division (G) of section 3743.17 of the Revised Code, the applicant 17294
also shall submit a fee of one hundred dollars per storage 17295
location for the inspection of each storage location. 17296

(2) Proof of comprehensive general liability insurance 17297
coverage, specifically including fire and smoke casualty on 17298
premises, in an amount not less than one million dollars for each 17299
occurrence for bodily injury liability and wrongful death 17300
liability at its business location. Proof of such insurance 17301
coverage shall be submitted together with proof of coverage for 17302
products liability on all inventory located at the business 17303

location. All applicants shall submit evidence of comprehensive 17304
general liability insurance coverage verified by the insurer and 17305
certified as to its provision of the minimum coverage required 17306
under this division. 17307

(3) One ~~complete~~ set of the applicant's fingerprints or 17308
similar identifying information and a ~~complete~~ set of fingerprints 17309
or similar identifying information of any individual holding, 17310
owning, or controlling a five per cent or greater beneficial or 17311
equity interest in the applicant for the license. The fire marshal 17312
may adopt rules in accordance with Chapter 119. of the Revised 17313
Code specifying the method to be used by the applicant to provide 17314
the fingerprint or similar identifying information, fees to be 17315
assessed by the fire marshal to conduct such background checks, 17316
and the procedures to be used by the fire marshal to verify 17317
compliance with this section. Such rules may include provisions 17318
establishing the frequency that license renewal applicants must 17319
update background check information filed by the applicant with 17320
previous license applications and provisions describing 17321
alternative forms of background check information that may be 17322
accepted by the fire marshal to verify compliance with this 17323
section. 17324

(C) A licensed manufacturer of fireworks is not required to 17325
apply for and obtain a wholesaler of fireworks license in order to 17326
engage in the wholesale sale of fireworks as authorized by 17327
division (C)(2) of section 3743.04 of the Revised Code. A business 17328
which is not a licensed manufacturer of fireworks may engage in 17329
the wholesale and retail sale of fireworks in the same manner as a 17330
licensed manufacturer of fireworks is authorized to do under this 17331
chapter without the necessity of applying for and obtaining a 17332
license pursuant to this section, but only if the business sells 17333
the fireworks on the premises of a fireworks plant covered by a 17334
license issued under section 3743.03 of the Revised Code and the 17335

holder of that license owns at least a majority interest in that 17336
business. However, if a licensed manufacturer of fireworks wishes 17337
to engage in the wholesale sale of fireworks in this state at a 17338
location other than the premises of the fireworks plant described 17339
in its application for licensure as a manufacturer or in a 17340
notification submitted under division (B) of section 3743.04 of 17341
the Revised Code, the manufacturer shall first apply for and 17342
obtain a wholesaler of fireworks license before engaging in 17343
wholesale sales of fireworks at the other location. 17344

(D) A separate application for licensure as a wholesaler of 17345
fireworks shall be submitted for each location at which a person 17346
wishes to engage in wholesale sales of fireworks. 17347

Sec. 3743.17. (A) The license of a wholesaler of fireworks is 17348
effective for one year beginning on the first day of December. The 17349
fire marshal shall issue or renew a license only on that date and 17350
at no other time. If a wholesaler of fireworks wishes to continue 17351
engaging in the wholesale sale of fireworks at the particular 17352
location after its then effective license expires, it shall apply 17353
not later than the first day of October for a new license pursuant 17354
to section 3743.15 of the Revised Code. The fire marshal shall 17355
send a written notice of the expiration of its license to a 17356
licensed wholesaler at least three months before the expiration 17357
date. 17358

(B) If, during the effective period of its licensure, a 17359
licensed wholesaler of fireworks wishes to perform any 17360
construction, or make any structural change or renovation, on the 17361
premises on which the fireworks are sold, the wholesaler shall 17362
notify the fire marshal in writing. The fire marshal may require a 17363
licensed wholesaler also to submit documentation, including, but 17364
not limited to, plans covering the proposed construction or 17365
structural change or renovation, if the fire marshal determines 17366

the documentation is necessary for evaluation purposes in light of 17367
the proposed construction or structural change or renovation. 17368

Upon receipt of the notification and additional documentation 17369
required by the fire marshal, the fire marshal shall inspect the 17370
premises on which the fireworks are sold to determine if the 17371
proposed construction or structural change or renovation conforms 17372
to sections 3743.15 to 3743.21 of the Revised Code and the rules 17373
adopted by the fire marshal pursuant to section 3743.18 of the 17374
Revised Code. The fire marshal shall issue a written authorization 17375
to the wholesaler for the construction or structural change or 17376
renovation if the fire marshal determines, upon the inspection and 17377
a review of submitted documentation, that the construction or 17378
structural change or renovation conforms to those sections and 17379
rules. 17380

(C) The license of a wholesaler of fireworks authorizes the 17381
wholesaler to engage only in the following activities: 17382

(1) Possess for sale at wholesale and sell at wholesale 17383
fireworks to persons who are licensed wholesalers of fireworks, to 17384
out-of-state residents in accordance with section 3743.44 of the 17385
Revised Code, to residents of this state in accordance with 17386
section 3743.45 of the Revised Code, or to persons located in 17387
another state provided the fireworks are shipped directly out of 17388
this state to them by the wholesaler. The possession for sale 17389
shall be at the location described in the application for 17390
licensure or in the notification submitted under division (B) of 17391
this section, and the sale shall be from the inside of a licensed 17392
building and from no structure or device outside a licensed 17393
building. At no time shall a licensed wholesaler sell any class of 17394
fireworks outside a licensed building. 17395

(2) Possess for sale at retail and sell at retail fireworks, 17396
other than 1.4G fireworks as designated by the fire marshal in 17397
rules adopted pursuant to division (A) of section 3743.05 of the 17398

Revised Code, to licensed exhibitors in accordance with sections 17399
3743.50 to 3743.55 of the Revised Code, and possess for sale at 17400
retail and sell at retail fireworks, including 1.4G fireworks, to 17401
out-of-state residents in accordance with section 3743.44 of the 17402
Revised Code, to residents of this state in accordance with 17403
section 3743.45 of the Revised Code, or to persons located in 17404
another state provided the fireworks are shipped directly out of 17405
this state to them by the wholesaler. The possession for sale 17406
shall be at the location described in the application for 17407
licensure or in the notification submitted under division (B) of 17408
this section, and the sale shall be from the inside of the 17409
licensed building and from no other structure or device outside 17410
this licensed building. At no time shall a licensed wholesaler 17411
sell any class of fireworks outside a licensed building. 17412

A licensed wholesaler of fireworks shall sell under division 17413
(C) of this section only fireworks that meet the standards set by 17414
the consumer product safety commission or by the American 17415
fireworks standard laboratories or that have received an EX number 17416
from the United States department of transportation. 17417

(D) The license of a wholesaler of fireworks shall be 17418
protected under glass and posted in a conspicuous place at the 17419
location described in the application for licensure or in the 17420
notification submitted under division (B) of this section. Except 17421
as otherwise provided in this section, the license is not 17422
transferable or assignable. A license may be transferred to 17423
another person for the same location for which the license was 17424
issued if the assets of the wholesaler are transferred to that 17425
person by inheritance or by a sale approved by the fire marshal. 17426
The license is subject to revocation in accordance with section 17427
3743.21 of the Revised Code. 17428

(E) The fire marshal shall adopt rules for the expansion or 17429
contraction of a licensed premises and for the approval of an 17430

expansion or contraction. The boundaries of a licensed premises, 17431
including any geographic expansion or contraction of those 17432
boundaries, shall be approved by the fire marshal in accordance 17433
with rules the fire marshal adopts. If the licensed premises of a 17434
licensed wholesaler from which the wholesaler operates consists of 17435
more than one parcel of real estate, those parcels must be 17436
contiguous, unless an exception is allowed pursuant to division 17437
(G) of this section. 17438

(F)(1) Upon application by a licensed wholesaler of 17439
fireworks, a wholesaler license may be transferred from one 17440
geographic location to another within the same municipal 17441
corporation or within the unincorporated area of the same 17442
township, but only if all of the following apply: 17443

(a) The identity of the holder of the license remains the 17444
same in the new location. 17445

(b) The former location is closed prior to the opening of the 17446
new location and no fireworks business of any kind is conducted at 17447
the former location after the transfer of the license. 17448

(c) The new location has received a local certificate of 17449
zoning compliance and a local certificate of occupancy, and 17450
otherwise is in compliance with all local building regulations. 17451

~~(d) The transfer of the license is requested by the licensee 17452
because the existing facility poses an immediate hazard to the 17453
public. 17454~~

~~(e)~~ Every building or structure at the new location is 17455
separated from occupied residential and nonresidential buildings 17456
or structures, railroads, highways, or any other buildings or 17457
structures located on the licensed premises in accordance with the 17458
distances specified in the rules adopted by the fire marshal 17459
pursuant to section 3743.18 of the Revised Code. If the licensee 17460
fails to comply with the requirements of division (F)(1)~~(e)~~(d) of 17461

this section by the licensee's own act, the license at the new 17462
location is forfeited. 17463

~~(f)~~(e) Neither the licensee nor any person holding, owning, 17464
or controlling a five per cent or greater beneficial or equity 17465
interest in the licensee has been convicted of or has pleaded 17466
guilty to a felony under the laws of this state, any other state, 17467
or the United States after June 30, 1997. 17468

~~(g)~~(f) The fire marshal approves the request for the 17469
transfer. 17470

(2) The new location shall comply with the requirements 17471
specified in divisions ~~(A)~~(C)(1) and (2) of section 3743.25 of the 17472
Revised Code whether or not the fireworks showroom at the new 17473
location is constructed, expanded, or first begins operating on 17474
and after June 30, 1997. 17475

(G)(1) A licensed wholesaler may expand its licensed premises 17476
within this state to include not more than two storage locations 17477
that are located upon one or more real estate parcels that are 17478
noncontiguous to the licensed premises as that licensed premises 17479
exists on the date a licensee submits an application as described 17480
below, if all of the following apply: 17481

(a) The licensee submits an application to the fire marshal 17482
requesting the expansion and an application fee of one hundred 17483
dollars per storage location for which the licensee is requesting 17484
approval. 17485

(b) The identity of the holder of the license remains the 17486
same at the storage location. 17487

(c) The storage location has received a valid certificate of 17488
zoning compliance, as applicable, and a valid certificate of 17489
occupancy for each building or structure at the storage location 17490
issued by the authority having jurisdiction to issue the 17491
certificate for the storage location, and those certificates 17492

permit the distribution and storage of fireworks regulated under 17493
this chapter at the storage location and in the buildings or 17494
structures. The storage location shall be in compliance with all 17495
other applicable federal, state, and local laws and regulations. 17496

(d) Every building or structure located upon the storage 17497
location is separated from occupied residential and nonresidential 17498
buildings or structures, railroads, highways, and any other 17499
buildings or structures on the licensed premises in accordance 17500
with the distances specified in the rules adopted by the fire 17501
marshal pursuant to section 3743.18 of the Revised Code. 17502

(e) Neither the licensee nor any person holding, owning, or 17503
controlling a five per cent or greater beneficial or equity 17504
interest in the licensee has been convicted of or pleaded guilty 17505
to a felony under the laws of this state, any other state, or the 17506
United States, after ~~the effective date of this amendment~~ 17507
September 29, 2005. 17508

(f) The fire marshal approves the application for expansion. 17509

(2) The fire marshal shall approve an application for 17510
expansion requested under division (G)(1) of this section if the 17511
fire marshal receives the application fee and proof that the 17512
requirements of divisions (G)(1)(b) to (e) of this section are 17513
satisfied. The storage location shall be considered part of the 17514
original licensed premises and shall use the same distinct number 17515
assigned to the original licensed premises with any additional 17516
designations as the fire marshal deems necessary in accordance 17517
with section 3743.16 of the Revised Code. 17518

(H)(1) A licensee who obtains approval for use of a storage 17519
location in accordance with division (G) of this section shall use 17520
the site exclusively for the following activities, in accordance 17521
with division (C)(1) of this section: 17522

(a) Packaging, assembling, or storing fireworks, which shall 17523

occur only in buildings or structures approved for such hazardous 17524
uses by the building code official having jurisdiction for the 17525
storage location ~~and~~ or, for 1.4G fireworks, in containers or 17526
trailers approved for such hazardous uses by the fire marshal if 17527
such containers or trailers are not subject to regulation by the 17528
building code adopted in accordance with Chapter 3781. of the 17529
Revised Code. All such storage shall be in accordance with the 17530
rules adopted by the fire marshal under division (B)(4) of section 17531
3743.18 of the Revised Code for the packaging, assembling, and 17532
storage of fireworks. 17533

(b) Distributing fireworks to other parcels of real estate 17534
located on the wholesaler's licensed premises, to licensed 17535
manufacturers or other licensed wholesalers in this state or to 17536
similarly licensed persons located in another state or country; 17537

(c) Distributing fireworks to a licensed exhibitor of 17538
fireworks pursuant to a properly issued permit in accordance with 17539
section 3743.54 of the Revised Code. 17540

(2) A licensed wholesaler shall not engage in any sales 17541
activity, including the retail sale of fireworks otherwise 17542
permitted under division (C)(2) of this section or pursuant to 17543
section 3743.44 or 3743.45 of the Revised Code, at a storage 17544
location approved under this section. 17545

(3) A storage location may not be relocated for a minimum 17546
period of five years after the storage location is approved by the 17547
fire marshal in accordance with division (G) of this section. 17548

(I) A licensee shall prohibit public access to all storage 17549
locations it uses. The fire marshal shall adopt rules establishing 17550
acceptable measures a wholesaler shall use to prohibit access to 17551
storage sites. 17552

(J) The fire marshal shall not place the license of a 17553
wholesaler of fireworks in temporarily inactive status while the 17554

holder of the license is attempting to qualify to retain the 17555
license. 17556

(K) Each licensed wholesaler of fireworks or a designee of 17557
the wholesaler, whose identity is provided to the fire marshal by 17558
the wholesaler, annually shall attend a continuing education 17559
program ~~consisting of not less than eight hours of instruction.~~ 17560
The fire marshal shall develop the program and the fire marshal or 17561
a person or public agency approved by the fire marshal shall 17562
conduct it. A licensed wholesaler or the wholesaler's designee who 17563
attends a program as required under this division, within one year 17564
after attending the program, shall conduct in-service training as 17565
approved by the fire marshal for other employees of the licensed 17566
wholesaler regarding the information obtained in the program. A 17567
licensed wholesaler shall provide the fire marshal with notice of 17568
the date, time, and place of all in-service training ~~not less than~~ 17569
~~thirty days prior to an in-service training event.~~ For any program 17570
conducted under this division, the fire marshal shall, in 17571
accordance with rules adopted by the fire marshal under Chapter 17572
119. of the Revised Code, establish the subjects to be taught, the 17573
length of classes, the standards for approval, and time periods 17574
for notification by the licensee to the state fire marshal of any 17575
in-service training. 17576

(L) A licensed wholesaler shall maintain comprehensive 17577
general liability insurance coverage in the amount and type 17578
specified under division (B)(2) of section 3743.15 of the Revised 17579
Code at all times. Each policy of insurance required under this 17580
division shall contain a provision requiring the insurer to give 17581
not less than fifteen days' prior written notice to the fire 17582
marshal before termination, lapse, or cancellation of the policy, 17583
or any change in the policy that reduces the coverage below the 17584
minimum required under this division. Prior to canceling or 17585
reducing the amount of coverage of any comprehensive general 17586

liability insurance coverage required under this division, a 17587
licensed wholesaler shall secure supplemental insurance in an 17588
amount and type that satisfies the requirements of this division 17589
so that no lapse in coverage occurs at any time. A licensed 17590
wholesaler who secures supplemental insurance shall file evidence 17591
of the supplemental insurance with the fire marshal prior to 17592
canceling or reducing the amount of coverage of any comprehensive 17593
general liability insurance coverage required under this division. 17594

Sec. 3743.19. In addition to conforming to the rules of the 17595
fire marshal adopted pursuant to section 3743.18 of the Revised 17596
Code, licensed wholesalers of fireworks shall conduct their 17597
business operations in accordance with the following: 17598

(A) A wholesaler shall conduct its business operations from 17599
the location described in its application for licensure or in a 17600
notification submitted under division (B) of section 3743.17 of 17601
the Revised Code. 17602

(B) Signs indicating that smoking is generally forbidden and 17603
trespassing is prohibited on the premises of a wholesaler shall be 17604
posted on the premises as determined by the fire marshal. 17605

(C) Reasonable precautions shall be taken to protect the 17606
premises of a wholesaler from trespass, loss, theft, or 17607
destruction. 17608

(D) Smoking or the carrying of pipes, cigarettes, or cigars, 17609
matches, lighters, other flame-producing items, or open flame on, 17610
or the carrying of a concealed source of ignition into, the 17611
premises of a wholesaler is prohibited, except that a wholesaler 17612
may permit smoking in specified lunchrooms or restrooms in 17613
buildings or other structures in which no sales, handling, or 17614
storage of fireworks takes place. "NO SMOKING" signs shall be 17615
posted on the premises as required by the fire marshal. 17616

(E) Fire and explosion prevention and other reasonable safety 17617
measures and precautions shall be implemented by a wholesaler. 17618

(F) Persons shall not be permitted to have in their 17619
possession or under their control, while they are on the premises 17620
of a wholesaler, any intoxicating liquor, beer, or controlled 17621
substance, and they shall not be permitted to enter or remain on 17622
the premises if they are found to be under the influence of any 17623
intoxicating liquor, beer, or controlled substance. 17624

(G) A wholesaler shall conform to all building, safety, and 17625
zoning statutes, ordinances, rules, or other enactments that apply 17626
to its premises. 17627

(H) Each building used in the sale of fireworks shall be kept 17628
open to the public for at least four hours each day between the 17629
hours of eight a.m. and five p.m., five days of each week, every 17630
week of the year. Upon application from a licensed wholesaler, the 17631
fire marshal may waive any of the requirements of this division. 17632

(I) Awnings, tents, or canopies shall not be used as 17633
facilities for the storage or sale of fireworks. This division 17634
does not prohibit the use of an awning or canopy attached to a 17635
public access showroom for storing nonflammable shopping 17636
convenience items such as shopping carts or baskets or providing a 17637
shaded area for patrons waiting to enter the public sales area. 17638

(J) ~~Fireworks~~ 1.4G fireworks may be stored in trailers if the 17639
trailers are properly enclosed, secured, and grounded and are 17640
separated from any structure to which the public is admitted by a 17641
distance that will, in the fire marshal's judgment, allow 17642
fire-fighting equipment to have full access to the structures on 17643
the licensed premises. Such trailers may be moved into closer 17644
proximity to any structure only to accept or discharge cargo for a 17645
period not to exceed forty-eight hours. Only two such trailers may 17646
be placed in such closer proximity at any one time. At no time may 17647

trailers be used for conducting sales of any class of fireworks 17648
nor may members of the public have access to the trailers. 17649

17650

Storage areas for fireworks that are in the same building 17651
where fireworks are displayed and sold to the public shall be 17652
separated from the areas to which the public has access by an 17653
appropriately rated fire wall. If the licensee installs and 17654
properly maintains an early suppression fast response sprinkler 17655
system or equivalent fire suppression system as described in the 17656
fire code adopted by the fire marshal in accordance with section 17657
3737.82 of the Revised Code throughout the structure, a fire 17658
barrier wall may be substituted for a fire wall between the areas 17659
to which the public has access and the storage portions of the 17660
structure. 17661

(K) A fire suppression system as defined in section 3781.108 17662
of the Revised Code may be turned off only for repair, drainage of 17663
the system to prevent damage by freezing during the period of 17664
time, approved by the fire marshal under division (I) of this 17665
section, that the facility is closed to public access during 17666
winter months, or maintenance of the system. If any repair or 17667
maintenance is necessary during times when the facility is open 17668
for public access and business, the licensed wholesaler shall 17669
notify in advance the appropriate insurance company and fire chief 17670
or fire prevention officer regarding the nature of the maintenance 17671
or repair and the time when it will be performed. 17672

(L) If any fireworks item is removed from its original 17673
package or is manufactured with any fuse other than a fuse 17674
approved by the consumer product safety commission, then the item 17675
shall be covered completely by repackaging or bagging or it shall 17676
otherwise be covered so as to prevent ignition prior to sale. 17677

(M) A safety officer shall be present during regular business 17678
hours at a building open to the public during the period 17679

commencing fourteen days before, and ending two days after, each 17680
fourth day of July. The officer shall be highly visible, enforce 17681
this chapter and any applicable building codes to the extent the 17682
officer is authorized by law, and be one of the following: 17683

(1) A deputy sheriff; 17684

(2) A law enforcement officer of a municipal corporation, 17685
township, or township or joint township police district; 17686

(3) A private uniformed security guard registered under 17687
section 4749.06 of the Revised Code. 17688

(N) All doors of all buildings on the licensed premises shall 17689
swing outward. 17690

(O) All wholesale and commercial sales of fireworks shall be 17691
packaged, shipped, placarded, and transported in accordance with 17692
United States department of transportation regulations applicable 17693
to the transportation, and the offering for transportation, of 17694
hazardous materials. For purposes of this division, "wholesale and 17695
commercial sales" includes all sales for resale and any nonretail 17696
sale made in furtherance of a commercial enterprise. For purposes 17697
of enforcement of these regulations under section 4905.83 of the 17698
Revised Code, any sales transaction exceeding one thousand pounds 17699
shall be rebuttably presumed to be a wholesale or commercial sale. 17700

Sec. 3743.25. (A)(1) Except as described in division (A)(2) 17701
of this section, all retail sales of 1.4G fireworks by a licensed 17702
manufacturer or wholesaler shall only occur from an approved 17703
retail sales showroom on a licensed premises or from a 17704
representative sample showroom as described in this section on a 17705
licensed premises. For the purposes of this section, a retail sale 17706
includes the transfer of the possession of the 1.4G fireworks from 17707
the licensed manufacturer or wholesaler to the purchaser of the 17708
fireworks. 17709

(2) Sales of 1.4G fireworks to a licensed exhibitor for a properly permitted exhibition shall occur in accordance with the provisions of the Revised Code and rules adopted by the fire marshal under Chapter 119. of the Revised Code. Such rules shall specify, at a minimum, that the licensed exhibitor holds a license under section 3743.51 of the Revised Code, that the exhibitor possesses a valid exhibition permit issued in accordance with section 3743.54 of the Revised Code, and that the fireworks shipped are to be used at the specifically permitted exhibition.

(B) All wholesale sales of fireworks by a licensed manufacturer or wholesaler shall only occur from a licensed premises to persons who intend to resell the fireworks purchased at wholesale. A wholesale sale by a licensed manufacturer or wholesaler may occur as follows:

(1) The direct sale and shipment of fireworks to a person outside of this state;

(2) From an approved retail sales showroom as described in this section;

(3) From a representative sample showroom as described in this section;

(4) By delivery of wholesale fireworks to a purchaser at a licensed premises outside of a structure or building on that premises. All other portions of the wholesale sales transaction may occur at any location on a licensed premises.

(5) Any other method as described in rules adopted by the state fire marshal under Chapter 119. of the Revised Code.

(C) A licensed manufacturer, or wholesaler, or exhibitor shall bring fireworks shall only sell 1.4G fireworks from a representative sample showroom or a retail sales showroom. Each licensed premises shall only contain one sales structure.

A representative sample showroom shall consist of a structure 17740
constructed and maintained in accordance with the nonresidential 17741
building code adopted under Chapter 3781. of the Revised Code and 17742
the fire code adopted under section 3737.82 of the Revised Code 17743
for a use and occupancy group that permits mercantile sales. A 17744
representative sample showroom shall not contain any pyrotechnics, 17745
pyrotechnic materials, fireworks, explosives, explosive materials, 17746
or any similar hazardous materials or substances. A representative 17747
sample showroom shall be used only for the public viewing of 17748
fireworks product representations, including paper materials, 17749
packaging materials, catalogs, photographs, or other similar 17750
product depictions. The delivery of product to a purchaser of 17751
fireworks at a licensed premises that has a representative sample 17752
structure shall not occur inside any structure on a licensed 17753
premises. Such product delivery shall occur on the licensed 17754
premises in a manner prescribed by rules adopted by the fire 17755
marshal pursuant to Chapter 119. of the Revised Code. 17756

If a manufacturer or wholesaler elects to conduct sales from 17757
a retail sales showroom, the showroom structures, to which the 17758
public may have any access and in which employees are required to 17759
work, on all licensed premises, ~~into compliance~~ shall comply with 17760
the following safety requirements: 17761

(1) A fireworks showroom that is constructed or upon which 17762
expansion is undertaken on and after ~~the effective date of this~~ 17763
~~section~~ June 30, 1997, shall be equipped with interlinked fire 17764
detection, fire suppression, smoke exhaust, and smoke evacuation 17765
systems that are approved by the superintendent of the division of 17766
industrial compliance in the department of commerce. 17767

(2) A fireworks showroom that first begins to operate on or 17768
~~after the effective date of this section~~ June 30, 1997, and to 17769
which the public has access for retail purposes shall not exceed 17770
five thousand square feet in floor area. 17771

(3) A newly constructed or an existing fireworks showroom 17772
structure that exists on the effective date of this ~~section~~ 17773
amendment, but that, on or after the effective date of this 17774
~~section~~ amendment, is altered or added to in a manner requiring 17775
the submission of plans, drawings, specifications, or data 17776
pursuant to section 3791.04 of the Revised Code, shall comply with 17777
a graphic floor plan layout that is approved by the fire marshal 17778
and superintendent of the division of industrial compliance 17779
showing width of aisles, parallel arrangement of aisles to exits, 17780
number of exits per wall, maximum occupancy load, evacuation plan 17781
for occupants, height of storage or display of merchandise, and 17782
other information as may be required by the fire marshal and 17783
superintendent. 17784

~~(4)(a) Except as provided in division (A)(4)(b) of this 17785
section, a fireworks showroom structure that exists on the 17786
effective date of this section shall be retrofitted on or before 17787
June 1, 1998, with interlinked fire detection, smoke exhaust, and 17788
smoke evacuation systems that are approved by the superintendent 17789
of the division of industrial compliance. 17790~~

~~(b) If meeting the retrofitting requirements set forth in 17791
division (A)(4)(a) of this section would constitute an extreme 17792
financial hardship that would force a licensee to terminate 17793
business operations, the licensee shall conduct sales only on the 17794
basis of defused representative samples in closed and covered 17795
displays within the fireworks showroom. 17796~~

~~(5) A fireworks showroom structure that exists on ~~the~~ 17797
~~effective date of this section~~ June 30, 1997, shall be in 17798
compliance on or ~~before June 1, 1998~~ after June 30, 1997, with 17799
floor plans showing occupancy load limits and internal circulation 17800
and egress patterns that are approved by the fire marshal and 17801
superintendent of industrial compliance, and that are submitted 17802
under seal as required by section 3791.04 of the Revised Code. 17803~~

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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.

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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.

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The fire marshal shall prescribe a form for applications for shipping permits and make a copy of the form available, upon request, to persons who seek such a permit.

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(B) In an application for a shipping permit, the applicant shall specify the types of fireworks to be shipped into this state.

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(C) An application for a shipping permit shall be accompanied by a fee of two thousand seven hundred fifty dollars.

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An application for a shipping permit shall be accompanied by a certified copy or other copy acceptable to the fire marshal of the applicant's license or permit issued in the applicant's state of residence and authorizing the applicant to engage in the manufacture, wholesale sale, or transportation of fireworks in that state, if that state issues such a license or permit, and by a statement by the applicant that the applicant understands and

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will abide by rules adopted by the fire marshal pursuant to 17834
section 3743.58 of the Revised Code for transporting fireworks. 17835

(D) Except as otherwise provided in this division, and 17836
subject to section 3743.70 of the Revised Code, the fire marshal 17837
shall issue a shipping permit to an applicant only if the fire 17838
marshal determines that the applicant is a resident of another 17839
state and is the holder of a license or permit issued by that 17840
state authorizing it to engage in the manufacture, wholesale sale, 17841
or transportation of fireworks in that state, and the fire marshal 17842
is satisfied that the application and documentation are complete 17843
and in conformity with this section and that the applicant will 17844
transport fireworks into this state in accordance with rules 17845
adopted by the fire marshal pursuant to section 3743.58 of the 17846
Revised Code. The fire marshal shall issue a shipping permit to an 17847
applicant if the applicant meets all of the requirements of this 17848
section for the issuance of a shipping permit except that the 17849
applicant does not hold a license or permit issued by the state of 17850
residence authorizing the applicant to engage in the manufacture, 17851
wholesale sale, or transportation of fireworks in that state 17852
because that state does not issue such a license or permit. 17853

(E) Each permit issued pursuant to this section shall contain 17854
a distinct number assigned to the particular permit holder, and 17855
contain the information described in division (B) of this section. 17856

The fire marshal shall maintain a list of all persons issued 17857
shipping permits. In this list next to each person's name, the 17858
fire marshal shall insert the date upon which the permit was 17859
issued and the information described in division (B) of this 17860
section. 17861

(F) A shipping permit is valid for one year from the date of 17862
issuance by the fire marshal and only if the permit holder ships 17863
the fireworks directly into this state to the holder of a license 17864
issued under section 3743.03 or 3743.16 of the Revised Code or a 17865

license holder under section 3743.51 of the Revised Code who 17866
possesses a valid exhibition permit issued in accordance with 17867
section 3743.54 of the Revised Code and the fireworks shipped are 17868
to be used at the specifically permitted exhibition. The permit 17869
authorizes the permit holder to ship fireworks, as described in 17870
rules adopted by the fire marshal under Chapter 119. of the 17871
Revised Code, directly to the holder of a license issued under 17872
section 3743.03 or 3743.16 of the Revised Code, and to possess the 17873
fireworks in this state while the permit holder is in the course 17874
of shipping them directly into this state. 17875

The holder of a shipping permit shall have the permit in the 17876
holder's possession in this state at all times while in the course 17877
of shipping the fireworks directly into this state. A shipping 17878
permit is not transferable or assignable. 17879

Sec. 3743.44. (A) Any person who resides in another state and 17880
who intends to obtain possession in this state of fireworks 17881
purchased in this state shall obtain possession of the fireworks 17882
only from a licensed manufacturer or licensed wholesaler and only 17883
possess the fireworks in this state while in the course of 17884
directly transporting them out of this state. No licensed 17885
manufacturer or licensed wholesaler shall sell 1.3G fireworks to a 17886
person who resides in another state unless that person has been 17887
issued a license or permit in the state of the person's residence 17888
that authorizes the person to engage in the manufacture, wholesale 17889
sale, or retail sale of 1.3G fireworks or that authorizes the 17890
person to conduct 1.3G fireworks exhibitions in that state and 17891
that person presents a certified copy of the license. No licensed 17892
manufacturer or licensed wholesaler shall sell fireworks to a 17893
person who resides in another state unless that person has been 17894
issued a license or permit in the state of the person's residence 17895
that authorizes the person to engage in the manufacture, wholesale 17896
sale, or retail sale of fireworks in that state or that authorizes 17897

the person to conduct fireworks exhibitions in that state and that 17898
person presents a certified copy of the license, or, if that 17899
person does not possess a license or permit of that nature, only 17900
if the person presents a current valid motor vehicle operator's 17901
license issued to the person in the person's state of residence, 17902
or, if that person does not possess a motor vehicle operator's 17903
license issued in that state, an identification card issued to the 17904
person by a governmental agency in the person's state of residence 17905
indicating that the person is a resident of that state. If a 17906
person who is required to present a motor vehicle operator's 17907
license or other identification card intends to transport the 17908
fireworks purchased directly out of this state by a motor vehicle 17909
and the person will not also be the operator of that motor vehicle 17910
while so transporting the fireworks, the operator of the motor 17911
vehicle also shall present the operator's motor vehicle operator's 17912
license. 17913

(B) A licensed manufacturer or licensed wholesaler selling 17914
fireworks under this section shall require the purchaser to 17915
complete a purchaser's form. The fire marshal shall prescribe the 17916
form, and the licensed manufacturer or licensed wholesaler shall 17917
furnish the form. On this form the purchaser shall include the 17918
purchaser's name and address; the date of the purchase; ~~the~~ 17919
destination to which the fireworks will be transported a statement 17920
that the purchaser acknowledges that the purchaser is responsible 17921
for any illegal use of the fireworks, including any damages caused 17922
by improper use; the number of the purchaser's license or permit 17923
authorizing the purchaser to manufacture, sell at wholesale, or 17924
sell at retail fireworks or to conduct fireworks exhibitions, or 17925
the number of the purchaser's motor vehicle operator's license or 17926
other identification card, as applicable; such other information 17927
as the fire marshal may require; and the purchaser's signature. 17928
Each purchaser's form shall contain a statement printed in bold 17929
letters indicating that knowingly making a false statement on the 17930

form is falsification under section 2921.13 of the Revised Code 17931
and is a misdemeanor of the first degree. 17932

Each licensed manufacturer and licensed wholesaler shall keep 17933
each purchaser's form for a period of three years after the date 17934
of the purchase, and such forms shall be open to inspection by the 17935
fire marshal or the fire marshal's designated authority. 17936

(C) Each purchaser of fireworks under this section shall 17937
transport the fireworks so purchased directly out of this state 17938
within ~~seventy-two~~ forty-eight hours after the time of their 17939
purchase. 17940

This section regulates wholesale sales and retail sales of 17941
fireworks in this state only insofar as purchasers of fireworks 17942
are residents of other states and will be obtaining possession in 17943
this state of purchased fireworks. This section does not prohibit 17944
licensed manufacturers or wholesalers from selling fireworks, in 17945
accordance with section 3743.04 or sections 3743.17 and 3743.25 of 17946
the Revised Code, to a resident of another state and from shipping 17947
the purchased fireworks directly out of this state to the 17948
purchaser. 17949

Sec. 3743.45. (A) Any person who resides in this state and 17950
who intends to obtain possession in this state of 1.4G fireworks 17951
purchased in this state shall obtain possession of the 1.4G 17952
fireworks only from a licensed manufacturer or licensed 17953
wholesaler. 17954

A licensed manufacturer or licensed wholesaler selling 1.4G 17955
fireworks under this division shall require the purchaser to 17956
complete a purchaser's form, which shall be prescribed by the 17957
state fire marshal and furnished by the licensed manufacturer or 17958
licensed wholesaler. On this form the purchaser shall include the 17959
purchaser's name and address, i the date of the purchase, ~~the~~ 17960
~~destination to which the fireworks will be transported,~~ a 17961

statement that the purchaser acknowledges that the purchaser is 17962
responsible for any illegal use of the fireworks, including any 17963
damages caused by improper use; such other information as the fire 17964
marshal may require⁷ⁱ and the purchaser's signature. Each 17965
purchaser's form shall contain a statement printed in bold letters 17966
indicating that knowingly making a false statement on the form is 17967
falsification under section 2921.13 of the Revised Code and is a 17968
misdemeanor of the first degree. 17969

Each licensed manufacturer and licensed wholesaler shall keep 17970
each purchaser's form for a period of three years after the date 17971
of the purchase, and such forms shall be open to inspection by the 17972
fire marshal or the fire marshal's designated authority. 17973

Each purchaser of 1.4G fireworks under this division shall 17974
transport the fireworks so purchased directly out of this state 17975
within forty-eight hours after the time of their purchase. 17976

This division does not apply to a person who resides in this 17977
state and who is also a licensed manufacturer, licensed 17978
wholesaler, or licensed exhibitor of fireworks in this state. 17979

(B) No licensed manufacturer or licensed wholesaler shall 17980
sell 1.3G fireworks to a person who resides in this state unless 17981
that person is a licensed manufacturer, licensed wholesaler, or 17982
licensed exhibitor of fireworks in this state. 17983

Sec. 3743.54. (A) A licensed exhibitor of fireworks may 17984
acquire fireworks for use at a public fireworks exhibition only 17985
from a licensed manufacturer of fireworks or licensed wholesaler 17986
of fireworks, and only in accordance with the procedures specified 17987
in this section and section 3743.55 of the Revised Code. ~~A~~ 17988
~~licensed exhibitor shall not acquire, for any purpose, 1.4G~~ 17989
~~fireworks as designated by the fire marshal in rules adopted~~ 17990
~~pursuant to division (A) of section 3743.05 of the Revised Code.~~ 17991

(B)(1) A licensed exhibitor of fireworks who wishes to 17992
conduct a public fireworks exhibition shall apply for approval to 17993
conduct the exhibition to whichever of the following persons is 17994
appropriate under the circumstances: 17995

(a) Unless division (B)(1)(c) or (d) of this section applies, 17996
if the exhibition will take place in a municipal corporation, the 17997
approval shall be obtained from the fire chief, and from the 17998
police chief or other similar chief law enforcement officer, or 17999
the designee of the police chief or similar chief law enforcement 18000
officer, of the particular municipal corporation. 18001

(b) Unless division (B)(1)(c) or (d) of this section applies, 18002
if the exhibition will take place in an unincorporated area, the 18003
approval shall be obtained from the fire chief of the particular 18004
township or township fire district, and from the police chief or 18005
other similar chief law enforcement officer, or the designee of 18006
the police chief or similar chief law enforcement officer, of the 18007
particular township or township police district. 18008

(c) If fire protection services for the premises on which the 18009
exhibition will take place are provided in accordance with a 18010
contract between political subdivisions, the approval shall be 18011
obtained from the fire chief of the political subdivision 18012
providing the fire protection services and from the police chief 18013
or other similar chief law enforcement officer, or the designee of 18014
the police chief or similar chief law enforcement officer, of the 18015
political subdivision in which the premises on which the 18016
exhibition will take place are located. If police services for the 18017
premises on which the exhibition will take place are provided in 18018
accordance with a contract between political subdivisions, the 18019
approval shall be obtained from the police chief or other similar 18020
chief law enforcement officer, or the designee of the police chief 18021
or similar chief law enforcement officer, of the political 18022
subdivision providing the police services and from the fire chief 18023

of the political subdivision in which the premises on which the 18024
exhibition will take place are located. If both fire and police 18025
protection services for the premises on which the exhibition will 18026
take place are provided in accordance with a contract between 18027
political subdivisions, the approval shall be obtained from the 18028
fire chief, and from the police chief or other similar chief law 18029
enforcement officer, or the designee of the police chief or 18030
similar chief law enforcement officer, of the political 18031
subdivisions providing the police and fire protection services. 18032

(d) If there is no municipal corporation, township, or 18033
township fire district fire department, no municipal corporation, 18034
township, or township police district police department, and no 18035
contract for police or fire protection services between political 18036
subdivisions covering the premises on which the exhibition will 18037
take place, the approval shall be obtained from the fire 18038
prevention officer, and from the police chief or other similar 18039
chief law enforcement officer, or the designee of the police chief 18040
or other similar chief law enforcement officer, having 18041
jurisdiction over the premises. 18042

(2) The approval required by division (B)(1) of this section 18043
shall be evidenced by the fire chief or fire prevention officer 18044
and by the police chief or other similar chief law enforcement 18045
officer, or the designee of the police chief or other similar 18046
chief law enforcement officer, signing a permit for the 18047
exhibition. The fire marshal shall prescribe the form of 18048
exhibition permits and distribute copies of the form to fire 18049
chiefs, to fire prevention officers, and to police chiefs or other 18050
similar chief law enforcement officers of municipal corporations, 18051
townships, or township police districts, or their designees, in 18052
this state. Any exhibitor of fireworks who wishes to conduct a 18053
public fireworks exhibition may obtain a copy of the form from the 18054
fire marshal or, if it is available, from a fire chief, a fire 18055

prevention officer, a police chief or other similar chief law 18056
enforcement officer of a municipal corporation, township, or 18057
township police district, or a designee of such a police chief or 18058
other similar chief law enforcement officer. 18059

(C) Before a permit is signed and issued to a licensed 18060
exhibitor of fireworks, the fire chief or fire prevention officer, 18061
in consultation with the police chief or other similar chief law 18062
enforcement officer or with the designee of the police chief or 18063
other similar chief law enforcement officer, shall inspect the 18064
premises on which the exhibition will take place and shall 18065
determine that, in fact, the applicant for the permit is a 18066
licensed exhibitor of fireworks. Each applicant shall show the 18067
applicant's license as an exhibitor of fireworks to the fire chief 18068
or fire prevention officer. 18069

The fire chief or fire prevention officer, and the police 18070
chief or other similar chief law enforcement officer, or the 18071
designee of the police chief or other similar chief law 18072
enforcement officer, shall give approval to conduct a public 18073
fireworks exhibition only if satisfied, based on the inspection, 18074
that the premises on which the exhibition will be conducted allow 18075
the exhibitor to comply with the rules adopted by the fire marshal 18076
pursuant to divisions (B) and (E) of section 3743.53 of the 18077
Revised Code and that the applicant is, in fact, a licensed 18078
exhibitor of fireworks. The fire chief or fire prevention officer, 18079
in consultation with the police chief or other similar chief law 18080
enforcement officer or with the designee of the police chief or 18081
other similar chief law enforcement officer, may inspect the 18082
premises immediately prior to the exhibition to determine if the 18083
exhibitor has complied with the rules, and may revoke a permit for 18084
noncompliance with the rules. 18085

(D) If the legislative authorities of their political 18086
subdivisions have prescribed a fee for the issuance of a permit 18087

for a public fireworks exhibition, fire chiefs or fire prevention 18088
officers, and police chiefs, other similar chief law enforcement 18089
officers, or their designee, shall not issue a permit until the 18090
exhibitor pays the requisite fee. 18091

Each exhibitor shall provide an indemnity bond in the amount 18092
of at least one million dollars, with surety satisfactory to the 18093
fire chief or fire prevention officer and to the police chief or 18094
other similar chief law enforcement officer, or the designee of 18095
the police chief or other similar chief law enforcement officer, 18096
conditioned for the payment of all final judgments that may be 18097
rendered against the exhibitor on account of injury, death, or 18098
loss to persons or property emanating from the fireworks 18099
exhibition, or proof of insurance coverage of at least one million 18100
dollars for liability arising from injury, death, or loss to 18101
persons or property emanating from the fireworks exhibition. The 18102
legislative authority of a political subdivision in which a public 18103
fireworks exhibition will take place may require the exhibitor to 18104
provide an indemnity bond or proof of insurance coverage in 18105
amounts greater than those required by this division. Fire chiefs 18106
or fire prevention officers, and police chiefs, other similar 18107
chief law enforcement officers, or their designee, shall not issue 18108
a permit until the exhibitor provides the bond or proof of the 18109
insurance coverage required by this division or by the political 18110
subdivision in which the fireworks exhibition will take place. 18111

(E)(1) Each permit for a fireworks exhibition issued by a 18112
fire chief or fire prevention officer, and by the police chief or 18113
other similar chief law enforcement officer, or the designee of 18114
the police chief or other similar chief law enforcement officer, 18115
shall contain a distinct number, designate the municipal 18116
corporation, township, or township fire or police district of the 18117
fire chief, fire prevention officer, police chief or other similar 18118
chief law enforcement officer, or designee of the police chief or 18119

other similar chief law enforcement officer, and identify the 18120
certified fire safety inspector, fire chief, or fire prevention 18121
officer who will be present before, during, and after the 18122
exhibition, where appropriate. A copy of each permit issued shall 18123
be forwarded by the fire chief or fire prevention officer, and by 18124
the police chief or other similar chief law enforcement officer, 18125
or the designee of the police chief or other similar chief law 18126
enforcement officer, issuing it to the fire marshal, who shall 18127
keep a record of the permits received. A permit is not 18128
transferable or assignable. 18129

(2) Each fire chief, fire prevention officer, police chief or 18130
other similar chief law enforcement officer, and designee of a 18131
police chief or other similar chief law enforcement officer shall 18132
keep a record of issued permits for fireworks exhibitions. In this 18133
list, the fire chief, fire prevention officer, police chief or 18134
other similar chief law enforcement officer, and designee of a 18135
police chief or other similar chief law enforcement officer shall 18136
list the name of the exhibitor, the exhibitor's license number, 18137
the premises on which the exhibition will be conducted, the date 18138
and time of the exhibition, and the number and political 18139
subdivision designation of the permit issued to the exhibitor for 18140
the exhibition. 18141

(F) The governing authority having jurisdiction in the 18142
location where an exhibition is to take place shall require that a 18143
certified fire safety inspector, fire chief, or fire prevention 18144
officer be present before, during, and after the exhibition, and 18145
shall require the certified fire safety inspector, fire chief, or 18146
fire prevention officer to inspect the premises where the 18147
exhibition is to take place and determine whether the exhibition 18148
is in compliance with this chapter. 18149

(G) Notwithstanding any provision of the Revised Code to the 18150
contrary, the state fire marshal is hereby authorized to create 18151

additional license categories for fireworks exhibitors and to 18152
create additional permit requirements for fireworks exhibitions 18153
for the indoor use of fireworks and other uses of pyrotechnics, 18154
including the use of pyrotechnic materials that do not meet the 18155
definition of fireworks as described in section 3743.01 of the 18156
Revised Code. Such licenses and permits and the fees for such 18157
licenses and permits shall be described in rules adopted by the 18158
fire marshal under Chapter 119. of the Revised Code. Such rules 18159
may provide for different standards for exhibitor licensure and 18160
the permitting and conducting of a fireworks exhibition than the 18161
requirements of this chapter. 18162

Prior to the state fire marshal's adoption of the rules 18163
described in this division, the director of commerce shall appoint 18164
a committee consisting of the state fire marshal or the marshal's 18165
designee, three representatives of the fireworks industry, and 18166
three representatives of the fire service to assist the state fire 18167
marshal in adopting these rules. Unless an extension is granted by 18168
the director of commerce, the state fire marshal shall adopt 18169
initial rules under this section not later than July 1, 2010. 18170

Sec. 3743.56. Each fireworks exhibitor licensed under section 18171
3743.51 of the Revised Code shall register annually with the fire 18172
marshal all employees who assist the licensed exhibitor in 18173
conducting fireworks exhibitions. Once registered, such an 18174
employee may be employed by any other licensed fireworks 18175
exhibitor, without the need for that other licensed exhibitor to 18176
register the employee with the fire marshal. The fire marshal 18177
shall maintain a record of licensed exhibitors and registered 18178
employees and make it available, upon request, to any law 18179
enforcement agency. 18180

The fire marshal shall adopt rules under Chapter 119. of the 18181
Revised Code that establish appropriate fees for the registration 18182

of employees of licensed exhibitors and otherwise implement this 18183
section. 18184

In addition to the annual registration of employees required 18185
by this section, a licensed exhibitor shall file an application to 18186
register a new employee, unless the new employee is already 18187
registered under this section, not later than seven days after the 18188
date on which the employee is hired. 18189

Each applicant for registration under this section shall 18190
provide fingerprint or similar identifying information to the fire 18191
marshal for the purposes of determining applicant compliance with 18192
section 3743.70 of the Revised Code. The fire marshal may adopt 18193
rules under Chapter 119. of the Revised Code specifying the method 18194
to be used by the applicant to provide the fingerprint or similar 18195
identifying information, fees to be assessed by the fire marshal 18196
to conduct such background checks, and the procedures to be used 18197
by the fire marshal to verify compliance with this section. Such 18198
rules may include provisions establishing the frequency that 18199
license renewal applicants must update background check 18200
information filed by the applicant with previous license 18201
applications and provisions describing alternative forms of 18202
background check information that may be accepted by the fire 18203
marshal to verify compliance with this section. 18204

Sec. 3743.65. (A) No person shall possess fireworks in this 18205
state or shall possess for sale or sell fireworks in this state, 18206
except a licensed manufacturer of fireworks as authorized by 18207
sections 3743.02 to 3743.08 of the Revised Code, a licensed 18208
wholesaler of fireworks as authorized by sections 3743.15 to 18209
3743.21 of the Revised Code, a shipping permit holder as 18210
authorized by section 3743.40 of the Revised Code, an out-of-state 18211
resident as authorized by section 3743.44 of the Revised Code, a 18212
resident of this state as authorized by section 3743.45 of the 18213

Revised Code, or a licensed exhibitor of fireworks as authorized 18214
by sections 3743.50 to 3743.55 of the Revised Code, and except as 18215
provided in section 3743.80 of the Revised Code. 18216

(B) Except as provided in section 3743.80 of the Revised Code 18217
and except for licensed exhibitors of fireworks authorized to 18218
conduct a fireworks exhibition pursuant to sections 3743.50 to 18219
3743.55 of the Revised Code, no person shall discharge, ignite, or 18220
explode any fireworks in this state. 18221

(C) No person shall use in a theater or public hall, what is 18222
technically known as fireworks showers, or a mixture containing 18223
potassium chlorate and sulphur. 18224

(D) No person shall sell fireworks of any kind to a person 18225
under eighteen years of age. No person under eighteen years of age 18226
shall enter a fireworks sales showroom unless that person is 18227
accompanied by a parent, legal guardian, or other responsible 18228
adult. No person under eighteen years of age shall touch or 18229
possess fireworks on a licensed premises without the consent of 18230
the licensee. A licensee may eject any person from a licensed 18231
premises that is in any way disruptive to the safe operation of 18232
the premises. 18233

~~(E) No person shall advertise 1.4G fireworks for sale. A sign~~ 18234
~~located on a seller's premises identifying the seller as a seller~~ 18235
~~of fireworks is not the advertising of fireworks for sale.~~ 18236

~~(F)~~ No person, other than a licensed manufacturer, licensed 18237
wholesaler, licensed exhibitor, or shipping permit holder, shall 18238
possess 1.3G fireworks in this state. 18239

~~(G)~~~~(F)~~ Except as otherwise provided in division (J) of 18240
section 3743.06 and division (K) of section 3743.19 of the Revised 18241
Code, no person shall knowingly disable a fire suppression system 18242
as defined in section 3781.108 of the Revised Code on the premises 18243
of a fireworks plant of a licensed manufacturer of fireworks or on 18244

the premises of the business operations of a licensed wholesaler 18245
of fireworks. 18246

Sec. 3743.70. The fire marshal shall not issue an initial or 18247
a renewal of a license or, permit, or registration under this 18248
chapter on or after ~~the effective date of this section~~ June 30, 18249
1997, if the applicant for the license or permit, or any 18250
individual holding, owning, or controlling a five per cent or 18251
greater beneficial or equity interest in the applicant for the 18252
license or permit, has been convicted of or pleaded guilty to a 18253
felony under the laws of this state, another state, or the United 18254
States. The fire marshal shall revoke or deny renewal of a license 18255
or permit first issued under this chapter on or after ~~the~~ 18256
~~effective date of this section~~ June 30, 1997, if the holder of the 18257
license or permit, or any individual holding, owning, or 18258
controlling a five per cent or greater beneficial or equity 18259
interest in the holder of the license or permit, is convicted of 18260
or pleads guilty to a felony under the laws of this state, another 18261
state, or the United States. 18262

The state fire marshal may adopt rules under Chapter 119. of 18263
the Revised Code specifying the method to be used by the 18264
applicants subject to this section to provide the fingerprint or 18265
similar identifying information, fees to be assessed by the fire 18266
marshal to conduct such background checks, and the procedures to 18267
be used by the state fire marshal to verify compliance with this 18268
section. Such rules may include provisions establishing rules for 18269
conducting background checks and prohibiting licensure, permitting 18270
or registration under this chapter for persons convicted of a 18271
felony or similar offense in another country, the frequency that 18272
license renewal applicants must update background check 18273
information filed by the applicant with previous license 18274
applications, provisions describing alternative forms of 18275
background check information that may be accepted by the fire 18276

marshal to verify compliance with this section, and provisions 18277
that permit the state fire marshal to waive the applicability of 18278
this section if the applicant produces verified documentation that 18279
demonstrates that this state, another state, the United States, or 18280
another country has determined that applicant is appropriate for 18281
licensure, permitting, or registration under this chapter. 18282

Sec. 3743.99. (A) Whoever violates division (A) or (B) of 18283
section 3743.60 or division (H) of section 3743.64 of the Revised 18284
Code is guilty of a felony of the third degree. 18285

(B) Whoever violates division (C) or (D) of section 3743.60, 18286
division (A), (B), (C), or (D) of section 3743.61, or division (A) 18287
or (B) of section 3743.64 of the Revised Code is guilty of a 18288
felony of the fourth degree. 18289

(C) Whoever violates division (E), (F), (G), (H), (I), or (J) 18290
of section 3743.60, division (E), (F), (G), (H), (I), or (J) of 18291
section 3743.61, section 3743.63, division (D), (E), (F), or (G) 18292
of section 3743.64, division (A), (B), (C), (D), or ~~(F)~~(E) of 18293
section 3743.65, or section 3743.66 of the Revised Code is guilty 18294
of a misdemeanor of the first degree. If the offender previously 18295
has been convicted of or pleaded guilty to a violation of division 18296
(I) of section 3743.60 or 3743.61 of the Revised Code, a violation 18297
of either of these divisions is a felony of the fifth degree. 18298

(D) Whoever violates division (C) of section 3743.64 of the 18299
Revised Code is guilty of a misdemeanor of the first degree. In 18300
addition to any other penalties that may be imposed on a licensed 18301
exhibitor of fireworks under this division and unless the third 18302
sentence of this division applies, the person's license as an 18303
exhibitor of fireworks or as an assistant exhibitor of fireworks 18304
shall be suspended, and the person is ineligible to apply for 18305
either type of license, for a period of five years. If the 18306
violation of division (C) of section 3743.64 of the Revised Code 18307

results in serious physical harm to persons or serious physical 18308
harm to property, the person's license as an exhibitor of 18309
fireworks or as an assistant exhibitor of fireworks shall be 18310
revoked, and that person is ineligible to apply for a license as 18311
or to be licensed as an exhibitor of fireworks or as an assistant 18312
exhibitor of fireworks in this state. 18313

(E) Whoever violates division ~~(G)~~(F) of section 3743.65 of 18314
the Revised Code is guilty of a felony of the fifth degree. 18315

Sec. 3901.3814. Sections 3901.38 and 3901.381 to 3901.3813 of 18316
the Revised Code do not apply to the following: 18317

(A) Policies offering coverage that is regulated under 18318
Chapters 3935. and 3937. of the Revised Code; 18319

(B) An employer's self-insurance plan and any of its 18320
administrators, as defined in section 3959.01 of the Revised Code, 18321
to the extent that federal law supersedes, preempts, prohibits, or 18322
otherwise precludes the application of any provisions of those 18323
sections to the plan and its administrators; 18324

(C) A third-party payer for coverage provided under the 18325
medicare advantage program operated under Title XVIII of the 18326
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as 18327
amended; 18328

(D) A third-party payer for coverage provided under the 18329
medicaid program operated under Title XIX of the "Social Security 18330
Act," except that if a federal waiver applied for under section 18331
5111.178 of the Revised Code is granted or the director of job and 18332
family services determines that this provision can be implemented 18333
without a waiver, sections 3901.38 and 3901.381 to 3901.3813 of 18334
the Revised Code apply to claims submitted electronically or 18335
non-electronically that are made with respect to coverage of 18336
medicaid recipients by health insuring corporations licensed under 18337

Chapter 1751. of the Revised Code, instead of the prompt payment requirements of 42 C.F.R. 447.46;	18338 18339
(E) A third-party payer for coverage provided under the tricare program offered by the United States department of defense.	18340 18341 18342
<u>(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.</u>	18343 18344 18345
Sec. 3905.40. There shall be paid to the superintendent of insurance the following fees:	18346 18347
(A) Each insurance company doing business in this state shall pay:	18348 18349
(1) For filing a copy of its charter or deed of settlement, two hundred fifty dollars;	18350 18351
(2) For filing each statement, one hundred seventy-five dollars;	18352 18353
(3) For each certificate of authority or license, one hundred seventy-five, and for each certified copy thereof, five dollars;	18354 18355
(4) For each copy of a paper filed in the superintendent's office, twenty cents per page;	18356 18357
(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;	18358 18359 18360
(6) For issuing certificates of compliance or certified copies thereof, sixty dollars;	18361 18362
(7) For affixing the seal of office and certifying documents, other than those enumerated herein, two dollars.	18363 18364
(B) Each domestic life insurance company doing business in this state shall pay for annual valuation of its policies, one	18365 18366

cent on every one thousand dollars of insurance. 18367

(C) Each applicant for licensure as an individual insurance 18368
agent except applicants for licensure as limited lines insurance 18369
agents and surplus line brokers shall pay ten dollars ~~before~~ 18370
~~admission to any examination required by the superintendent. Such~~ 18371
~~fee shall not be paid by the appointing insurance company for each~~ 18372
line of authority requested. Fees collected under this division 18373
shall be credited to the department of insurance operating fund 18374
created in section 3901.021 of the Revised Code. 18375

(D) Each domestic mutual life insurance company shall pay for 18376
verifying that any amendment to its articles of incorporation was 18377
regularly adopted, two hundred fifty dollars with each application 18378
for verification. Any such amendment shall be considered to have 18379
been regularly adopted when approved by the affirmative vote of 18380
two-thirds of the policyholders present in person or by proxy at 18381
any annual meeting of policyholders or at a special meeting of 18382
policyholders called for that purpose. 18383

Sec. 3923.281. (A) As used in this section: 18384

(1) "Biologically based mental illness" means schizophrenia, 18385
schizoaffective disorder, major depressive disorder, bipolar 18386
disorder, paranoia and other psychotic disorders, 18387
obsessive-compulsive disorder, and panic disorder, as these terms 18388
are defined in the most recent edition of the diagnostic and 18389
statistical manual of mental disorders published by the American 18390
psychiatric association. 18391

(2) "Policy of sickness and accident insurance" has the same 18392
meaning as in section 3923.01 of the Revised Code, but excludes 18393
any hospital indemnity, medicare supplement, long-term care, 18394
disability income, one-time-limited-duration policy of not longer 18395
than six months, supplemental benefit, or other policy that 18396
provides coverage for specific diseases or accidents only; any 18397

policy that provides coverage for workers' compensation claims 18398
compensable pursuant to Chapters 4121. and 4123. of the Revised 18399
Code; ~~and~~ any policy that provides coverage to beneficiaries 18400
enrolled in Title XIX of the "Social Security Act," 49 Stat. 620 18401
(1935), 42 U.S.C.A. 301, as amended, known as the medical 18402
assistance program or medicaid, as provided by the Ohio department 18403
of job and family services under Chapter 5111. of the Revised 18404
Code; and any policy that provides coverage to beneficiaries 18405
enrolled in the children's buy-in program established under 18406
sections 5101.5211 to 5101.5216 of the Revised Code. 18407

(B) Notwithstanding section 3901.71 of the Revised Code, and 18408
subject to division (E) of this section, every policy of sickness 18409
and accident insurance shall provide benefits for the diagnosis 18410
and treatment of biologically based mental illnesses on the same 18411
terms and conditions as, and shall provide benefits no less 18412
extensive than, those provided under the policy of sickness and 18413
accident insurance for the treatment and diagnosis of all other 18414
physical diseases and disorders, if both of the following apply: 18415
18416

(1) The biologically based mental illness is clinically 18417
diagnosed by a physician authorized under Chapter 4731. of the 18418
Revised Code to practice medicine and surgery or osteopathic 18419
medicine and surgery; a psychologist licensed under Chapter 4732. 18420
of the Revised Code; a professional clinical counselor, 18421
professional counselor, or independent social worker licensed 18422
under Chapter 4757. of the Revised Code; or a clinical nurse 18423
specialist licensed under Chapter 4723. of the Revised Code whose 18424
nursing specialty is mental health. 18425

(2) The prescribed treatment is not experimental or 18426
investigational, having proven its clinical effectiveness in 18427
accordance with generally accepted medical standards. 18428

(C) Division (B) of this section applies to all coverages and 18429

terms and conditions of the policy of sickness and accident 18430
insurance, including, but not limited to, coverage of inpatient 18431
hospital services, outpatient services, and medication; maximum 18432
lifetime benefits; copayments; and individual and family 18433
deductibles. 18434

(D) Nothing in this section shall be construed as prohibiting 18435
a sickness and accident insurance company from taking any of the 18436
following actions: 18437

(1) Negotiating separately with mental health care providers 18438
with regard to reimbursement rates and the delivery of health care 18439
services; 18440

(2) Offering policies that provide benefits solely for the 18441
diagnosis and treatment of biologically based mental illnesses; 18442

(3) Managing the provision of benefits for the diagnosis or 18443
treatment of biologically based mental illnesses through the use 18444
of pre-admission screening, by requiring beneficiaries to obtain 18445
authorization prior to treatment, or through the use of any other 18446
mechanism designed to limit coverage to that treatment determined 18447
to be necessary; 18448

(4) Enforcing the terms and conditions of a policy of 18449
sickness and accident insurance. 18450

(E) An insurer that offers any policy of sickness and 18451
accident insurance is not required to provide benefits for the 18452
diagnosis and treatment of biologically based mental illnesses 18453
pursuant to division (B) of this section if all of the following 18454
apply: 18455

(1) The insurer submits documentation certified by an 18456
independent member of the American academy of actuaries to the 18457
superintendent of insurance showing that incurred claims for 18458
diagnostic and treatment services for biologically based mental 18459
illnesses for a period of at least six months independently caused 18460

the insurer's costs for claims and administrative expenses for the 18461
coverage of all other physical diseases and disorders to increase 18462
by more than one per cent per year. 18463

(2) The insurer submits a signed letter from an independent 18464
member of the American academy of actuaries to the superintendent 18465
of insurance opining that the increase described in division 18466
(E)(1) of this section could reasonably justify an increase of 18467
more than one per cent in the annual premiums or rates charged by 18468
the insurer for the coverage of all other physical diseases and 18469
disorders. 18470

(3) The superintendent of insurance makes the following 18471
determinations from the documentation and opinion submitted 18472
pursuant to divisions (E)(1) and (2) of this section: 18473

(a) Incurred claims for diagnostic and treatment services for 18474
biologically based mental illnesses for a period of at least six 18475
months independently caused the insurer's costs for claims and 18476
administrative expenses for the coverage of all other physical 18477
diseases and disorders to increase by more than one per cent per 18478
year. 18479

(b) The increase in costs reasonably justifies an increase of 18480
more than one per cent in the annual premiums or rates charged by 18481
the insurer for the coverage of all other physical diseases and 18482
disorders. 18483

Any determination made by the superintendent under this 18484
division is subject to Chapter 119. of the Revised Code. 18485

Sec. 3923.443. (A)(1) No agent shall sell, solicit, or 18486
negotiate long-term care insurance on or after September 1, 2008, 18487
without completing an initial eight-hour partnership program 18488
training course as described in division (B) of this section. 18489

(2)(a) Any agent that sells, solicits, or negotiates any 18490

long-term care insurance shall complete at least four hours of 18491
continuing education in every twenty-four-month period commencing 18492
on the first day of January of the year immediately following the 18493
year of the issuance of the agent's license. 18494

(b) No agent shall fail to complete the continuing education 18495
requirements in division (A)(2)(a) of this section in the 18496
twenty-four-month period described in that division. 18497

(B) The initial training course and continuing education 18498
required under division (A) of this section may be approved by the 18499
superintendent of insurance as continuing education courses under 18500
sections 3905.481 to 3905.486 of the Revised Code and shall 18501
consist of combined topics related to long-term care insurance, 18502
long-term care services, and state long-term care insurance 18503
partnership programs, including all of the following: 18504

(1) State and federal regulations and requirements and the 18505
relationship between state long-term care insurance partnership 18506
programs and other public and private coverage of long-term care 18507
services, including medicaid; 18508

(2) Available long-term care services and providers; 18509

(3) Changes or improvements in long-term care services or 18510
providers; 18511

(4) Alternatives to the purchase of private long-term care 18512
insurance; 18513

(5) The effect of inflation on benefits and the importance of 18514
inflation protection; 18515

(6) Consumer suitability standards and guidelines; 18516

(7) Any other topics required by the superintendent. 18517

(C) The initial training and continuing education required by 18518
division (A) of this section shall not include training that is 18519
specific to a particular insurer or company product or that 18520

includes any sales or marketing information, materials, or 18521
training other than those required by state or federal law. 18522

(D) ~~An~~ A resident agent shall satisfy the training and 18523
continuing education required by division (A) of this section by 18524
completing long-term care courses that are approved by the 18525
superintendent. A nonresident agent may ~~complete~~ satisfy the 18526
training and continuing education required by division (A) of this 18527
section by completing ~~partnership program~~ the training 18528
requirements in any other state, provided that the course is 18529
approved for credit by the ~~superintendent~~ insurance department of 18530
that state prior to the agent taking the course. 18531

(E) Each insurer shall ~~maintain~~ obtain records of the initial 18532
training and continuing education completed by agents of that 18533
insurer pursuant to division (A) of this section as well as the 18534
training completed by the insurer's agents concerning the 18535
distribution of the insurer's partnership program policies and 18536
shall make those records available to the superintendent upon 18537
request. 18538

(F) ~~The superintendent shall certify to the director of job~~ 18539
~~and family services that the superintendent has verified that all~~ 18540
~~agents selling, soliciting, or negotiating long term care~~ 18541
~~insurance in Ohio have completed the training and continuing~~ 18542
~~education required by division (A) of this section including~~ 18543
~~training concerning~~ Each insurer shall maintain records with 18544
respect to the training of its agents concerning the distribution 18545
of the insurer's partnership program policies. Each insurer shall 18546
provide documentation to the superintendent that will allow the 18547
superintendent to provide assurance to the director of job and 18548
family services that agents have received the training required by 18549
this section and that agents have demonstrated an understanding of 18550
the partnership program policies and their relationship to public 18551
and private coverage of long-term care in this state, including 18552

medicaid. The superintendent may audit each insurer's records 18553
annually to verify that the insurer is maintaining the records 18554
required by this division. The superintendent shall make the 18555
records provided to the superintendent pursuant to division (E) of 18556
this section available to the director. 18557

Sec. 3925.101. With the approval of the superintendent of 18558
insurance, sections 3925.06 to 3925.09 and 3925.20 of the Revised 18559
Code shall not apply to a domestic insurance company that 18560
qualifies as a foreign country branch of a United States company 18561
that writes policies exclusively in countries other than the 18562
United States if those other countries have laws pertaining to 18563
insurance company investments and the foreign country branch is 18564
required to comply with those laws. 18565

Sec. 3961.04. (A) A discount medical plan organization or 18566
marketer shall disclose all of the following information in 18567
writing in not less than twelve-point type on the first content 18568
page of any advertisements, marketing materials, or brochures made 18569
available to the public relating to a discount medical plan and 18570
with any enrollment forms: 18571

(1) A statement that the discount medical plan is not 18572
insurance; 18573

(2) A statement that the range of discounts for medical 18574
services offered under the discount medical plan will vary 18575
depending on the type of provider and medical services; 18576

(3) A statement that the discount medical plan is prohibited 18577
from making members' payments to providers for medical services 18578
received under the discount medical plan; 18579

(4) A statement that the member is obligated to pay for all 18580
discounted medical services received under the discount medical 18581
plan; 18582

(5) The discount medical plan organization's toll-free 18583
telephone number and internet web site address that a member or 18584
prospective member may use to obtain additional information about 18585
and assistance with the discount medical plan and up-to-date lists 18586
of providers participating in the discount medical plan. 18587

(B) If a discount medical plan organization's or marketer's 18588
initial contact with a prospective member is by telephone, the 18589
organization or marketer shall disclose all of the information 18590
listed in division (A) of this section orally in addition to 18591
including such disclosures in the initial written materials 18592
provided to the prospective or new member. 18593

(C) In addition to the disclosures required under division 18594
(A) of this section, a discount medical plan organization shall 18595
provide to each prospective member, at the time of enrollment, a 18596
copy of the terms and conditions of the discount medical plan, 18597
including any limitations or restrictions on the refund of any 18598
processing fees or periodic charges associated with the discount 18599
medical plan. A discount medical plan organization also shall 18600
provide each new member a written document containing the terms 18601
and conditions of the discount medical plan and including all of 18602
the following: 18603

(1) Name of the member; 18604

(2) Benefits provided under the discount medical plan; 18605

(3) Any processing fees and periodic charges associated with 18606
the discount medical plan, including, but not limited to, if 18607
applicable, the procedures for changing the mode of payment and 18608
any accompanying additional charges; 18609

(4) Any limitations, exclusions, or exceptions regarding the 18610
receipt of discount medical plan benefits; 18611

(5) Any waiting periods for certain medical services under 18612
the discount medical plan; 18613

(6) Procedures for obtaining discounts under the discount medical plan, such as requiring members to contact the discount medical plan organization to request that the organization make an appointment with a provider on the member's behalf;	18614 18615 18616 18617
(7) Cancellation and refund rights described in section 3961.06 of the Revised Code;	18618 18619
(8) Membership renewal, termination, and cancellation terms and conditions;	18620 18621
(9) Procedures for adding new family members to the discount medical plan;	18622 18623
(10) Procedures for filing complaints under the discount medical plan organization's complaint system and a statement explaining that, if the member remains dissatisfied after completing the organization's complaint system, the member may contact the department of insurance;	18624 18625 18626 18627 18628
(11) Name, mailing address, and toll-free telephone number of the discount medical plan organization that a member may use to make inquiries about the discount medical plan, send cancellation notices, and file complaints.	18629 18630 18631 18632
(D) A discount medical plan organization shall maintain on an internet web site page an up-to-date list of the names and addresses of the providers with which the organization has contracted directly or indirectly through a provider network. The organization's internet web site address shall be prominently displayed on all of the organization's advertisements, marketing materials, brochures, and discount medical plan cards.	18633 18634 18635 18636 18637 18638 18639
(E) When a discount medical plan organization or marketer sells a discount medical plan together with any other product, the organization or marketer shall do either of the following:	18640 18641 18642
(1) Provide the charges for each discount medical plan in	18643

writing to the member; 18644

(2) Reimburse the member for all periodic charges for the 18645
discount medical plan and all periodic charges for any other 18646
product if the member cancels ~~his or her~~ membership in accordance 18647
with division (B) of section ~~3901.06~~ 3961.06 of the Revised Code. 18648

Sec. 4112.12. (A) There is hereby created the commission on 18649
African-American males, which shall consist of not more than 18650
~~twenty-three~~ twenty-five members as follows: the directors or 18651
their designees of the departments of health, development, alcohol 18652
and drug addiction services, and job and family services; the 18653
equal employment opportunity officer of the department of 18654
administrative services or the equal employment opportunity 18655
officer's designee; the executive director or the executive 18656
director's designee of the Ohio civil rights commission; the 18657
executive director or the executive director's designee of the 18658
division of criminal justice services in the department of public 18659
safety; the superintendent of public instruction; the chancellor 18660
or the chancellor's designee of the Ohio board of regents; two 18661
members of the house of representatives appointed by the speaker 18662
of the house of representatives each of whom shall be members of 18663
different political parties; and two members of the senate 18664
appointed by the president of the senate each of whom shall be 18665
members of different political parties. The members who are 18666
members of the general assembly shall be nonvoting members. The 18667
Ohio state university African American and African studies 18668
community extension center, in consultation with the governor, 18669
shall appoint ~~two~~ four members from the private corporate sector, 18670
at least four members from the public sector, and two members from 18671
the nonprofit sector. 18672

(B) Terms of office shall be for three years, except that 18673
members of the general assembly appointed to the commission shall 18674

be members only so long as they are members of the general 18675
assembly. Each term ends on the same day of the same month as did 18676
the term that it succeeds. Each member shall hold office from the 18677
date of appointment until the end of the term for which the member 18678
was appointed. Members may be reappointed. Vacancies shall be 18679
filled in the manner provided for original appointments. Any 18680
member appointed to fill a vacancy occurring prior to the 18681
expiration date of the term for which the member's predecessor was 18682
appointed shall hold office as a member for the remainder of that 18683
term. A member shall continue in office subsequent to the 18684
expiration date of the member's term until the member's successor 18685
takes office or until a period of sixty days has elapsed, 18686
whichever occurs first. 18687

The commission annually shall elect a chairperson from among 18688
its members. 18689

(C) Members of the commission and members of subcommittees 18690
appointed under division (B) of section 4112.13 of the Revised 18691
Code shall not be compensated, but shall be reimbursed for their 18692
necessary and actual expenses incurred in the performance of their 18693
official duties. 18694

(D) The Ohio state university African American and African 18695
studies community extension center, in consultation with the 18696
governor, shall appoint an executive director of the commission on 18697
African-American males, who shall be in the unclassified civil 18698
service. The executive director shall supervise the commission's 18699
activities and report to the commission and to the Ohio state 18700
university African American and African studies community 18701
extension center on the progress of those activities. The 18702
executive director shall do all things necessary for the efficient 18703
and effective implementation of the duties of the commission. 18704

The responsibilities assigned to the executive director do 18705
18706

not relieve the members of the commission from final 18707
responsibility for the proper performance of the requirements of 18708
this division. 18709

(E) The commission on African-American males shall do all of 18710
the following: 18711

(1) Employ, promote, supervise, and remove all employees, as 18712
needed, in connection with the performance of its duties under 18713
this section; 18714

(2) Maintain its office in Columbus; 18715

(3) Acquire facilities, equipment, and supplies necessary to 18716
house the commission, its employees, and files and records under 18717
its control, and to discharge any duty imposed upon it by law. The 18718
expense of these acquisitions shall be audited and paid for in the 18719
same manner as other state expenses. 18720

(4) Establish the overall policy and management of the 18721
commission in accordance with this chapter; 18722

(5) Follow all state procurement requirements; 18723

(6) Implement the policies and plans of the Ohio state 18724
university African American and African studies community 18725
extension center as those policies and plans are formulated and 18726
adopted by the Ohio state university African American and African 18727
studies community extension center; 18728

(7) Report to the Ohio state university African American and 18729
African studies community extension center on the progress of the 18730
commission on African-American males in implementing the policies 18731
and plans of the Ohio state university African American and 18732
African studies community extension center. 18733

(F) The commission on African-American males may: 18734

(1) Hold sessions at any place within the state, except that 18735
the commission on African-American males shall meet at least 18736

quarterly; 18737

(2) Establish, change, or abolish positions, and assign and 18738
reassign duties and responsibilities of any employee of the 18739
commission on African-American males as necessary to achieve the 18740
most efficient performance of its functions. 18741

(G) The Ohio state university African American and African 18742
studies community extension center shall establish the overall 18743
policy and management of the commission on African-American males 18744
and shall direct, manage, and oversee the commission. The Ohio 18745
state university African American and African studies community 18746
extension center shall develop overall policies and plans, and the 18747
commission on African-American males shall implement those 18748
policies and plans. The commission on African-American males, 18749
through its executive director, shall keep the Ohio state 18750
university African American and African studies community 18751
extension center informed as to the activities of the commission 18752
on African-American males in such manner and at such times as the 18753
Ohio state university African American and African studies 18754
community extension center shall determine. 18755

The Ohio state university African American and African 18756
studies community extension center may prescribe duties and 18757
responsibilities of the commission on African-American males in 18758
addition to those prescribed in section 4112.13 of the Revised 18759
Code. 18760

(H) The Ohio state university African American and African 18761
studies community extension center annually shall contract for a 18762
report on the status of ~~African-Americans~~ African Americans in 18763
this state. Issues to be evaluated in the report shall include the 18764
criminal justice system, education, employment, health care, and 18765
housing, and such other issues as the Ohio state university 18766
African American and African studies community extension center 18767
may specify. The report shall include policy recommendations 18768

relating to the issues covered in the report. 18769

Sec. 4117.14. (A) The procedures contained in this section 18770
govern the settlement of disputes between an exclusive 18771
representative and a public employer concerning the termination or 18772
modification of an existing collective bargaining agreement or 18773
negotiation of a successor agreement, or the negotiation of an 18774
initial collective bargaining agreement. 18775

(B)(1) In those cases where there exists a collective 18776
bargaining agreement, any public employer or exclusive 18777
representative desiring to terminate, modify, or negotiate a 18778
successor collective bargaining agreement shall: 18779

(a) Serve written notice upon the other party of the proposed 18780
termination, modification, or successor agreement. The party must 18781
serve the notice not less than sixty days prior to the expiration 18782
date of the existing agreement or, in the event the existing 18783
collective bargaining agreement does not contain an expiration 18784
date, not less than sixty days prior to the time it is proposed to 18785
make the termination or modifications or to make effective a 18786
successor agreement. 18787

(b) Offer to bargain collectively with the other party for 18788
the purpose of modifying or terminating any existing agreement or 18789
negotiating a successor agreement; 18790

(c) Notify the state employment relations board of the offer 18791
by serving upon the board a copy of the written notice to the 18792
other party and a copy of the existing collective bargaining 18793
agreement. 18794

(2) In the case of initial negotiations between a public 18795
employer and an exclusive representative, where a collective 18796
bargaining agreement has not been in effect between the parties, 18797
any party may serve notice upon the board and the other party 18798

setting forth the names and addresses of the parties and offering 18799
to meet, for a period of ninety days, with the other party for the 18800
purpose of negotiating a collective bargaining agreement. 18801

If the settlement procedures specified in divisions (B), (C), 18802
and (D) of this section govern the parties, where those procedures 18803
refer to the expiration of a collective bargaining agreement, it 18804
means the expiration of the sixty-day period to negotiate a 18805
collective bargaining agreement referred to in this subdivision, 18806
or in the case of initial negotiations, it means the ninety day 18807
period referred to in this subdivision. 18808

(3) The parties shall continue in full force and effect all 18809
the terms and conditions of any existing collective bargaining 18810
agreement, without resort to strike or lock-out, for a period of 18811
sixty days after the party gives notice or until the expiration 18812
date of the collective bargaining agreement, whichever occurs 18813
later, or for a period of ninety days where applicable. 18814

(4) Upon receipt of the notice, the parties shall enter into 18815
collective bargaining. 18816

(C) In the event the parties are unable to reach an 18817
agreement, they may submit, at any time prior to forty-five days 18818
before the expiration date of the collective bargaining agreement, 18819
the issues in dispute to any mutually agreed upon dispute 18820
settlement procedure which supersedes the procedures contained in 18821
this section. 18822

(1) The procedures may include: 18823

(a) Conventional arbitration of all unsettled issues; 18824

(b) Arbitration confined to a choice between the last offer 18825
of each party to the agreement as a single package; 18826

(c) Arbitration confined to a choice of the last offer of 18827
each party to the agreement on each issue submitted; 18828

(d) The procedures described in division (C)(1)(a), (b), or 18829
(c) of this section and including among the choices for the 18830
arbitrator, the recommendations of the fact finder, if there are 18831
recommendations, either as a single package or on each issue 18832
submitted; 18833

(e) Settlement by a citizens' conciliation council composed 18834
of three residents within the jurisdiction of the public employer. 18835
The public employer shall select one member and the exclusive 18836
representative shall select one member. The two members selected 18837
shall select the third member who shall chair the council. If the 18838
two members cannot agree upon a third member within five days 18839
after their appointments, the board shall appoint the third 18840
member. Once appointed, the council shall make a final settlement 18841
of the issues submitted to it pursuant to division (G) of this 18842
section. 18843

(f) Any other dispute settlement procedure mutually agreed to 18844
by the parties. 18845

(2) If, fifty days before the expiration date of the 18846
collective bargaining agreement, the parties are unable to reach 18847
an agreement, any party may request the state employment relations 18848
board to intervene. The request shall set forth the names and 18849
addresses of the parties, the issues involved, and, if applicable, 18850
the expiration date of any agreement. 18851

The board shall intervene and investigate the dispute to 18852
determine whether the parties have engaged in collective 18853
bargaining. 18854

If an impasse exists or forty-five days before the expiration 18855
date of the collective bargaining agreement if one exists, the 18856
board shall appoint a mediator to assist the parties in the 18857
collective bargaining process. 18858

(3) Any time after the appointment of a mediator, either 18859

party may request the appointment of a fact-finding panel. Within 18860
fifteen days after receipt of a request for a fact-finding panel, 18861
the board shall appoint a fact-finding panel of not more than 18862
three members who have been selected by the parties in accordance 18863
with rules established by the board, from a list of qualified 18864
persons maintained by the board. 18865

(a) The fact-finding panel shall, in accordance with rules 18866
and procedures established by the board that include the 18867
regulation of costs and expenses of fact-finding, gather facts and 18868
make recommendations for the resolution of the matter. The board 18869
shall by its rules require each party to specify in writing the 18870
unresolved issues and its position on each issue to the 18871
fact-finding panel. The fact-finding panel shall make final 18872
recommendations as to all the unresolved issues. 18873

(b) The board may continue mediation, order the parties to 18874
engage in collective bargaining until the expiration date of the 18875
agreement, or both. 18876

(4) The following guidelines apply to fact-finding: 18877

(a) The fact-finding panel may establish times and place of 18878
hearings which shall be, where feasible, in the jurisdiction of 18879
the state. 18880

(b) The fact-finding panel shall conduct the hearing pursuant 18881
to rules established by the board. 18882

(c) Upon request of the fact-finding panel, the board shall 18883
issue subpoenas for hearings conducted by the panel. 18884

(d) The fact-finding panel may administer oaths. 18885

(e) The board shall prescribe guidelines for the fact-finding 18886
panel to follow in making findings. In making its recommendations, 18887
the fact-finding panel shall take into consideration the factors 18888
listed in divisions (G)(7)(a) to (f) of this section. 18889

(f) The fact-finding panel may attempt mediation at any time 18890
during the fact-finding process. From the time of appointment 18891
until the fact-finding panel makes a final recommendation, it 18892
shall not discuss the recommendations for settlement of the 18893
dispute with parties other than the direct parties to the dispute. 18894

(5) The fact-finding panel, acting by a majority of its 18895
members, shall transmit its findings of fact and recommendations 18896
on the unresolved issues to the public employer and employee 18897
organization involved and to the board no later than fourteen days 18898
after the appointment of the fact-finding panel, unless the 18899
parties mutually agree to an extension. The parties shall share 18900
the cost of the fact-finding panel in a manner agreed to by the 18901
parties. 18902

(6)(a) Not later than seven days after the findings and 18903
recommendations are sent, the legislative body, by a three-fifths 18904
vote of its total membership, and in the case of the public 18905
employee organization, the membership, by a three-fifths vote of 18906
the total membership, may reject the recommendations; if neither 18907
rejects the recommendations, the recommendations shall be deemed 18908
agreed upon as the final resolution of the issues submitted and a 18909
collective bargaining agreement shall be executed between the 18910
parties, including the fact-finding panel's recommendations, 18911
except as otherwise modified by the parties by mutual agreement. 18912
If either the legislative body or the public employee organization 18913
rejects the recommendations, the board shall publicize the 18914
findings of fact and recommendations of the fact-finding panel. 18915
The board shall adopt rules governing the procedures and methods 18916
for public employees to vote on the recommendations of the 18917
fact-finding panel. 18918

(b) As used in division (C)(6)(a) of this section, 18919
"legislative body" means the controlling board when the state or 18920
any of its agencies, authorities, commissions, boards, or other 18921

branch of public employment is party to the fact-finding process. 18922

(D) If the parties are unable to reach agreement within seven 18923
days after the publication of findings and recommendations from 18924
the fact-finding panel or the collective bargaining agreement, if 18925
one exists, has expired, then the: 18926

(1) Public employees, who are members of a police or fire 18927
department, members of the state highway patrol, deputy sheriffs, 18928
dispatchers employed by a police, fire or sheriff's department or 18929
the state highway patrol or civilian dispatchers employed by a 18930
public employer other than a police, fire, or sheriff's department 18931
to dispatch police, fire, sheriff's department, or emergency 18932
medical or rescue personnel and units, an exclusive nurse's unit, 18933
employees of the state school for the deaf or the state school for 18934
the blind, employees of any public employee retirement system, 18935
corrections officers, guards at penal or mental institutions, 18936
special police officers appointed in accordance with sections 18937
5119.14 and 5123.13 of the Revised Code, psychiatric attendants 18938
employed at mental health forensic facilities, ~~or~~ youth leaders 18939
employed at juvenile correctional facilities, or members of a law 18940
enforcement security force that is established and maintained 18941
exclusively by a board of county commissioners and whose members 18942
are employed by that board, shall submit the matter to a final 18943
offer settlement procedure pursuant to a board order issued 18944
forthwith to the parties to settle by a conciliator selected by 18945
the parties. The parties shall request from the board a list of 18946
five qualified conciliators and the parties shall select a single 18947
conciliator from the list by alternate striking of names. If the 18948
parties cannot agree upon a conciliator within five days after the 18949
board order, the board shall on the sixth day after its order 18950
appoint a conciliator from a list of qualified persons maintained 18951
by the board or shall request a list of qualified conciliators 18952
from the American arbitration association and appoint therefrom. 18953

(2) Public employees other than those listed in division 18954
(D)(1) of this section have the right to strike under Chapter 18955
4117. of the Revised Code provided that the employee organization 18956
representing the employees has given a ten-day prior written 18957
notice of an intent to strike to the public employer and to the 18958
board, and further provided that the strike is for full, 18959
consecutive work days and the beginning date of the strike is at 18960
least ten work days after the ending date of the most recent prior 18961
strike involving the same bargaining unit; however, the board, at 18962
its discretion, may attempt mediation at any time. 18963

(E) Nothing in this section shall be construed to prohibit 18964
the parties, at any time, from voluntarily agreeing to submit any 18965
or all of the issues in dispute to any other alternative dispute 18966
settlement procedure. An agreement or statutory requirement to 18967
arbitrate or to settle a dispute pursuant to a final offer 18968
settlement procedure and the award issued in accordance with the 18969
agreement or statutory requirement is enforceable in the same 18970
manner as specified in division (B) of section 4117.09 of the 18971
Revised Code. 18972

(F) Nothing in this section shall be construed to prohibit a 18973
party from seeking enforcement of a collective bargaining 18974
agreement or a conciliator's award as specified in division (B) of 18975
section 4117.09 of the Revised Code. 18976

(G) The following guidelines apply to final offer settlement 18977
proceedings under division (D)(1) of this section: 18978

(1) The parties shall submit to final offer settlement those 18979
issues that are subject to collective bargaining as provided by 18980
section 4117.08 of the Revised Code and upon which the parties 18981
have not reached agreement and other matters mutually agreed to by 18982
the public employer and the exclusive representative; except that 18983
the conciliator may attempt mediation at any time. 18984

(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.

(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.

(4) Upon the request by the conciliator, the board shall issue subpoenas for the hearing.

(5) The conciliator may administer oaths.

(6) The conciliator shall hear testimony from the parties and provide for a written record to be made of all statements at the hearing. The board shall submit for inclusion in the record and for consideration by the conciliator the written report and recommendation of the fact-finders.

(7) After hearing, the conciliator shall resolve the dispute between the parties by selecting, on an issue-by-issue basis, from between each of the party's final settlement offers, taking into consideration the following:

(a) Past collectively bargained agreements, if any, between the parties;

(b) Comparison of the issues submitted to final offer settlement relative to the employees in the bargaining unit involved with those issues related to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification involved;

(c) The interests and welfare of the public, the ability of the public employer to finance and administer the issues proposed, and the effect of the adjustments on the normal standard of public service; 19015
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(d) The lawful authority of the public employer; 19019

(e) The stipulations of the parties; 19020

(f) Such other factors, not confined to those listed in this section, which are normally or traditionally taken into consideration in the determination of the issues submitted to final offer settlement through voluntary collective bargaining, mediation, fact-finding, or other impasse resolution procedures in the public service or in private employment. 19021
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(8) Final offer settlement awards made under Chapter 4117. of the Revised Code are subject to Chapter 2711. of the Revised Code. 19027
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(9) If more than one conciliator is used, the determination must be by majority vote. 19029
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(10) The conciliator shall make written findings of fact and promulgate a written opinion and order upon the issues presented to the conciliator, and upon the record made before the conciliator and shall mail or otherwise deliver a true copy thereof to the parties and the board. 19031
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(11) Increases in rates of compensation and other matters with cost implications awarded by the conciliator may be effective only at the start of the fiscal year next commencing after the date of the final offer settlement award; provided that if a new fiscal year has commenced since the issuance of the board order to submit to a final offer settlement procedure, the awarded increases may be retroactive to the commencement of the new fiscal year. The parties may, at any time, amend or modify a conciliator's award or order by mutual agreement. 19036
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(12) The parties shall bear equally the cost of the final offer settlement procedure. 19045
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(13) Conciliators appointed pursuant to this section shall be residents of the state. 19047
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(H) All final offer settlement awards and orders of the conciliator made pursuant to Chapter 4117. of the Revised Code are subject to review by the court of common pleas having jurisdiction over the public employer as provided in Chapter 2711. of the Revised Code. If the public employer is located in more than one court of common pleas district, the court of common pleas in which the principal office of the chief executive is located has jurisdiction. 19049
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(I) The issuance of a final offer settlement award constitutes a binding mandate to the public employer and the exclusive representative to take whatever actions are necessary to implement the award. 19057
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Sec. 4117.15. (A) Whenever a strike by members of a police or fire department, members of the state highway patrol, deputy sheriffs, dispatchers employed by a police, fire or sheriff's department or the state highway patrol or civilian dispatchers employed by a public employer other than a police, fire, or sheriff's department to dispatch police, fire, sheriff's department, or emergency medical or rescue personnel and units, an exclusive nurse's unit, employees of the state school for the deaf or the state school for the blind, employees of any public employee retirement system, correction officers, guards at penal or mental institutions, or special ~~policemen or policewomen~~ police officers appointed in accordance with sections 5119.14 and 5123.13 of the Revised Code, psychiatric attendants employed at mental health forensic facilities, youth leaders employed at juvenile correctional facilities, or members of a law enforcement security 19061
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force that is established and maintained exclusively by a board of 19076
county commissioners and whose members are employed by that board, 19077
a strike by other public employees during the pendency of the 19078
settlement procedures set forth in section 4117.14 of the Revised 19079
Code, or a strike during the term or extended term of a collective 19080
bargaining agreement occurs, the public employer may seek an 19081
injunction against the strike in the court of common pleas of the 19082
county in which the strike is located. 19083

(B) An unfair labor practice by a public employer is not a 19084
defense to the injunction proceeding noted in division (A) of this 19085
section. Allegations of unfair labor practices during the 19086
settlement procedures set forth in section 4117.14 of the Revised 19087
Code shall receive priority by the state employment relations 19088
board. 19089

(C) No public employee is entitled to pay or compensation 19090
from the public employer for the period engaged in any strike. 19091

Sec. 4123.26. Every employer shall keep records of, and 19092
furnish to the bureau of workers' compensation upon request, all 19093
information required by the administrator of workers' compensation 19094
to carry out this chapter. In January of each year, every employer 19095
of the state employing one or more employees regularly in the same 19096
business, or in or about the same establishment, shall prepare and 19097
mail to the bureau at its main office in Columbus a statement 19098
containing the following information, as applicable: 19099

(A) The number of employees employed during the preceding 19100
year from the first day of January through the thirty-first day of 19101
December; 19102

(B) The number of such employees employed at each kind of 19103
employment and the aggregate amount of wages paid to such 19104
employees; 19105

(C) In accordance with the rules adopted by the administrator 19106
pursuant to division (D) of section 4123.32 of the Revised Code, 19107
if the employer employs employees who are covered under the 19108
federal "Longshore and Harbor Workers' Compensation Act," 98 Stat. 19109
1639, 33 U.S.C. 901 et seq., and under this chapter and Chapter 19110
4121. of the Revised Code, both of the following amounts: 19111

(1) The amount of wages the employer pays to those employees 19112
when the employees perform labor and provide services for which 19113
the employees are eligible to receive compensation and benefits 19114
under the federal "Longshore and Harbor Workers' Compensation 19115
Act;" 19116

(2) The amount of wages the employer pays to those employees 19117
when the employees perform labor and provide services for which 19118
the employees are eligible to receive compensation and benefits 19119
under this chapter and Chapter 4121. of the Revised Code. 19120

The allocation of wages identified by the employer pursuant 19121
to divisions (C)(1) and (2) of this section shall not be presumed 19122
to be an indication of the law under which an employee is eligible 19123
to receive compensation and benefits. 19124

The information shall be furnished on a blank to be prepared 19125
by the bureau. The bureau shall furnish the blanks to employers 19126
free of charge upon request therefor. Every employer receiving 19127
from the bureau any blank, with directions to fill out the same, 19128
shall cause the same to be properly filled out so as to answer 19129
fully and correctly all questions therein propounded, and give all 19130
the information therein sought, or if unable to do so, ~~he~~ the 19131
employer shall give to the bureau in writing good and sufficient 19132
reasons for such failure. The bureau may require that the 19133
information required to be furnished be verified under oath and 19134
returned to the bureau within the period fixed by it or by law. 19135
The bureau or any person employed by the bureau for that purpose, 19136
may examine, under oath, any employer, or the officer, agent, or 19137

employee thereof, for the purpose of ascertaining any information 19138
which the employer is required to furnish to the bureau. 19139

No employer shall fail to furnish to the bureau the annual 19140
statement required by this section, nor shall any employer fail to 19141
keep records of or furnish such other information as may be 19142
required by the bureau under this section. 19143

Whoever violates this section shall forfeit five hundred 19144
dollars, to be collected in a civil action brought against the 19145
employer in the name of the state, to be paid into the state 19146
insurance fund and become a part thereof. 19147

Sec. 4123.32. The administrator of workers' compensation, 19148
with the advice and consent of the bureau of workers' compensation 19149
board of directors, shall adopt rules with respect to the 19150
collection, maintenance, and disbursements of the state insurance 19151
fund including all of the following: 19152

(A) A rule providing that the premium security deposit 19153
collected from any employer entitles the employer to the benefits 19154
of this chapter for the remainder of the six months and also for 19155
an additional adjustment period of two months, and, thereafter, if 19156
the employer pays the premium due at the close of any six-month 19157
period, coverage shall be extended for an additional eight-month 19158
period beginning from the end of the six-month period for which 19159
the employer pays the premium due; 19160

(B) A rule providing for ascertaining the correctness of any 19161
employer's report of estimated or actual expenditure of wages and 19162
the determination and adjustment of proper premiums and the 19163
payment of those premiums by the employer for or during any period 19164
less than eight months and notwithstanding any payment or 19165
determination of premium made when exceptional conditions or 19166
circumstances in the judgment of the administrator justify the 19167
action; 19168

(C) Such special rules as the administrator considers 19169
necessary to safeguard the fund and that are just in the 19170
circumstances, covering the rates to be applied where one employer 19171
takes over the occupation or industry of another or where an 19172
employer first makes application for state insurance, and the 19173
administrator may require that if any employer transfers a 19174
business in whole or in part or otherwise reorganizes the 19175
business, the successor in interest shall assume, in proportion to 19176
the extent of the transfer, as determined by the administrator, 19177
the employer's account and shall continue the payment of all 19178
contributions due under this chapter; 19179

(D) A rule providing that an employer who employs an employee 19180
covered under the federal "Longshore and Harbor Workers'
Compensation Act," 98 Stat. 1639, 33 U.S.C. 901 et seq., and this 19181
chapter and Chapter 4121. of the Revised Code shall be assessed a 19182
premium in accordance with the expenditure of wages, payroll, or 19183
both attributable to only labor performed and services provided by 19184
such an employee when the employee performs labor and provides 19185
services for which the employee is not eligible to receive 19186
compensation and benefits under that federal act. 19187
19188

(E) A rule providing for all of the following: 19189

(1) If, within two months immediately after the expiration of 19190
the six-month period, an employer fails to file a report of the 19191
employer's actual payroll expenditures for the period, the premium 19192
found to be due from the employer for the period shall be 19193
increased in an amount equal to one per cent of the premium, but 19194
the increase shall not be less than three nor more than fifteen 19195
dollars; 19196

(2) The premium determined by the administrator to be due 19197
from an employer shall be payable on or before the end of the 19198
coverage period established by the premium security deposit, or 19199
within the time specified by the administrator if the period for 19200

which the advance premium has been paid is less than eight months. 19201
If an employer fails to pay the premium when due, the 19202
administrator may add a late fee penalty of not more than thirty 19203
dollars to the premium plus an additional penalty amount as 19204
follows: 19205

(a) For a premium from sixty-one to ninety days past due, the 19206
prime interest rate, multiplied by the premium due; 19207

(b) For a premium from ninety-one to one hundred twenty days 19208
past due, the prime interest rate plus two per cent, multiplied by 19209
the premium due; 19210

(c) For a premium from one hundred twenty-one to one hundred 19211
fifty days past due, the prime interest rate plus four per cent, 19212
multiplied by the premium due; 19213

(d) For a premium from one hundred fifty-one to one hundred 19214
eighty days past due, the prime interest rate plus six per cent, 19215
multiplied by the premium due; 19216

(e) For a premium from one hundred eighty-one to two hundred 19217
ten days past due, the prime interest rate plus eight per cent, 19218
multiplied by the premium due; 19219

(f) For each additional thirty-day period or portion thereof 19220
that a premium remains past due after it has remained past due for 19221
more than two hundred ten days, the prime interest rate plus eight 19222
per cent, multiplied by the premium due. 19223

(3) Notwithstanding the interest rates specified in division 19224
~~(D)~~(E)(2) of this section, at no time shall the additional penalty 19225
amount assessed under division ~~(D)~~(E)(2) of this section exceed 19226
fifteen per cent of the premium due. 19227

(4) An employer may appeal a late fee penalty or additional 19228
penalty to an adjudicating committee pursuant to section 4123.291 19229
of the Revised Code. 19230

For purposes of division ~~(D)~~ (E) of this section, "prime interest rate" means the average bank prime rate, and the administrator shall determine the prime interest rate in the same manner as a county auditor determines the average bank prime rate under section 929.02 of the Revised Code.

(5) If the employer files an appropriate payroll report, within the time provided by law or within the time specified by the administrator if the period for which the employer paid an estimated premium is less than eight months, the employer shall not be in default and division ~~(D)~~(E)(2) of this section shall not apply if the employer pays the premiums within fifteen days after being first notified by the administrator of the amount due.

(6) Any deficiencies in the amounts of the premium security deposit paid by an employer for any period shall be subject to an interest charge of six per cent per annum from the date the premium obligation is incurred. In determining the interest due on deficiencies in premium security deposit payments, a charge in each case shall be made against the employer in an amount equal to interest at the rate of six per cent per annum on the premium security deposit due but remaining unpaid sixty days after notice by the administrator.

(7) Any interest charges or penalties provided for in divisions ~~(D)~~(E)(2) and (6) of this section shall be credited to the employer's account for rating purposes in the same manner as premiums.

~~(E)~~(F) A rule providing that each employer, on the occasion of instituting coverage under this chapter, shall submit a premium security deposit. The deposit shall be calculated equivalent to thirty per cent of the semiannual premium obligation of the employer based upon the employer's estimated expenditure for wages for the ensuing six-month period plus thirty per cent of an additional adjustment period of two months but only up to a

maximum of one thousand dollars and not less than ten dollars. The 19263
administrator shall review the security deposit of every employer 19264
who has submitted a deposit which is less than the 19265
one-thousand-dollar maximum. The administrator may require any 19266
such employer to submit additional money up to the maximum of one 19267
thousand dollars that, in the administrator's opinion, reflects 19268
the employer's current payroll expenditure for an eight-month 19269
period. 19270

~~(F)~~(G) A rule providing that each employer, on the occasion 19271
of instituting coverage under this chapter, shall submit an 19272
application for coverage that completely provides all of the 19273
information required for the administrator to establish coverage 19274
for that employer, and that the employer's failure to provide all 19275
of the information completely may be grounds for the administrator 19276
to deny coverage for that employer. 19277

~~(G)~~(H) A rule providing that, in addition to any other 19278
remedies permitted in this chapter, the administrator may 19279
discontinue an employer's coverage if the employer fails to pay 19280
the premium due on or before the premium's due date. 19281

~~(H)~~(I) A rule providing that if after a final adjudication it 19282
is determined that an employer has failed to pay an obligation, 19283
billing, account, or assessment that is greater than one thousand 19284
dollars on or before its due date, the administrator may 19285
discontinue the employer's coverage in addition to any other 19286
remedies permitted in this chapter, and that the administrator 19287
shall not discontinue an employer's coverage pursuant to this 19288
division prior to a final adjudication regarding the employer's 19289
failure to pay such obligation, billing, account, or assessment on 19290
or before its due date. 19291

~~(I)~~(J) As used in divisions ~~(G)~~ and (H) and (I) of this 19292
section: 19293

(1) "Employer" has the same meaning as in division (B) of 19294
section 4123.01 of the Revised Code except that "employer" does 19295
not include the state, a state hospital, or a state university or 19296
college. 19297

(2) "State university or college" has the same meaning as in 19298
section 3345.12 of the Revised Code and also includes the Ohio 19299
agricultural research and development center and the Ohio state 19300
university cooperative extension service. 19301

(3) "State hospital" means the Ohio state university hospital 19302
and its ancillary facilities and the medical university of Ohio at 19303
Toledo hospital. 19304

Sec. 4123.37. In this section "amenable employer" has the 19305
same meaning as "employer" as defined in division ~~(O)~~ (J) of 19306
section 4123.32 of the Revised Code. 19307

If the administrator of workers' compensation finds that any 19308
person, firm, or private corporation, including any public service 19309
corporation, is, or has been at any time after January 1, 1923, an 19310
amenable employer and has not complied with section 4123.35 of the 19311
Revised Code the administrator shall determine the period during 19312
which the person, firm, or corporation was an amenable employer 19313
and shall forthwith give notice of the determination to the 19314
employer. Within twenty days thereafter the employer shall furnish 19315
the bureau with the payroll covering the period included in the 19316
determination and, if the employer is an amenable employer at the 19317
time of the determination, shall pay a premium security deposit 19318
for the eight months next succeeding the date of the determination 19319
and shall pay into the state insurance fund the amount of premium 19320
applicable to such payroll. 19321

If the employer does not furnish the payroll and pay the 19322
applicable premium and premium security deposit within the twenty 19323
days, the administrator shall forthwith make an assessment of the 19324

premium due from the employer for the period the administrator 19325
determined the employer to be an amenable employer including the 19326
premium security deposit according to section 4123.32 of the 19327
Revised Code if the employer is an amenable employer at the time 19328
of the determination, basing the assessment upon the information 19329
in the possession of the administrator. 19330

The administrator shall give to the employer assessed written 19331
notice of the assessment. The notice shall be mailed to the 19332
employer at the employer's residence or usual place of business by 19333
certified mail. Unless the employer to whom the notice of 19334
assessment is directed files with the bureau within twenty days 19335
after receipt thereof, a petition in writing, verified under oath 19336
by the employer, or the employer's authorized agent having 19337
knowledge of the facts, setting forth with particularity the items 19338
of the assessment objected to, together with the reason for the 19339
objections, the assessment shall become conclusive and the amount 19340
thereof shall be due and payable from the employer so assessed to 19341
the state insurance fund. When a petition objecting to an 19342
assessment is filed the bureau shall assign a time and place for 19343
the hearing of the same and shall notify the petitioner thereof by 19344
certified mail. When an employer files a petition the assessment 19345
made by the administrator shall become due and payable ten days 19346
after notice of the finding made at the hearing has been sent by 19347
certified mail to the party assessed. An appeal may be taken from 19348
any finding to the court of common pleas of Franklin county upon 19349
the execution by the party assessed of a bond to the state in 19350
double the amount found due and ordered paid by the bureau 19351
conditioned that the party will pay any judgment and costs 19352
rendered against it for the premium. 19353

When no petition objecting to an assessment is filed or when 19354
a finding is made affirming or modifying an assessment after 19355
hearing, a certified copy of the assessment as affirmed or 19356

modified may be filed by the administrator in the office of the 19357
clerk of the court of common pleas in any county in which the 19358
employer has property or in which the employer has a place of 19359
business. The clerk, immediately upon the filing of the 19360
assessment, shall enter a judgment for the state against the 19361
employer in the amount shown on the assessment. The judgment may 19362
be filed by the clerk in a loose leaf book entitled "special 19363
judgments for state insurance fund." The judgment shall bear the 19364
same rate of interest, have the same effect as other judgments, 19365
and be given the same preference allowed by law on other judgments 19366
rendered for claims for taxes. An assessment or judgment under 19367
this section shall not be a bar to the adjustment of the 19368
employer's account upon the employer furnishing the employer's 19369
payroll records to the bureau. 19370

The administrator, for good cause shown, may waive a default 19371
in the payment of premium where the default is of less than sixty 19372
days' duration, and upon payment by the employer of the premium 19373
for the period, the employer and the employer's employees are 19374
entitled to all of the benefits and immunities provided by this 19375
chapter. 19376

Sec. 4123.54. (A) Every Except as otherwise provided in 19377
division (I) of this section, every employee, who is injured or 19378
who contracts an occupational disease, and the dependents of each 19379
employee who is killed, or dies as the result of an occupational 19380
disease contracted in the course of employment, wherever such 19381
injury has occurred or occupational disease has been contracted, 19382
provided the same were not: 19383

(1) Purposely self-inflicted; or 19384

(2) Caused by the employee being intoxicated or under the 19385
influence of a controlled substance not prescribed by a physician 19386
where the intoxication or being under the influence of the 19387

controlled substance not prescribed by a physician was the 19388
proximate cause of the injury, is entitled to receive, either 19389
directly from the employee's self-insuring employer as provided in 19390
section 4123.35 of the Revised Code, or from the state insurance 19391
fund, the compensation for loss sustained on account of the 19392
injury, occupational disease, or death, and the medical, nurse, 19393
and hospital services and medicines, and the amount of funeral 19394
expenses in case of death, as are provided by this chapter. 19395

(B) For the purpose of this section, provided that an 19396
employer has posted written notice to employees that the results 19397
of, or the employee's refusal to submit to, any chemical test 19398
described under this division may affect the employee's 19399
eligibility for compensation and benefits pursuant to this chapter 19400
and Chapter 4121. of the Revised Code, there is a rebuttable 19401
presumption that an employee is intoxicated or under the influence 19402
of a controlled substance not prescribed by the employee's 19403
physician and that being intoxicated or under the influence of a 19404
controlled substance not prescribed by the employee's physician is 19405
the proximate cause of an injury under either of the following 19406
conditions: 19407

(1) When any one or more of the following is true: 19408

(a) The employee, through a qualifying chemical test 19409
administered within eight hours of an injury, is determined to 19410
have an alcohol concentration level equal to or in excess of the 19411
levels established in divisions (A)(1)(b) to (i) of section 19412
4511.19 of the Revised Code; 19413

(b) The employee, through a qualifying chemical test 19414
administered within thirty-two hours of an injury, is determined 19415
to have one of the following controlled substances not prescribed 19416
by the employee's physician in the employee's system that tests 19417
above the following levels in an enzyme multiplied immunoassay 19418
technique screening test and above the levels established in 19419

division (B)(1)(c) of this section in a gas chromatography mass spectrometry test:	19420 19421
(i) For amphetamines, one thousand nanograms per milliliter of urine;	19422 19423
(ii) For cannabinoids, fifty nanograms per milliliter of urine;	19424 19425
(iii) For cocaine, including crack cocaine, three hundred nanograms per milliliter of urine;	19426 19427
(iv) For opiates, two thousand nanograms per milliliter of urine;	19428 19429
(v) For phencyclidine, twenty-five nanograms per milliliter of urine.	19430 19431
(c) The employee, through a qualifying chemical test administered within thirty-two hours of an injury, is determined to have one of the following controlled substances not prescribed by the employee's physician in the employee's system that tests above the following levels by a gas chromatography mass spectrometry test:	19432 19433 19434 19435 19436 19437
(i) For amphetamines, five hundred nanograms per milliliter of urine;	19438 19439
(ii) For cannabinoids, fifteen nanograms per milliliter of urine;	19440 19441
(iii) For cocaine, including crack cocaine, one hundred fifty nanograms per milliliter of urine;	19442 19443
(iv) For opiates, two thousand nanograms per milliliter of urine;	19444 19445
(v) For phencyclidine, twenty-five nanograms per milliliter of urine.	19446 19447
(d) The employee, through a qualifying chemical test	19448

administered within thirty-two hours of an injury, is determined 19449
to have barbiturates, benzodiazepines, methadone, or propoxyphene 19450
in the employee's system that tests above levels established by 19451
laboratories certified by the United States department of health 19452
and human services. 19453

(2) When the employee refuses to submit to a requested 19454
chemical test, on the condition that that employee is or was given 19455
notice that the refusal to submit to any chemical test described 19456
in division (B)(1) of this section may affect the employee's 19457
eligibility for compensation and benefits under this chapter and 19458
Chapter 4121. of the Revised Code. 19459

(C)(1) For purposes of division (B) of this section, a 19460
chemical test is a qualifying chemical test if it is administered 19461
to an employee after an injury under at least one of the following 19462
conditions: 19463

(a) When the employee's employer had reasonable cause to 19464
suspect that the employee may be intoxicated or under the 19465
influence of a controlled substance not prescribed by the 19466
employee's physician; 19467

(b) At the request of a police officer pursuant to section 19468
4511.191 of the Revised Code, and not at the request of the 19469
employee's employer; 19470

(c) At the request of a licensed physician who is not 19471
employed by the employee's employer, and not at the request of the 19472
employee's employer. 19473

(2) As used in division (C)(1)(a) of this section, 19474
"reasonable cause" means, but is not limited to, evidence that an 19475
employee is or was using alcohol or a controlled substance drawn 19476
from specific, objective facts and reasonable inferences drawn 19477
from these facts in light of experience and training. These facts 19478
and inferences may be based on, but are not limited to, any of the 19479

following:	19480
(a) Observable phenomena, such as direct observation of use,	19481
possession, or distribution of alcohol or a controlled substance,	19482
or of the physical symptoms of being under the influence of	19483
alcohol or a controlled substance, such as but not limited to	19484
slurred speech, dilated pupils, odor of alcohol or a controlled	19485
substance, changes in affect, or dynamic mood swings;	19486
(b) A pattern of abnormal conduct, erratic or aberrant	19487
behavior, or deteriorating work performance such as frequent	19488
absenteeism, excessive tardiness, or recurrent accidents, that	19489
appears to be related to the use of alcohol or a controlled	19490
substance, and does not appear to be attributable to other	19491
factors;	19492
(c) The identification of an employee as the focus of a	19493
criminal investigation into unauthorized possession, use, or	19494
trafficking of a controlled substance;	19495
(d) A report of use of alcohol or a controlled substance	19496
provided by a reliable and credible source;	19497
(e) Repeated or flagrant violations of the safety or work	19498
rules of the employee's employer, that are determined by the	19499
employee's supervisor to pose a substantial risk of physical	19500
injury or property damage and that appear to be related to the use	19501
of alcohol or a controlled substance and that do not appear	19502
attributable to other factors.	19503
(D) Nothing in this section shall be construed to affect the	19504
rights of an employer to test employees for alcohol or controlled	19505
substance abuse.	19506
(E) For the purpose of this section, laboratories certified	19507
by the United States department of health and human services or	19508
laboratories that meet or exceed the standards of that department	19509
for laboratory certification shall be used for processing the test	19510

results of a qualifying chemical test. 19511

(F) The written notice required by division (B) of this 19512
section shall be the same size or larger than the certificate of 19513
premium payment notice furnished by the bureau of workers' 19514
compensation and shall be posted by the employer in the same 19515
location as the certificate of premium payment notice or the 19516
certificate of self-insurance. 19517

(G) If a condition that pre-existed an injury is 19518
substantially aggravated by the injury, and that substantial 19519
aggravation is documented by objective diagnostic findings, 19520
objective clinical findings, or objective test results, no 19521
compensation or benefits are payable because of the pre-existing 19522
condition once that condition has returned to a level that would 19523
have existed without the injury. 19524

(H) Whenever, with respect to an employee of an employer who 19525
is subject to and has complied with this chapter, there is 19526
possibility of conflict with respect to the application of 19527
workers' compensation laws because the contract of employment is 19528
entered into and all or some portion of the work is or is to be 19529
performed in a state or states other than Ohio, the employer and 19530
the employee may agree to be bound by the laws of this state or by 19531
the laws of some other state in which all or some portion of the 19532
work of the employee is to be performed. The agreement shall be in 19533
writing and shall be filed with the bureau of workers' 19534
compensation within ten days after it is executed and shall remain 19535
in force until terminated or modified by agreement of the parties 19536
similarly filed. If the agreement is to be bound by the laws of 19537
this state and the employer has complied with this chapter, then 19538
the employee is entitled to compensation and benefits regardless 19539
of where the injury occurs or the disease is contracted and the 19540
rights of the employee and the employee's dependents under the 19541
laws of this state are the exclusive remedy against the employer 19542

on account of injury, disease, or death in the course of and 19543
arising out of the employee's employment. If the agreement is to 19544
be bound by the laws of another state and the employer has 19545
complied with the laws of that state, the rights of the employee 19546
and the employee's dependents under the laws of that state are the 19547
exclusive remedy against the employer on account of injury, 19548
disease, or death in the course of and arising out of the 19549
employee's employment without regard to the place where the injury 19550
was sustained or the disease contracted. 19551

If any employee or the employee's dependents are awarded 19552
workers' compensation benefits or recover damages from the 19553
employer under the laws of another state, the amount awarded or 19554
recovered, whether paid or to be paid in future installments, 19555
shall be credited on the amount of any award of compensation or 19556
benefits made to the employee or the employee's dependents by the 19557
bureau. 19558

If an employee is a resident of a state other than this state 19559
and is insured under the workers' compensation law or similar laws 19560
of a state other than this state, the employee and the employee's 19561
dependents are not entitled to receive compensation or benefits 19562
under this chapter, on account of injury, disease, or death 19563
arising out of or in the course of employment while temporarily 19564
within this state, and the rights of the employee and the 19565
employee's dependents under the laws of the other state are the 19566
exclusive remedy against the employer on account of the injury, 19567
disease, or death. 19568

(I) If an employee who is covered under the federal 19569
"Longshore and Harbor Workers' Compensation Act," 98 Stat. 1639, 19570
33 U.S.C. 901 et seq., is injured or contracts an occupational 19571
disease or dies as a result of an injury or occupational disease, 19572
and if that employee's or that employee's dependents' claim for 19573
compensation or benefits for that injury, occupational disease, or 19574

death is subject to the jurisdiction of that act, the employee or 19575
the employee's dependents are not entitled to apply for and shall 19576
not receive compensation or benefits under this chapter and 19577
Chapter 4121. of the Revised Code. The rights of such an employee 19578
and the employee's dependents under the federal "Longshore and 19579
Harbor Workers' Compensation Act," 98 Stat. 1639, 33 U.S.C. 901 et 19580
seq., are the exclusive remedy against the employer for that 19581
injury, occupational disease, or death. 19582

(J) Compensation or benefits are not payable to a claimant 19583
during the period of confinement of the claimant in any state or 19584
federal correctional institution, or in any county jail in lieu of 19585
incarceration in a state or federal correctional institution, 19586
whether in this or any other state for conviction of violation of 19587
any state or federal criminal law. 19588

Sec. 4141.31. (A) Benefits otherwise payable for any week 19589
shall be reduced by the amount of remuneration or other payments a 19590
claimant receives with respect to such week as follows: 19591

(1) Remuneration in lieu of notice; 19592

(2) Compensation for wage loss under division (B) of section 19593
4123.56 of the Revised Code or a similar provision under the 19594
workers' compensation law of any state or the United States; 19595

(3) Payments in the form of retirement, or pension allowances 19596
as provided under section 4141.312 of the Revised Code; 19597

(4) Remuneration Except as otherwise provided in division (D) 19598
of this section, remuneration in the form of separation or 19599
termination pay paid to an employee at the time of the employee's 19600
separation from employment; 19601

(5) Vacation pay or allowance payable under the terms of a 19602
labor-management contract or agreement, or other contract of hire, 19603
which payments are allocated to designated weeks. 19604

If payments under this division are paid with respect to a month then the amount of remuneration deemed to be received with respect to any week during such month shall be computed by multiplying such monthly amount by twelve and dividing the product by fifty-two. If there is no designation of the period with respect to which payments to an individual are made under this section then an amount equal to such individual's normal weekly wage shall be attributed to and deemed paid with respect to the first and each succeeding week following the individual's separation or termination from the employment of the employer making the payment until such amount so paid is exhausted.

If benefits for any week, when reduced as provided in this division, result in an amount not a multiple of one dollar, such benefits shall be rounded to the next lower multiple of one dollar.

Any payment allocated by the employer or the director of job and family services to weeks under division (A)(1), (4), or (5) of this section shall be deemed to be remuneration for the purposes of establishing a qualifying week and a benefit year under divisions (O)(1) and (R) of section 4141.01 of the Revised Code.

(B) Benefits payable for any week shall not be reduced by the amount of remuneration a claimant receives with respect to such week in the form of drill or reserve pay received by a member of the Ohio national guard or the armed forces reserve for attendance at a regularly scheduled drill or meeting.

(C) No benefits shall be paid for any week with respect to which or a part of which an individual has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States, provided the disqualifications shall not apply if the appropriate agency of such other state or of the United States finally determines that an individual is not entitled to such unemployment benefits. A law

of the United States providing any payment of any type and in any 19637
amounts for periods of unemployment due to lack of work shall be 19638
considered an unemployment compensation law of the United States. 19639

19640

(D) ~~Notwithstanding any other provision in this chapter,~~ 19641
~~benefits otherwise~~ Benefits payable for any week shall not be 19642
reduced by ~~payments that were made~~ the amount of military 19643
severance, disability, or separation pay paid to an individual ~~on~~ 19644
~~or after August 1, 1991, pursuant to "The National Defense~~ 19645
~~Authorization Act for Fiscal Years 1992 and 1993," Public Law~~ 19646
~~102-190, 105 Stat. 1394, 1396, 10 U.S.C.A. 1174a, 1175, in the~~ 19647
~~form of voluntary separation incentive payments and special~~ 19648
~~separation pay who is a former member of the armed forces of the~~ 19649
United States. 19650

Sec. 4141.312. (A) Except as otherwise specified in division 19651
(B) of this section, the amount of benefits payable to a claimant 19652
for any week with respect to which the claimant is receiving a 19653
governmental or other pension, retirement or retired pay, annuity 19654
or any other similar periodic payment which is based on the 19655
previous work of the individual, shall be reduced by an amount 19656
equal to the amount of the pension, retirement or retired pay, 19657
annuity or other payment which is reasonably attributable to that 19658
week, except that the requirements for this division shall apply 19659
to any pension, retirement or retired pay, annuity, or other 19660
similar periodic payment only if both of the following apply: 19661

(1) The payment is under a plan maintained or contributed to 19662
by a base period employer or chargeable employer. 19663

(2) In the case of a payment under a plan not made under the 19664
"Social Security Act," 42 U.S.C. 401 et seq., or the "Railroad 19665
Retirement Act of 1974," 45 U.S.C. 231 et seq., or the 19666
corresponding provisions of prior law, services performed for such 19667

employer by the individual after the beginning of the base period, 19668
or remuneration for such services, affect eligibility for, or 19669
increase the amount of, such pension, retirement or retired pay, 19670
annuity, or similar payment. 19671

~~(B) The amount of any disability pension, allowance, or 19672
payment paid to former members of the armed forces of the United 19673
States which is based on the nature and extent of the disability 19674
rather than a prior period of employment or service, shall not 19675
reduce or be deducted from the weekly benefits payable. 19676~~

~~(C)~~ If a claimant has made a contribution to social security 19677
pursuant to the "Social Security Act," 42 U.S.C. 401 et seq., and 19678
that claimant is receiving a retirement payment pursuant to that 19679
act, the claimant's weekly benefit shall not be reduced by the 19680
amount of that retirement payment because the claimant contributed 19681
to social security. 19682

Sec. 4301.355. (A) If a petition is filed under section 19683
4301.333 of the Revised Code for the submission of the question or 19684
questions set forth in this section, it shall be held in the 19685
precinct as ordered by the board of elections under that section. 19686
The expense of holding the election shall be charged to the 19687
municipal corporation or township of which the precinct is a part. 19688

(B) At the election, one or more of the following questions, 19689
as designated in a valid petition, shall be submitted to the 19690
electors of the precinct: 19691

(1) "Shall the sale of (insert beer, wine and 19692
mixed beverages, or spirituous liquor) be permitted by 19693
(insert name of applicant, liquor permit holder, or liquor agency 19694
store, including trade or fictitious name under which applicant 19695
for, or holder of, liquor permit or liquor agency store either 19696
intends to do, or does, business at the particular location), an 19697
..... (insert "applicant for" or "holder of" or "operator 19698

of") a (insert class name of liquor permit or permits 19699
followed by the words "liquor permit(s)" or, if appropriate, the 19700
words "liquor agency store for the State of Ohio"), who is engaged 19701
in the business of (insert general nature of the 19702
business in which applicant or liquor permit holder is engaged or 19703
will be engaged in at the particular location, as described in the 19704
petition) at (insert address of the particular location 19705
within the precinct as set forth in the petition) in this 19706
precinct?" 19707

(2) "Shall the sale of (insert beer, wine and 19708
mixed beverages, or spirituous liquor) be permitted for sale on 19709
Sunday between the hours of (insert "ten a.m. and 19710
midnight" or "one p.m. and midnight") by (insert name 19711
of applicant, liquor permit holder, or liquor agency store, 19712
including trade or fictitious name under which applicant for, or 19713
holder of, liquor permit or liquor agency store either intends to 19714
do, or does, business at the particular location), an 19715
(insert "applicant for a D-6 liquor permit," "holder of a D-6 19716
liquor permit," "applicant for or holder of an A-1-A, A-2, A-3a, 19717
C-1, C-2x, D-1, D-2x, D-3, D-3x, D-4, D-5, D-5b, D-5c, D-5e, D-5f, 19718
D-5g, D-5h, D-5i, D-5j, D-5k, or D-7 liquor permit," if only the 19719
approval of beer sales is sought, or "liquor agency store") who is 19720
engaged in the business of (insert general nature of 19721
the business in which applicant or liquor permit holder is engaged 19722
or will be engaged in at the particular location, as described in 19723
the petition) at (insert address of the particular 19724
location within the precinct) in this precinct?" 19725

(C) The board of elections shall furnish printed ballots at 19727
the election as provided under section 3505.06 of the Revised 19728
Code, except that a separate ballot shall be used for the election 19729
under this section. The question set forth in this section shall 19730

be printed on each ballot, and the board shall insert in the 19731
question appropriate words to complete it. Votes shall be cast as 19732
provided under section 3505.06 of the Revised Code. 19733

Sec. 4301.421. (A) For the purposes of section 307.696 of the 19734
Revised Code, to pay the expenses of administering the tax, and to 19735
pay any or all of the charge the board of elections makes against 19736
the county to hold the election on the question of levying the 19737
tax, or for those purposes and to provide revenues to the county 19738
for permanent improvements, the board of county commissioners may 19739
levy a tax on the sale of beer at a rate not to exceed sixteen 19740
cents per gallon, on the sale of cider at a rate not to exceed 19741
twenty-four cents per gallon, and on the sale of wine and mixed 19742
beverages at a rate not to exceed thirty-two cents per gallon. The 19743
tax shall be imposed on all beer, cider, wine, and mixed beverages 19744
sold for resale at retail in the county, and on all beer, cider, 19745
wine, and mixed beverages sold at retail in the county by the 19746
manufacturer, bottler, importer, or other person upon which the 19747
tax has not been paid. The tax shall not be levied on the sale of 19748
wine to be used for known sacramental purposes. The tax may be 19749
levied for any number of years not exceeding twenty. The tax shall 19750
be in addition to the taxes imposed by sections 4301.42, 4301.43, 19751
4301.432, and 4305.01 of the Revised Code. The tax shall not be 19752
considered a cost in any computation required under rules of the 19753
liquor control commission regulating minimum prices or mark-ups. 19754

19755

Only one sale of the same article shall be used in computing, 19756
reporting, and paying the amount of tax due. 19757

The tax shall be levied pursuant to a resolution of the 19758
county commissioners approved by a majority of the electors in the 19759
county voting on the question of levying the tax, which resolution 19760
shall specify the rate of the tax, the number of years the tax 19761

will be levied, and the purposes for which the tax is levied. The 19762
election may be held on the date of a general election or special 19763
election held not sooner than seventy-five days after the date the 19764
board certifies its resolution to the board of elections. If 19765
approved by the electors, the tax shall take effect on the first 19766
day of the month specified in the resolution but not sooner than 19767
the first day of the month that is at least sixty days after the 19768
certification of the election results by the board of elections. A 19769
copy of the resolution levying the tax and the certification of 19770
the board of elections shall be certified to the tax commissioner 19771
at least sixty days prior to the date on which the tax is to 19772
become effective. 19773

A resolution under this section may be joined on the ballot 19774
as a single question with a resolution adopted under section 19775
307.697 or 5743.024 of the Revised Code to levy a tax for the same 19776
purposes and for the purpose of paying the expenses of 19777
administering the tax. The form of the ballot in an election held 19778
pursuant to this section shall be as prescribed in section 307.697 19779
of the Revised Code. 19780

(B) The board of county commissioners of a county in which a 19781
tax is imposed under this section on ~~the effective date of this~~ 19782
~~amendment~~ July 19, 1995, may levy a tax for the purpose of section 19783
307.673 of the Revised Code regardless of whether or not the 19784
cooperative agreement authorized under that section has been 19785
entered into prior to the day the resolution adopted under 19786
division (B)(1) or (2) of this section is adopted, and for the 19787
purpose of reimbursing a county for costs incurred in the 19788
construction of a sports facility pursuant to an agreement entered 19789
into by the county under section 307.696 of the Revised Code. The 19790
tax shall be levied and approved in one of the manners prescribed 19791
by division (B)(1) or (2) of this section. 19792

(1) The tax may be levied pursuant to a resolution adopted by 19793

a majority of the members of the board of county commissioners not 19794
later than ~~forty five days after the effective date of this~~ 19795
~~amendment~~ September 2, 1995. A board of county commissioners 19796
approving a tax under division (B)(1) of this section may approve 19797
a tax under division (D)(1) of section 307.697 or division (C)(1) 19798
of section 5743.024 of the Revised Code at the same time. Subject 19799
to the resolution being submitted to a referendum under sections 19800
305.31 to 305.41 of the Revised Code, the resolution shall take 19801
effect immediately, but the tax levied pursuant to the resolution 19802
shall not be levied prior to the day following the last day the 19803
tax levied pursuant to division (A) of this section may be levied. 19804

(2) The tax may be levied pursuant to a resolution adopted by 19805
a majority of the members of the board of county commissioners not 19806
later than ~~forty five days after the effective date of this~~ 19807
~~amendment~~ September 2, 1995, and approved by a majority of the 19808
electors of the county voting on the question of levying the tax 19809
at the next succeeding general election following ~~the effective~~ 19810
~~date of this amendment~~ July 19, 1995. The board of county 19811
commissioners shall certify a copy of the resolution to the board 19812
of elections immediately upon adopting a resolution under division 19813
(D)(2) of this section, and the board of elections shall place the 19814
question of levying the tax on the ballot at that election. The 19815
form of the ballot shall be as prescribed by division (C) of 19816
section 307.697 of the Revised Code, except that the phrase 19817
"paying not more than one-half of the costs of providing a sports 19818
facility together with related redevelopment and economic 19819
development projects" shall be replaced by the phrase "paying the 19820
costs of constructing or renovating a sports facility and 19821
reimbursing a county for costs incurred by the county in the 19822
construction of a sports facility," and the phrase ", beginning 19823
..... (here insert the earliest date the tax would take 19824
effect)" shall be appended after "years." A board of county 19825
commissioners submitting the question of a tax under division 19826

(B)(2) of this section may submit the question of a tax under 19827
division (D)(2) of section 307.697 or division (C)(2) of section 19828
5743.024 of the Revised Code as a single question, and the form of 19829
the ballot shall include each of the proposed taxes. 19830

If approved by a majority of electors voting on the question, 19831
the tax shall take effect on the day specified on the ballot, 19832
which shall not be earlier than the day following the last day the 19833
tax levied pursuant to division (A) of this section may be levied. 19834

The rate of a tax levied pursuant to division (B)(1) or (2) 19835
of this section shall not exceed the rate specified in division 19836
(A) of this section. A tax levied pursuant to division (B)(1) or 19837
(2) of this section may be levied for any number of years not 19838
exceeding twenty. 19839

A board of county commissioners adopting a resolution under 19840
division (B)(1) or (2) of this section shall certify a copy of the 19841
resolution to the tax commissioner immediately upon adoption of 19842
the resolution. 19843

(C) No tax shall be levied under this section on or after the 19844
effective date of the amendment of this section by of the 19845
127th general assembly. This division does not prevent the 19846
collection of any tax levied under this section before that date 19847
so long as that tax remains effective. 19848

Sec. 4301.424. (A) For the purpose of section 351.26 of the 19849
Revised Code and to pay any or all of the charge the board of 19850
elections makes against the county to hold the election on the 19851
question of levying the tax, the board of county commissioners, in 19852
the manner prescribed by division (A) of section 351.26 of the 19853
Revised Code, may levy a tax on each gallon of spirituous liquor; 19854
on the sale of beer; and on the sale of wine and mixed beverages. 19855
The tax on spirituous liquor shall be imposed on spirituous liquor 19856
sold to or purchased by liquor permit holders for resale, and sold 19857

at retail by the division of liquor control, in the county at a 19858
rate not greater than three dollars per gallon; the tax on beer, 19859
wine, and mixed beverages shall be imposed on all beer, wine, and 19860
mixed beverages sold for resale at retail in the county, and on 19861
all beer, wine, and mixed beverages sold at retail in the county 19862
by the manufacturer, bottler, importer, or other person and upon 19863
which the tax has not been paid. The rate of the tax on beer shall 19864
not exceed sixteen cents per gallon, and the rate of the tax on 19865
wine and mixed beverages shall not exceed thirty-two cents per 19866
gallon. Only one sale of the same article shall be used in 19867
computing, reporting, and paying the amount of tax due. The tax 19868
may be levied for any number of years not exceeding twenty. 19869

The tax shall be levied pursuant to a resolution of the board 19870
of county commissioners adopted as prescribed by division (A) of 19871
section 351.26 of the Revised Code and approved by a majority of 19872
the electors in the county voting on the question of levying the 19873
tax. The resolution shall specify the rates of the tax, the number 19874
of years the tax will be levied, and the purposes for which the 19875
tax is levied. Such election may be held on the date of a general 19876
or special election held not sooner than seventy-five days after 19877
the date the board certifies its resolution to the board of 19878
elections. If approved by the electors, the tax takes effect on 19879
the first day of the month specified in the resolution but not 19880
sooner than the first day of the month that is at least sixty days 19881
after the certification of the election results by the board of 19882
elections. A copy of the resolution levying the tax shall be 19883
certified to the division of liquor control and the tax 19884
commissioner at least sixty days prior to the date on which the 19885
tax is to become effective. 19886

(B) A resolution under this section may be joined on the 19887
ballot as a single question with a resolution adopted under 19888
section 5743.026 of the Revised Code to levy a tax for the same 19889

purposes, and for the purpose of paying the expenses of 19890
administering that tax. 19891

(C) The form of the ballot in an election held on the 19892
question of levying a tax proposed pursuant to this section shall 19893
be as prescribed by section 351.26 of the Revised Code. 19894

(D) No tax shall be levied under this section on or after the 19895
effective date of the amendment of this section by the capital 19896
appropriations act of the 127th general assembly. This division 19897
does not prevent the collection of any tax levied under this 19898
section before that date so long as that tax remains effective. 19899

Sec. 4301.62. (A) As used in this section: 19900

(1) "Chauffeured limousine" means a vehicle registered under 19901
section 4503.24 of the Revised Code. 19902

(2) "Street," "highway," and "motor vehicle" have the same 19903
meanings as in section 4511.01 of the Revised Code. 19904

(B) No person shall have in the person's possession an opened 19905
container of beer or intoxicating liquor in any of the following 19906
circumstances: 19907

(1) In a state liquor store; 19908

(2) Except as provided in division (C) of this section, on 19909
the premises of the holder of any permit issued by the division of 19910
liquor control; 19911

(3) In any other public place; 19912

(4) Except as provided in division (D) or (E) of this 19913
section, while operating or being a passenger in or on a motor 19914
vehicle on any street, highway, or other public or private 19915
property open to the public for purposes of vehicular travel or 19916
parking; 19917

(5) Except as provided in division (D) or (E) of this 19918

section, while being in or on a stationary motor vehicle on any street, highway, or other public or private property open to the public for purposes of vehicular travel or parking.

(C)(1) A person may have in the person's possession an opened container of any of the following:

(a) Beer or intoxicating liquor that has been lawfully purchased for consumption on the premises where bought from the holder of an A-1-A, A-2, A-3a, D-1, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-7, D-8, E, F, F-2, or F-5 permit;

(b) Beer, wine, or mixed beverages served for consumption on the premises by the holder of an F-3 permit or wine served for consumption on the premises by the holder of an F-4 or F-6 permit;

(c) Beer or intoxicating liquor consumed on the premises of a convention facility as provided in section 4303.201 of the Revised Code;

(d) Beer or intoxicating liquor to be consumed during tastings and samplings approved by rule of the liquor control commission.

(2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this division, "music festival" means a series of outdoor live musical performances, extending for a period of at least three consecutive days and located on an area of land of at least forty acres.

(3)(a) A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of wine

that was not purchased from the holder of the D-2 permit if the 19950
premises for which the D-2 permit is issued is an outdoor 19951
performing arts center, the person is attending an orchestral 19952
performance, and the holder of the D-2 permit grants permission 19953
for the possession and consumption of wine in certain 19954
predesignated areas of the premises during the period for which 19955
the D-2 permit is issued. 19956

(b) As used in division (C)(3)(a) of this section: 19957

(i) "Orchestral performance" means a concert comprised of a 19958
group of not fewer than forty musicians playing various musical 19959
instruments. 19960

(ii) "Outdoor performing arts center" means an outdoor 19961
performing arts center that is located on not less than eight 19962
hundred acres of land and that is open for performances from the 19963
first day of April to the last day of October of each year. 19964

(D) This section does not apply to a person who pays all or a 19965
portion of the fee imposed for the use of a chauffeured limousine 19966
pursuant to a prearranged contract, or the guest of the person, 19967
when all of the following apply: 19968

(1) The person or guest is a passenger in the limousine. 19969

(2) The person or guest is located in the limousine, but is 19970
not occupying a seat in the front compartment of the limousine 19971
where the operator of the limousine is located. 19972

(3) The limousine is located on any street, highway, or other 19973
public or private property open to the public for purposes of 19974
vehicular travel or parking. 19975

(E) An opened bottle of wine that was purchased from the 19976
holder of a permit that authorizes the sale of wine for 19977
consumption on the premises where sold is not an opened container 19978
for the purposes of this section if both of the following apply: 19979

(1) The opened bottle of wine is securely resealed by the permit holder or an employee of the permit holder before the bottle is removed from the premises. The bottle shall be secured in such a manner that it is visibly apparent if the bottle has been subsequently opened or tampered with.

(2) The opened bottle of wine that is resealed in accordance with division (E)(1) of this section is stored in the trunk of a motor vehicle or, if the motor vehicle does not have a trunk, behind the last upright seat or in an area not normally occupied by the driver or passengers and not easily accessible by the driver.

Sec. 4303.041. An A-3a permit may be issued to a distiller that manufactures less than ten thousand gallons of spirituous liquor per year. An A-3a permit holder may sell to a personal consumer, in sealed containers for consumption off the premises where manufactured, spirituous liquor that the permit holder manufactures, but sales to the personal consumer may occur only by an in-person transaction at the permit premises. The A-3a permit holder shall not ship, send, or use an H permit holder to deliver spirituous liquor to the personal consumer.

"Distiller" means a person in this state who mashes, ferments, distills, and ages spirituous liquor.

Not more than one A-3a permit may be issued per county and only in a county with a population exceeding eight hundred thousand.

An A-3a permit holder shall sell not more than one and one-half liters of spirituous liquor per day from the permit premises to the same personal consumer.

An A-3a permit holder may sell spirituous liquor in sealed containers for consumption off the premises where manufactured as

an independent contractor under agreement, by virtue of the 20010
permit, with the division of liquor control. The price at which 20011
the A-3a permit holder shall sell each spirituous liquor product 20012
to a personal consumer is to be determined by the division of 20013
liquor control. For an A-3a permit holder to purchase and then 20014
offer spirituous liquor for retail sale, the spirituous liquor 20015
need not first leave the physical possession of the A-3a permit 20016
holder to be so registered. The spirituous liquor that the A-3a 20017
permit holder buys from the division of liquor control shall be 20018
maintained in a separate area of the permit premises for sale to 20019
personal consumers. The A-3a permit holder shall sell such 20020
spirituous liquor in sealed containers for consumption off the 20021
premises where manufactured as an independent contractor by virtue 20022
of the permit issued by the division of liquor control, but the 20023
permit holder shall not be compensated as provided in division 20024
(A)(1) of section 4301.17 of the Revised Code. Each A-3a permit 20025
holder shall be subject to audit by the division of liquor 20026
control. 20027

The fee for the A-3a permit is three thousand nine hundred 20028
six dollars for each plant, but if the production capacity of a 20029
plant is less than five hundred wine barrels of fifty gallons each 20030
annually, the fee is two dollars per barrel. 20031

The holder of an A-3a permit may also exercise the same 20032
privileges as the holder of an A-3 permit. 20033

Sec. 4303.182. (A) Except as otherwise provided in divisions 20034
(B) to (J) of this section, permit D-6 shall be issued to the 20035
holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, 20036
D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, 20037
D-5k, or D-7 permit to allow sale under that permit between the 20038
hours of ten a.m. and midnight, or between the hours of one p.m. 20039
and midnight, on Sunday, as applicable, if that sale has been 20040

authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 20041
of the Revised Code and under the restrictions of that 20042
authorization. 20043

(B) Permit D-6 shall be issued to the holder of any permit, 20044
including a D-4a and D-5d permit, authorizing the sale of 20045
intoxicating liquor issued for a premises located at any publicly 20046
owned airport, as defined in section 4563.01 of the Revised Code, 20047
at which commercial airline companies operate regularly scheduled 20048
flights on which space is available to the public, to allow sale 20049
under such permit between the hours of ten a.m. and midnight on 20050
Sunday, whether or not that sale has been authorized under section 20051
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 20052

(C) Permit D-6 shall be issued to the holder of a D-5a 20053
permit, and to the holder of a D-3 or D-3a permit who is the owner 20054
or operator of a hotel or motel that is required to be licensed 20055
under section 3731.03 of the Revised Code, that contains at least 20056
fifty rooms for registered transient guests, and that has on its 20057
premises a retail food establishment or a food service operation 20058
licensed pursuant to Chapter 3717. of the Revised Code that 20059
operates as a restaurant for purposes of this chapter and is 20060
affiliated with the hotel or motel and within or contiguous to the 20061
hotel or motel and serving food within the hotel or motel, to 20062
allow sale under such permit between the hours of ten a.m. and 20063
midnight on Sunday, whether or not that sale has been authorized 20064
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 20065
Revised Code. 20066

(D) The holder of a D-6 permit that is issued to a sports 20067
facility may make sales under the permit between the hours of 20068
eleven a.m. and midnight on any Sunday on which a professional 20069
baseball, basketball, football, hockey, or soccer game is being 20070
played at the sports facility. As used in this division, "sports 20071
facility" means a stadium or arena that has a seating capacity of 20072

at least four thousand and that is owned or leased by a 20073
professional baseball, basketball, football, hockey, or soccer 20074
franchise or any combination of those franchises. 20075

(E) Permit D-6 shall be issued to the holder of any permit 20076
that authorizes the sale of beer or intoxicating liquor and that 20077
is issued to a premises located in or at the Ohio historical 20078
society area or the state fairgrounds, as defined in division (B) 20079
of section 4301.40 of the Revised Code, to allow sale under that 20080
permit between the hours of ten a.m. and midnight on Sunday, 20081
whether or not that sale has been authorized under section 20082
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 20083

(F) Permit D-6 shall be issued to the holder of any permit 20084
that authorizes the sale of intoxicating liquor and that is issued 20085
to an outdoor performing arts center to allow sale under that 20086
permit between the hours of one p.m. and midnight on Sunday, 20087
whether or not that sale has been authorized under section 20088
4301.361 of the Revised Code. A D-6 permit issued under this 20089
division is subject to the results of an election, held after the 20090
D-6 permit is issued, on question (B)(4) as set forth in section 20091
4301.351 of the Revised Code. Following the end of the period 20092
during which an election may be held on question (B)(4) as set 20093
forth in that section, sales of intoxicating liquor may continue 20094
at an outdoor performing arts center under a D-6 permit issued 20095
under this division, unless an election on that question is held 20096
during the permitted period and a majority of the voters voting in 20097
the precinct on that question vote "no." 20098

As used in this division, "outdoor performing arts center" 20099
means an outdoor performing arts center that is located on not 20100
less than eight hundred acres of land and that is open for 20101
performances from the first day of April to the last day of 20102
October of each year. 20103

(G) Permit D-6 shall be issued to the holder of any permit 20104

that authorizes the sale of beer or intoxicating liquor and that 20105
is issued to a golf course owned by the state, a conservancy 20106
district, a park district created under Chapter 1545. of the 20107
Revised Code, or another political subdivision to allow sale under 20108
that permit between the hours of ten a.m. and midnight on Sunday, 20109
whether or not that sale has been authorized under section 20110
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 20111

(H) Permit D-6 shall be issued to the holder of a D-5g permit 20112
to allow sale under that permit between the hours of ten a.m. and 20113
midnight on Sunday, whether or not that sale has been authorized 20114
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 20115
Revised Code. 20116

(I) Permit D-6 shall be issued to the holder of any D permit 20117
for a premises that is licensed under Chapter 3717. of the Revised 20118
Code and that is located at a ski area to allow sale under the D-6 20119
permit between the hours of ten a.m. and midnight on Sunday, 20120
whether or not that sale has been authorized under section 20121
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 20122

As used in this division, "ski area" means a ski area as 20123
defined in section 4169.01 of the Revised Code, provided that the 20124
passenger tramway operator at that area is registered under 20125
section 4169.03 of the Revised Code. 20126

(J) Permit D-6 shall be issued to the holder of a D-5j permit 20127
for a permit premises that is located in a community entertainment 20128
district, as defined in section 4301.80 of the Revised Code, that 20129
was approved by the legislative authority of a municipal 20130
corporation under that section between October 1 and October 15, 20131
2005, to allow sale under the permit between the hours of ten a.m. 20132
and midnight on Sunday, whether or not that sale has been 20133
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 20134
of the Revised Code. 20135

(K) If the restriction to licensed premises where the sale of food and other goods and services exceeds fifty per cent of the total gross receipts of the permit holder at the premises is applicable, the division of liquor control may accept an affidavit from the permit holder to show the proportion of the permit holder's gross receipts derived from the sale of food and other goods and services. If the liquor control commission determines that affidavit to have been false, it shall revoke the permits of the permit holder at the premises concerned.

(L) The fee for the D-6 permit is five hundred dollars when it is issued to the holder of an A-1-A, A-2, A-3a, 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. The fee for the D-6 permit is four hundred dollars when it is issued to the holder of a C-2 permit.

Sec. 4303.25. No person personally or by the person's clerk, agent, or employee shall manufacture, manufacture for sale, offer, keep, or possess for sale, furnish or sell, or solicit the purchase or sale of any beer or intoxicating liquor in this state, or transport, import, or cause to be transported or imported any beer, intoxicating liquor, or alcohol in or into this state for delivery, use, or sale, unless the person has fully complied with this chapter and Chapter 4301. of the Revised Code or is the holder of a permit issued by the division of liquor control and in force at the time.

The superintendent of liquor control may adopt rules requiring a person acting as an agent, solicitor, or salesperson for a manufacturer, supplier, broker, or wholesale distributor, who solicits permit holders authorized to deal in beer and intoxicating liquor, to be registered with the division and may cite the registrant to the liquor control commission for a

violation of this chapter, Chapter 4301. of the Revised Code, or 20167
the rules adopted by the commission or superintendent. 20168

~~No manufacturer, supplier, wholesale distributor, broker, or 20169
retailer of beer or intoxicating liquor, or other person shall 20170
employ, retain, or otherwise utilize any person in this state to 20171
act as an employee, agent, solicitor, or salesperson, or act in 20172
any other representative capacity to sell, solicit, take orders, 20173
or receive offers to purchase or expressions of interest to 20174
purchase beer or intoxicating liquor from any person, at any 20175
location other than a liquor permit premises, except as 20176
specifically authorized by Chapter 4301. or 4303. of the Revised 20177
Code or rules adopted thereunder. No function, event, or party 20178
shall take place at any location other than a liquor permit 20179
premises where any person acts in any manner to sell, solicit, 20180
take orders, or receive offers to purchase or expressions of 20181
intent to purchase beer or intoxicating liquor to or from any 20182
person, except as specifically authorized by Chapter 4301. or 20183
4303. of the Revised Code or rules adopted thereunder. 20184~~

Sec. 4510.10. (A) As used in this section, "reinstatement 20185
fees" means the fees that are required under section 4507.1612, 20186
4507.45, 4509.101, 4509.81, 4511.191, 4511.951, or any other 20187
provision of the Revised Code, or under a schedule established by 20188
the bureau of motor vehicles, in order to reinstate a driver's or 20189
commercial driver's license or permit or nonresident operating 20190
privilege of an offender under a suspension. 20191

(B) Reinstatement fees are those fees that compensate the 20192
bureau of motor vehicles for suspensions, cancellations, or 20193
disqualifications of a person's driving privileges and to 20194
compensate the bureau and other agencies in their administration 20195
of programs intended to reduce and eliminate threats to public 20196
safety through education, treatment, and other activities. The 20197

registrar of motor vehicles shall not reinstate a driver's or 20198
commercial driver's license or permit or nonresident operating 20199
privilege of a person until the person has paid all reinstatement 20200
fees and has complied with all conditions for each suspension, 20201
cancellation, or disqualification incurred by that person. 20202

(C) When a municipal court or county court determines in a 20203
pending case involving an offender that the offender cannot 20204
reasonably pay reinstatement fees due and owing by the offender 20205
relative to one or more suspensions that have been or will be 20206
imposed by the bureau of motor vehicles or by a court of this 20207
state, the court, by order, may undertake an installment payment 20208
plan or a payment extension plan for the payment of reinstatement 20209
fees due and owing to the bureau in that pending case. The court 20210
shall establish an installment payment plan or a payment extension 20211
plan under this division in accordance with the requirements of 20212
divisions (D)(1) and (2) of this section. 20213

(D) Independent of the provisions of division (C) of this 20214
section, an offender who cannot reasonably pay reinstatement fees 20215
due and owing by the offender relative to a suspension that has 20216
been imposed on the offender may file a petition in the municipal 20217
court, county court, or, if the person is under the age of 20218
eighteen, the juvenile division of the court of common pleas in 20219
whose jurisdiction the person resides or, if the person is not a 20220
resident of this state, in the Franklin county municipal court or 20221
juvenile division of the Franklin county court of common pleas for 20222
an order that does either of the following, in order of 20223
preference: 20224

(1) Establishes a reasonable payment plan of not less than 20225
fifty dollars per month, to be paid by the offender to the bureau 20226
of motor vehicles in all succeeding months until all reinstatement 20227
fees required of the offender are paid in full; 20228

(2) If the offender, but for the payment of the reinstatement 20229

fees, otherwise would be entitled to operate a vehicle in this state or to obtain reinstatement of the offender's operating privileges, permits the offender to operate a motor vehicle, as authorized by the court, until a future date upon which date all reinstatement fees must be paid in full. A payment extension granted under this division shall not exceed one hundred eighty days, and any operating privileges granted under this division shall be solely for the purpose of permitting the offender occupational or "family necessity" privileges in order to enable the offender to reasonably acquire the delinquent reinstatement fees due and owing.

~~(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 20261
assistive mobility device, any device that is moved by power 20262
collected from overhead electric trolley wires or that is used 20263
exclusively upon stationary rails or tracks, or any device, other 20264
than a bicycle, that is moved by human power. 20265

(B) "Motor vehicle" means every vehicle propelled or drawn by 20266
power other than muscular power or power collected from overhead 20267
electric trolley wires, except motorized bicycles, road rollers, 20268
traction engines, power shovels, power cranes, and other equipment 20269
used in construction work and not designed for or employed in 20270
general highway transportation, hole-digging machinery, 20271
well-drilling machinery, ditch-digging machinery, farm machinery, 20272
and trailers designed and used exclusively to transport a boat 20273
between a place of storage and a marina, or in and around a 20274
marina, when drawn or towed on a street or highway for a distance 20275
of no more than ten miles and at a speed of twenty-five miles per 20276
hour or less. 20277

(C) "Motorcycle" means every motor vehicle, other than a 20278
tractor, having a seat or saddle for the use of the operator and 20279
designed to travel on not more than three wheels in contact with 20280
the ground, including, but not limited to, motor vehicles known as 20281
"motor-driven cycle," "motor scooter," or "motorcycle" without 20282
regard to weight or brake horsepower. 20283

(D) "Emergency vehicle" means emergency vehicles of 20284
municipal, township, or county departments or public utility 20285
corporations when identified as such as required by law, the 20286
director of public safety, or local authorities, and motor 20287
vehicles when commandeered by a police officer. 20288

(E) "Public safety vehicle" means any of the following: 20289

(1) Ambulances, including private ambulance companies under 20290
contract to a municipal corporation, township, or county, and 20291

private ambulances and nontransport vehicles bearing license	20292
plates issued under section 4503.49 of the Revised Code;	20293
(2) Motor vehicles used by public law enforcement officers or	20294
other persons sworn to enforce the criminal and traffic laws of	20295
the state;	20296
(3) Any motor vehicle when properly identified as required by	20297
the director of public safety, when used in response to fire	20298
emergency calls or to provide emergency medical service to ill or	20299
injured persons, and when operated by a duly qualified person who	20300
is a member of a volunteer rescue service or a volunteer fire	20301
department, and who is on duty pursuant to the rules or directives	20302
of that service. The state fire marshal shall be designated by the	20303
director of public safety as the certifying agency for all public	20304
safety vehicles described in division (E)(3) of this section.	20305
(4) Vehicles used by fire departments, including motor	20306
vehicles when used by volunteer fire fighters responding to	20307
emergency calls in the fire department service when identified as	20308
required by the director of public safety.	20309
Any vehicle used to transport or provide emergency medical	20310
service to an ill or injured person, when certified as a public	20311
safety vehicle, shall be considered a public safety vehicle when	20312
transporting an ill or injured person to a hospital regardless of	20313
whether such vehicle has already passed a hospital.	20314
(5) Vehicles used by the motor carrier enforcement unit for	20315
the enforcement of orders and rules of the public utilities	20316
commission as specified in section 5503.34 of the Revised Code.	20317
(F) "School bus" means every bus designed for carrying more	20318
than nine passengers that is owned by a public, private, or	20319
governmental agency or institution of learning and operated for	20320
the transportation of children to or from a school session or a	20321
school function, or owned by a private person and operated for	20322

compensation for the transportation of children to or from a 20323
school session or a school function, provided "school bus" does 20324
not include a bus operated by a municipally owned transportation 20325
system, a mass transit company operating exclusively within the 20326
territorial limits of a municipal corporation, or within such 20327
limits and the territorial limits of municipal corporations 20328
immediately contiguous to such municipal corporation, nor a common 20329
passenger carrier certified by the public utilities commission 20330
unless such bus is devoted exclusively to the transportation of 20331
children to and from a school session or a school function, and 20332
"school bus" does not include a van or bus used by a licensed 20333
child day-care center or type A family day-care home to transport 20334
children from the child day-care center or type A family day-care 20335
home to a school if the van or bus does not have more than fifteen 20336
children in the van or bus at any time. 20337

(G) "Bicycle" means every device, other than a tricycle 20338
designed solely for use as a play vehicle by a child, propelled 20339
solely by human power upon which any person may ride having either 20340
two tandem wheels, or one wheel in the front and two wheels in the 20341
rear, any of which is more than fourteen inches in diameter. 20342

(H) "Motorized bicycle" means any vehicle having either two 20343
tandem wheels or one wheel in the front and two wheels in the 20344
rear, that is capable of being pedaled and is equipped with a 20345
helper motor of not more than fifty cubic centimeters piston 20346
displacement that produces no more than one brake horsepower and 20347
is capable of propelling the vehicle at a speed of no greater than 20348
twenty miles per hour on a level surface. 20349

(I) "Commercial tractor" means every motor vehicle having 20350
motive power designed or used for drawing other vehicles and not 20351
so constructed as to carry any load thereon, or designed or used 20352
for drawing other vehicles while carrying a portion of such other 20353
vehicles, or load thereon, or both. 20354

(J) "Agricultural tractor" means every self-propelling vehicle designed or used for drawing other vehicles or wheeled machinery but having no provision for carrying loads independently of such other vehicles, and used principally for agricultural purposes. 20355
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(K) "Truck" means every motor vehicle, except trailers and semitrailers, designed and used to carry property. 20360
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(L) "Bus" means every motor vehicle designed for carrying more than nine passengers and used for the transportation of persons other than in a ridesharing arrangement, and every motor vehicle, automobile for hire, or funeral car, other than a taxicab or motor vehicle used in a ridesharing arrangement, designed and used for the transportation of persons for compensation. 20362
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(M) "Trailer" means every vehicle designed or used for carrying persons or property wholly on its own structure and for being drawn by a motor vehicle, including any such vehicle when formed by or operated as a combination of a "semitrailer" and a vehicle of the dolly type, such as that commonly known as a "trailer dolly," a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a street or highway at a speed greater than twenty-five miles per hour, and a vehicle designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a street or highway for a distance of more than ten miles or at a speed of more than twenty-five miles per hour. 20368
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(N) "Semitrailer" means every vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle. 20381
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(O) "Pole trailer" means every trailer or semitrailer 20385

attached to the towing vehicle by means of a reach, pole, or by 20386
being boomed or otherwise secured to the towing vehicle, and 20387
ordinarily used for transporting long or irregular shaped loads 20388
such as poles, pipes, or structural members capable, generally, of 20389
sustaining themselves as beams between the supporting connections. 20390

(P) "Railroad" means a carrier of persons or property 20391
operating upon rails placed principally on a private right-of-way. 20392

(Q) "Railroad train" means a steam engine or an electric or 20393
other motor, with or without cars coupled thereto, operated by a 20394
railroad. 20395

(R) "Streetcar" means a car, other than a railroad train, for 20396
transporting persons or property, operated upon rails principally 20397
within a street or highway. 20398

(S) "Trackless trolley" means every car that collects its 20399
power from overhead electric trolley wires and that is not 20400
operated upon rails or tracks. 20401

(T) "Explosives" means any chemical compound or mechanical 20402
mixture that is intended for the purpose of producing an explosion 20403
that contains any oxidizing and combustible units or other 20404
ingredients in such proportions, quantities, or packing that an 20405
ignition by fire, by friction, by concussion, by percussion, or by 20406
a detonator of any part of the compound or mixture may cause such 20407
a sudden generation of highly heated gases that the resultant 20408
gaseous pressures are capable of producing destructive effects on 20409
contiguous objects, or of destroying life or limb. Manufactured 20410
articles shall not be held to be explosives when the individual 20411
units contain explosives in such limited quantities, of such 20412
nature, or in such packing, that it is impossible to procure a 20413
simultaneous or a destructive explosion of such units, to the 20414
injury of life, limb, or property by fire, by friction, by 20415
concussion, by percussion, or by a detonator, such as fixed 20416

ammunition for small arms, firecrackers, or safety fuse matches.	20417
(U) "Flammable liquid" means any liquid that has a flash	20418
point of seventy degrees fahrenheit, or less, as determined by a	20419
tagliabue or equivalent closed cup test device.	20420
(V) "Gross weight" means the weight of a vehicle plus the	20421
weight of any load thereon.	20422
(W) "Person" means every natural person, firm,	20423
co-partnership, association, or corporation.	20424
(X) "Pedestrian" means any natural person afoot.	20425
(Y) "Driver or operator" means every person who drives or is	20426
in actual physical control of a vehicle, trackless trolley, or	20427
streetcar.	20428
(Z) "Police officer" means every officer authorized to direct	20429
or regulate traffic, or to make arrests for violations of traffic	20430
regulations.	20431
(AA) "Local authorities" means every county, municipal, and	20432
other local board or body having authority to adopt police	20433
regulations under the constitution and laws of this state.	20434
(BB) "Street" or "highway" means the entire width between the	20435
boundary lines of every way open to the use of the public as a	20436
thoroughfare for purposes of vehicular travel.	20437
(CC) "Controlled-access highway" means every street or	20438
highway in respect to which owners or occupants of abutting lands	20439
and other persons have no legal right of access to or from the	20440
same except at such points only and in such manner as may be	20441
determined by the public authority having jurisdiction over such	20442
street or highway.	20443
(DD) "Private road or driveway" means every way or place in	20444
private ownership used for vehicular travel by the owner and those	20445
having express or implied permission from the owner but not by	20446

other persons. 20447

(EE) "Roadway" means that portion of a highway improved, 20448
designed, or ordinarily used for vehicular travel, except the berm 20449
or shoulder. If a highway includes two or more separate roadways 20450
the term "roadway" means any such roadway separately but not all 20451
such roadways collectively. 20452

(FF) "Sidewalk" means that portion of a street between the 20453
curb lines, or the lateral lines of a roadway, and the adjacent 20454
property lines, intended for the use of pedestrians. 20455

(GG) "Laned highway" means a highway the roadway of which is 20456
divided into two or more clearly marked lanes for vehicular 20457
traffic. 20458

(HH) "Through highway" means every street or highway as 20459
provided in section 4511.65 of the Revised Code. 20460

(II) "State highway" means a highway under the jurisdiction 20461
of the department of transportation, outside the limits of 20462
municipal corporations, provided that the authority conferred upon 20463
the director of transportation in section 5511.01 of the Revised 20464
Code to erect state highway route markers and signs directing 20465
traffic shall not be modified by sections 4511.01 to 4511.79 and 20466
4511.99 of the Revised Code. 20467

(JJ) "State route" means every highway that is designated 20468
with an official state route number and so marked. 20469

(KK) "Intersection" means: 20470

(1) The area embraced within the prolongation or connection 20471
of the lateral curb lines, or, if none, then the lateral boundary 20472
lines of the roadways of two highways which join one another at, 20473
or approximately at, right angles, or the area within which 20474
vehicles traveling upon different highways joining at any other 20475
angle may come in conflict. 20476

(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.

(3) The junction of an alley with a street or highway, or
with another alley, shall not constitute an intersection.

(LL) "Crosswalk" means:

(1) That part of a roadway at intersections ordinarily
included within the real or projected prolongation of property
lines and curb lines or, in the absence of curbs, the edges of the
traversable roadway;

(2) Any portion of a roadway at an intersection or elsewhere,
distinctly indicated for pedestrian crossing by lines or other
markings on the surface;

(3) Notwithstanding divisions (LL)(1) and (2) of this
section, there shall not be a crosswalk where local authorities
have placed signs indicating no crossing.

(MM) "Safety zone" means the area or space officially set
apart within a roadway for the exclusive use of pedestrians and
protected or marked or indicated by adequate signs as to be
plainly visible at all times.

(NN) "Business district" means the territory fronting upon a
street or highway, including the street or highway, between
successive intersections within municipal corporations where fifty
per cent or more of the frontage between such successive
intersections is occupied by buildings in use for business, or
within or outside municipal corporations where fifty per cent or
more of the frontage for a distance of three hundred feet or more

is occupied by buildings in use for business, and the character of 20508
such territory is indicated by official traffic control devices. 20509

(OO) "Residence district" means the territory, not comprising 20510
a business district, fronting on a street or highway, including 20511
the street or highway, where, for a distance of three hundred feet 20512
or more, the frontage is improved with residences or residences 20513
and buildings in use for business. 20514

(PP) "Urban district" means the territory contiguous to and 20515
including any street or highway which is built up with structures 20516
devoted to business, industry, or dwelling houses situated at 20517
intervals of less than one hundred feet for a distance of a 20518
quarter of a mile or more, and the character of such territory is 20519
indicated by official traffic control devices. 20520

(QQ) "Traffic control devices" means all flaggers, signs, 20521
signals, markings, and devices placed or erected by authority of a 20522
public body or official having jurisdiction, for the purpose of 20523
regulating, warning, or guiding traffic, including signs denoting 20524
names of streets and highways. 20525

(RR) "Traffic control signal" means any device, whether 20526
manually, electrically, or mechanically operated, by which traffic 20527
is alternately directed to stop, to proceed, to change direction, 20528
or not to change direction. 20529

(SS) "Railroad sign or signal" means any sign, signal, or 20530
device erected by authority of a public body or official or by a 20531
railroad and intended to give notice of the presence of railroad 20532
tracks or the approach of a railroad train. 20533

(TT) "Traffic" means pedestrians, ridden or herded animals, 20534
vehicles, streetcars, trackless trolleys, and other devices, 20535
either singly or together, while using any highway for purposes of 20536
travel. 20537

(UU) "Right-of-way" means either of the following, as the 20538

context requires: 20539

(1) The right of a vehicle, streetcar, trackless trolley, or 20540
pedestrian to proceed uninterruptedly in a lawful manner in the 20541
direction in which it or the individual is moving in preference to 20542
another vehicle, streetcar, trackless trolley, or pedestrian 20543
approaching from a different direction into its or the 20544
individual's path; 20545

(2) A general term denoting land, property, or the interest 20546
therein, usually in the configuration of a strip, acquired for or 20547
devoted to transportation purposes. When used in this context, 20548
right-of-way includes the roadway, shoulders or berm, ditch, and 20549
slopes extending to the right-of-way limits under the control of 20550
the state or local authority. 20551

(VV) "Rural mail delivery vehicle" means every vehicle used 20552
to deliver United States mail on a rural mail delivery route. 20553

(WW) "Funeral escort vehicle" means any motor vehicle, 20554
including a funeral hearse, while used to facilitate the movement 20555
of a funeral procession. 20556

(XX) "Alley" means a street or highway intended to provide 20557
access to the rear or side of lots or buildings in urban districts 20558
and not intended for the purpose of through vehicular traffic, and 20559
includes any street or highway that has been declared an "alley" 20560
by the legislative authority of the municipal corporation in which 20561
such street or highway is located. 20562

(YY) "Freeway" means a divided multi-lane highway for through 20563
traffic with all crossroads separated in grade and with full 20564
control of access. 20565

(ZZ) "Expressway" means a divided arterial highway for 20566
through traffic with full or partial control of access with an 20567
excess of fifty per cent of all crossroads separated in grade. 20568

(AAA) "Thruway" means a through highway whose entire roadway	20569
is reserved for through traffic and on which roadway parking is	20570
prohibited.	20571
(BBB) "Stop intersection" means any intersection at one or	20572
more entrances of which stop signs are erected.	20573
(CCC) "Arterial street" means any United States or state	20574
numbered route, controlled access highway, or other major radial	20575
or circumferential street or highway designated by local	20576
authorities within their respective jurisdictions as part of a	20577
major arterial system of streets or highways.	20578
(DDD) "Ridesharing arrangement" means the transportation of	20579
persons in a motor vehicle where such transportation is incidental	20580
to another purpose of a volunteer driver and includes ridesharing	20581
arrangements known as carpools, vanpools, and buspools.	20582
(EEE) "Motorized wheelchair" means any self-propelled vehicle	20583
designed for, and used by, a handicapped person and that is	20584
incapable of a speed in excess of eight miles per hour.	20585
(FFF) "Child day-care center" and "type A family day-care	20586
home" have the same meanings as in section 5104.01 of the Revised	20587
Code.	20588
(GGG) "Multi-wheel agricultural tractor" means a type of	20589
agricultural tractor that has two or more wheels or tires on each	20590
side of one axle at the rear of the tractor, is designed or used	20591
for drawing other vehicles or wheeled machinery, has no provision	20592
for carrying loads independently of the drawn vehicles or	20593
machinery, and is used principally for agricultural purposes.	20594
(HHH) "Operate" means to cause or have caused movement of a	20595
vehicle, streetcar, or trackless trolley.	20596
(III) "Predicate motor vehicle or traffic offense" means any	20597
of the following:	20598

(1) A violation of section 4511.03, 4511.051, 4511.12, 20599
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213, 20600
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 20601
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 20602
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 20603
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452, 20604
4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 20605
4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 4511.59, 20606
4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 4511.70, 20607
4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 4511.73, 20608
4511.763, 4511.771, 4511.78, or 4511.84 of the Revised Code; 20609

(2) A violation of division (A)(2) of section 4511.17, 20610
divisions (A) to (D) of section 4511.51, or division (A) of 20611
section 4511.74 of the Revised Code; 20612

(3) A violation of any provision of sections 4511.01 to 20613
4511.76 of the Revised Code for which no penalty otherwise is 20614
provided in the section that contains the provision violated; 20615

(4) A violation of a municipal ordinance that is 20616
substantially similar to any section or provision set forth or 20617
described in division (III)(1), (2), or (3) of this section. 20618

Sec. 4511.101. (A) The director of transportation, in 20619
accordance with 23 U.S.C.A. 109(d), 131(f), and 315, as amended, 20620
shall establish a program for the placement of business logos for 20621
identification purposes on state directional signs within the 20622
rights-of-way of divided, multi-lane, limited access highways in 20623
both rural and urban areas. 20624

(B)(1) The director shall establish, and may revise at any 20625
time, a fee for participation in the business logo sign program. 20626
All direct and indirect costs of the business logo sign program 20627
established pursuant to this section shall be fully paid by the 20628
businesses applying for participation in the program. ~~At any~~ 20629

~~interchange where a business logo sign is erected, such costs shall be divided equally among the participating businesses. The direct and indirect costs of the program shall include, but not be limited to, the cost of capital, directional signs, blanks, posts, logos, installation, repair, engineering, design, insurance, removal, replacement, and administration. ~~Nothing~~~~

(2) Money generated from participating businesses in excess of the direct and indirect costs and any reasonable profit earned by a person awarded a contract under division (C) of this section shall be remitted to the department of public safety, which shall deposit the money into the state treasury to the credit of the state highway safety fund created in section 4501.06 of the Revised Code to provide money for the operating expenses of the state highway patrol.

(3) ~~Nothing~~ in this chapter shall be construed to prohibit the director from establishing such a program. ~~If the department operates such a program and does not contract with a private person to operate it, all money collected from participating businesses shall be deposited and credited as prescribed in division (B)(2) of this section.~~

(C) The director, in accordance with rules adopted pursuant to Chapter 119. of the Revised Code, may contract with any private person to operate, maintain, ~~and~~ or market the business logo sign program. ~~The rules shall describe the terms of the contract, and shall~~ may allow for a reasonable profit to be earned by the successful applicant. In awarding the contract, the director shall consider the skill, expertise, prior experience, and other qualifications of each applicant.

(D) As used in this section, "urban area" means an area having a population of fifty thousand or more according to the most recent federal census and designated as such on urban maps prepared by the department.

(E) ~~Neither~~ In implementing this section, neither the 20662
department nor the director shall do either of the following: 20663

(1) Limit the right of any person to erect, maintain, repair, 20664
remove, or utilize any off-premises or on-premises advertising 20665
device; 20666

(2) Make participation in the business logo sign program 20667
conditional upon a business agreeing to limit, discontinue, 20668
withdraw, modify, alter, or change any advertising or sign. 20669

(F) The program shall permit the business logo signs of a 20670
seller of motor vehicle fuel to include on the seller's signs a 20671
marking or symbol indicating that the seller sells one or more 20672
types of alternative fuel so long as the seller in fact sells that 20673
fuel. 20674

As used in this division, "alternative fuel" has the same 20675
meaning as in section 125.831 of the Revised Code. 20676

Sec. 4511.181. As used in sections 4511.181 to 4511.197 of 20677
the Revised Code: 20678

(A) "Equivalent offense" means any of the following: 20679

(1) A violation of division (A) or (B) of section 4511.19 of 20680
the Revised Code; 20681

(2) A violation of a municipal OVI ordinance; 20682

(3) A violation of section 2903.04 of the Revised Code in a 20683
case in which the offender was subject to the sanctions described 20684
in division (D) of that section; 20685

(4) A violation of division (A)(1) of section 2903.06 or 20686
2903.08 of the Revised Code or a municipal ordinance that is 20687
substantially equivalent to either of those divisions; 20688

(5) A violation of division (A)(2), (3), or (4) of section 20689
2903.06, division (A)(2) of section 2903.08, or former section 20690

2903.07 of the Revised Code, or a municipal ordinance that is 20691
substantially equivalent to any of those divisions or that former 20692
section, in a case in which a judge or jury as the trier of fact 20693
found that the offender was under the influence of alcohol, a drug 20694
of abuse, or a combination of them; 20695

(6) A violation of an existing or former municipal ordinance, 20696
law of another state, or law of the United States that is 20697
substantially equivalent to division (A) or (B) of section 4511.19 20698
of the Revised Code; 20699

(7) A violation of a former law of this state that was 20700
substantially equivalent to division (A) or (B) of section 4511.19 20701
of the Revised Code. 20702

(B) "Mandatory jail term" means the mandatory term in jail of 20703
three, six, ten, twenty, thirty, or sixty days that must be 20704
imposed under division (G)(1)(a), (b), or (c) of section 4511.19 20705
of the Revised Code upon an offender convicted of a violation of 20706
division (A) of that section and in relation to which all of the 20707
following apply: 20708

(1) Except as specifically authorized under section 4511.19 20709
of the Revised Code, the term must be served in a jail. 20710

(2) Except as specifically authorized under section 4511.19 20711
of the Revised Code, the term cannot be suspended, reduced, or 20712
otherwise modified pursuant to sections 2929.21 to 2929.28 or any 20713
other provision of the Revised Code. 20714

(C) "Municipal OVI ordinance" and "municipal OVI offense" 20715
mean any municipal ordinance prohibiting a person from operating a 20716
vehicle while under the influence of alcohol, a drug of abuse, or 20717
a combination of them or prohibiting a person from operating a 20718
vehicle with a prohibited concentration of alcohol, a controlled 20719
substance, or a metabolite of a controlled substance in the whole 20720
blood, blood serum or plasma, breath, or urine. 20721

(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 ignition interlock device that is constantly available to monitor the concentration of alcohol in a person's system, or any other device that provides for the automatic testing and periodic reporting of alcohol consumption by a person and that a court orders a person to use as a sanction imposed as a result of the person's conviction of or plea of guilty to an offense.

(2) Any person who operates a vehicle, streetcar, or trackless trolley upon a highway or any public or private property used by the public for vehicular travel or parking within this state or who is in physical control of a vehicle, streetcar, or trackless trolley shall be deemed to have given consent to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine to determine the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine if arrested for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance.

(3) The chemical test or tests under division (A)(2) of this section shall be administered at the request of a law enforcement officer having reasonable grounds to believe the person was operating or in physical control of a vehicle, streetcar, or trackless trolley in violation of a division, section, or ordinance identified in division (A)(2) of this section. The law enforcement agency by which the officer is employed shall designate which of the tests shall be administered.

(4) Any person who is dead or unconscious, or who otherwise is in a condition rendering the person incapable of refusal, shall be deemed to have consented as provided in division (A)(2) of this section, and the test or tests may be administered, subject to sections 313.12 to 313.16 of the Revised Code.

(B)(1) Upon receipt of the sworn report of a law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person who refused to take the designated chemical test, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and that section and the period of the suspension, as determined under this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension shall be for whichever of the following periods applies:

(a) Except when division (B)(1)(b), (c), or (d) of this section applies and specifies a different class or length of suspension, the suspension shall be a class C suspension for the

period of time specified in division (B)(3) of section 4510.02 of the Revised Code. 20785
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(b) If the arrested person, within six years of the date on which the person refused the request to consent to the chemical test, had refused one previous request to consent to a chemical test, the suspension shall be a class B suspension imposed for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code. 20787
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(c) If the arrested person, within six years of the date on which the person refused the request to consent to the chemical test, had refused two previous requests to consent to a chemical test, the suspension shall be a class A suspension imposed for the period of time specified in division (B)(1) of section 4510.02 of the Revised Code. 20793
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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. 20799
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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. 20803
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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 20814
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nonresident operating privilege imposed pursuant to section 20816
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 20817
Revised Code for a violation of a municipal OVI ordinance, any 20818
time during which the person serves a related suspension imposed 20819
pursuant to division (B)(1) of this section. 20820

(C)(1) Upon receipt of the sworn report of the law 20821
enforcement officer who arrested a person for a violation of 20822
division (A) or (B) of section 4511.19 of the Revised Code or a 20823
municipal OVI ordinance that was completed and sent to the 20824
registrar and a court pursuant to section 4511.192 of the Revised 20825
Code in regard to a person whose test results indicate that the 20826
person's whole blood, blood serum or plasma, breath, or urine 20827
contained at least the concentration of alcohol specified in 20828
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 20829
Revised Code or at least the concentration of a listed controlled 20830
substance or a listed metabolite of a controlled substance 20831
specified in division (A)(1)(j) of section 4511.19 of the Revised 20832
Code, the registrar shall enter into the registrar's records the 20833
fact that the person's driver's or commercial driver's license or 20834
permit or nonresident operating privilege was suspended by the 20835
arresting officer under this division and section 4511.192 of the 20836
Revised Code and the period of the suspension, as determined under 20837
divisions (F)(1) to (4) of this section. The suspension shall be 20838
subject to appeal as provided in section 4511.197 of the Revised 20839
Code. The suspension described in this division does not apply to, 20840
and shall not be imposed upon, a person arrested for a violation 20841
of section 4511.194 of the Revised Code or a substantially 20842
equivalent municipal ordinance who submits to a designated 20843
chemical test. The suspension shall be for whichever of the 20844
following periods applies: 20845

(a) Except when division (C)(1)(b), (c), or (d) of this 20846
section applies and specifies a different period, the suspension 20847

shall be a class E suspension imposed for the period of time 20848
specified in division (B)(5) of section 4510.02 of the Revised 20849
Code. 20850

(b) The suspension shall be a class C suspension for the 20851
period of time specified in division (B)(3) of section 4510.02 of 20852
the Revised Code if the person has been convicted of or pleaded 20853
guilty to, within six years of the date the test was conducted, 20854
one violation of division (A) or (B) of section 4511.19 of the 20855
Revised Code or one other equivalent offense. 20856

(c) If, within six years of the date the test was conducted, 20857
the person has been convicted of or pleaded guilty to two 20858
violations of a statute or ordinance described in division 20859
(C)(1)(b) of this section, the suspension shall be a class B 20860
suspension imposed for the period of time specified in division 20861
(B)(2) of section 4510.02 of the Revised Code. 20862

(d) If, within six years of the date the test was conducted, 20863
the person has been convicted of or pleaded guilty to more than 20864
two violations of a statute or ordinance described in division 20865
(C)(1)(b) of this section, the suspension shall be a class A 20866
suspension imposed for the period of time specified in division 20867
(B)(1) of section 4510.02 of the Revised Code. 20868

(2) The registrar shall terminate a suspension of the 20869
driver's or commercial driver's license or permit of a resident or 20870
of the operating privilege of a nonresident, or a denial of a 20871
driver's or commercial driver's license or permit, imposed 20872
pursuant to division (C)(1) of this section upon receipt of notice 20873
that the person has entered a plea of guilty to, or that the 20874
person has been convicted after entering a plea of no contest to, 20875
operating a vehicle in violation of section 4511.19 of the Revised 20876
Code or in violation of a municipal OVI ordinance, if the offense 20877
for which the conviction is had or the plea is entered arose from 20878
the same incident that led to the suspension or denial. 20879

The registrar shall credit against any judicial suspension of 20880
a person's driver's or commercial driver's license or permit or 20881
nonresident operating privilege imposed pursuant to section 20882
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 20883
Revised Code for a violation of a municipal OVI ordinance, any 20884
time during which the person serves a related suspension imposed 20885
pursuant to division (C)(1) of this section. 20886

(D)(1) A suspension of a person's driver's or commercial 20887
driver's license or permit or nonresident operating privilege 20888
under this section for the time described in division (B) or (C) 20889
of this section is effective immediately from the time at which 20890
the arresting officer serves the notice of suspension upon the 20891
arrested person. Any subsequent finding that the person is not 20892
guilty of the charge that resulted in the person being requested 20893
to take the chemical test or tests under division (A) of this 20894
section does not affect the suspension. 20895

(2) If a person is arrested for operating a vehicle, 20896
streetcar, or trackless trolley in violation of division (A) or 20897
(B) of section 4511.19 of the Revised Code or a municipal OVI 20898
ordinance, or for being in physical control of a vehicle, 20899
streetcar, or trackless trolley in violation of section 4511.194 20900
of the Revised Code or a substantially equivalent municipal 20901
ordinance, regardless of whether the person's driver's or 20902
commercial driver's license or permit or nonresident operating 20903
privilege is or is not suspended under division (B) or (C) of this 20904
section or Chapter 4510. of the Revised Code, the person's initial 20905
appearance on the charge resulting from the arrest shall be held 20906
within five days of the person's arrest or the issuance of the 20907
citation to the person, subject to any continuance granted by the 20908
court pursuant to section 4511.197 of the Revised Code regarding 20909
the issues specified in that division. 20910

(E) When it finally has been determined under the procedures 20911

of this section and sections 4511.192 to 4511.197 of the Revised Code that a nonresident's privilege to operate a vehicle within this state has been suspended, the registrar shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which the person has a license.

(F) At the end of a suspension period under this section, under section 4511.194, section 4511.196, or division (G) of section 4511.19 of the Revised Code, or under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance and upon the request of the person whose driver's or commercial driver's license or permit was suspended and who is not otherwise subject to suspension, cancellation, or disqualification, the registrar shall return the driver's or commercial driver's license or permit to the person upon the occurrence of all of the conditions specified in divisions (F)(1) and (2) of this section:

(1) A showing that the person has proof of financial responsibility, a policy of liability insurance in effect that meets the minimum standards set forth in section 4509.51 of the Revised Code, or proof, to the satisfaction of the registrar, that the person is able to respond in damages in an amount at least equal to the minimum amounts specified in section 4509.51 of the Revised Code.

(2) Subject to the limitation contained in division (F)(3) of this section, payment by the person to the bureau of motor vehicles of a license reinstatement fee of four hundred twenty-five dollars, which fee shall be deposited in the state treasury and credited as follows:

(a) One hundred twelve dollars and fifty cents shall be credited to the statewide treatment and prevention fund created by section 4301.30 of the Revised Code. The fund shall be used to pay the costs of driver treatment and intervention programs operated

pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 20944
director of alcohol and drug addiction services shall determine 20945
the share of the fund that is to be allocated to alcohol and drug 20946
addiction programs authorized by section 3793.02 of the Revised 20947
Code, and the share of the fund that is to be allocated to 20948
drivers' intervention programs authorized by section 3793.10 of 20949
the Revised Code. 20950

(b) Seventy-five dollars shall be credited to the reparations 20951
fund created by section 2743.191 of the Revised Code. 20952

(c) Thirty-seven dollars and fifty cents shall be credited to 20953
the indigent drivers alcohol treatment fund, which is hereby 20954
established. Except as otherwise provided in division (F)(2)(c) of 20955
this section, moneys in the fund shall be distributed by the 20956
department of alcohol and drug addiction services to the county 20957
indigent drivers alcohol treatment funds, the county juvenile 20958
indigent drivers alcohol treatment funds, and the municipal 20959
indigent drivers alcohol treatment funds that are required to be 20960
established by counties and municipal corporations pursuant to 20961
this section, and shall be used only to pay the cost of an alcohol 20962
and drug addiction treatment program attended by an offender or 20963
juvenile traffic offender who is ordered to attend an alcohol and 20964
drug addiction treatment program by a county, juvenile, or 20965
municipal court judge and who is determined by the county, 20966
juvenile, or municipal court judge not to have the means to pay 20967
for the person's attendance at the program or to pay the costs 20968
specified in division (H)(4) of this section in accordance with 20969
that division. In addition, a county, juvenile, or municipal court 20970
judge may use moneys in the county indigent drivers alcohol 20971
treatment fund, county juvenile indigent drivers alcohol treatment 20972
fund, or municipal indigent drivers alcohol treatment fund to pay 20973
for the cost of the continued use of an ~~electronic continuous~~ 20974
alcohol monitoring device as described in divisions (H)(3) and (4) 20975

of this section. Moneys in the fund that are not distributed to a 20976
county indigent drivers alcohol treatment fund, a county juvenile 20977
indigent drivers alcohol treatment fund, or a municipal indigent 20978
drivers alcohol treatment fund under division (H) of this section 20979
because the director of alcohol and drug addiction services does 20980
not have the information necessary to identify the county or 20981
municipal corporation where the offender or juvenile offender was 20982
arrested may be transferred by the director of budget and 20983
management to the statewide treatment and prevention fund created 20984
by section 4301.30 of the Revised Code, upon certification of the 20985
amount by the director of alcohol and drug addiction services. 20986

(d) Seventy-five dollars shall be credited to the Ohio 20987
rehabilitation services commission established by section 3304.12 20988
of the Revised Code, to the services for rehabilitation fund, 20989
which is hereby established. The fund shall be used to match 20990
available federal matching funds where appropriate, and for any 20991
other purpose or program of the commission to rehabilitate people 20992
with disabilities to help them become employed and independent. 20993

(e) Seventy-five dollars shall be deposited into the state 20994
treasury and credited to the drug abuse resistance education 20995
programs fund, which is hereby established, to be used by the 20996
attorney general for the purposes specified in division (F)(4) of 20997
this section. 20998

(f) Thirty dollars shall be credited to the state bureau of 20999
motor vehicles fund created by section 4501.25 of the Revised 21000
Code. 21001

(g) Twenty dollars shall be credited to the trauma and 21002
emergency medical services grants fund created by section 4513.263 21003
of the Revised Code. 21004

(3) If a person's driver's or commercial driver's license or 21005
permit is suspended under this section, under section 4511.196 or 21006

division (G) of section 4511.19 of the Revised Code, under section 21007
4510.07 of the Revised Code for a violation of a municipal OVI 21008
ordinance or under any combination of the suspensions described in 21009
division (F)(3) of this section, and if the suspensions arise from 21010
a single incident or a single set of facts and circumstances, the 21011
person is liable for payment of, and shall be required to pay to 21012
the bureau, only one reinstatement fee of four hundred twenty-five 21013
dollars. The reinstatement fee shall be distributed by the bureau 21014
in accordance with division (F)(2) of this section. 21015

(4) The attorney general shall use amounts in the drug abuse 21016
resistance education programs fund to award grants to law 21017
enforcement agencies to establish and implement drug abuse 21018
resistance education programs in public schools. Grants awarded to 21019
a law enforcement agency under this section shall be used by the 21020
agency to pay for not more than fifty per cent of the amount of 21021
the salaries of law enforcement officers who conduct drug abuse 21022
resistance education programs in public schools. The attorney 21023
general shall not use more than six per cent of the amounts the 21024
attorney general's office receives under division (F)(2)(e) of 21025
this section to pay the costs it incurs in administering the grant 21026
program established by division (F)(2)(e) of this section and in 21027
providing training and materials relating to drug abuse resistance 21028
education programs. 21029

The attorney general shall report to the governor and the 21030
general assembly each fiscal year on the progress made in 21031
establishing and implementing drug abuse resistance education 21032
programs. These reports shall include an evaluation of the 21033
effectiveness of these programs. 21034

(G) Suspension of a commercial driver's license under 21035
division (B) or (C) of this section shall be concurrent with any 21036
period of disqualification under section 3123.611 or 4506.16 of 21037
the Revised Code or any period of suspension under section 3123.58 21038

of the Revised Code. No person who is disqualified for life from 21039
holding a commercial driver's license under section 4506.16 of the 21040
Revised Code shall be issued a driver's license under Chapter 21041
4507. of the Revised Code during the period for which the 21042
commercial driver's license was suspended under division (B) or 21043
(C) of this section. No person whose commercial driver's license 21044
is suspended under division (B) or (C) of this section shall be 21045
issued a driver's license under Chapter 4507. of the Revised Code 21046
during the period of the suspension. 21047

(H)(1) Each county shall establish an indigent drivers 21048
alcohol treatment fund, each county shall establish a juvenile 21049
indigent drivers alcohol treatment fund, and each municipal 21050
corporation in which there is a municipal court shall establish an 21051
indigent drivers alcohol treatment fund. All revenue that the 21052
general assembly appropriates to the indigent drivers alcohol 21053
treatment fund for transfer to a county indigent drivers alcohol 21054
treatment fund, a county juvenile indigent drivers alcohol 21055
treatment fund, or a municipal indigent drivers alcohol treatment 21056
fund, all portions of fees that are paid under division (F) of 21057
this section and that are credited under that division to the 21058
indigent drivers alcohol treatment fund in the state treasury for 21059
a county indigent drivers alcohol treatment fund, a county 21060
juvenile indigent drivers alcohol treatment fund, or a municipal 21061
indigent drivers alcohol treatment fund, all portions of 21062
additional costs imposed under section 2949.094 of the Revised 21063
Code that are specified for deposit into a county, county 21064
juvenile, or municipal indigent drivers alcohol treatment fund by 21065
that section, and all portions of fines that are specified for 21066
deposit into a county or municipal indigent drivers alcohol 21067
treatment fund by section 4511.193 of the Revised Code shall be 21068
deposited into that county indigent drivers alcohol treatment 21069
fund, county juvenile indigent drivers alcohol treatment fund, or 21070
municipal indigent drivers alcohol treatment fund in accordance 21071

with division (H)(2) of this section. Additionally, all portions 21072
of fines that are paid for a violation of section 4511.19 of the 21073
Revised Code or of any prohibition contained in Chapter 4510. of 21074
the Revised Code, and that are required under section 4511.19 or 21075
any provision of Chapter 4510. of the Revised Code to be deposited 21076
into a county indigent drivers alcohol treatment fund or municipal 21077
indigent drivers alcohol treatment fund shall be deposited into 21078
the appropriate fund in accordance with the applicable division. 21079

(2) That portion of the license reinstatement fee that is 21080
paid under division (F) of this section and that is credited under 21081
that division to the indigent drivers alcohol treatment fund and 21082
that portion of the additional court cost that is imposed under 21083
section 2949.094 of the Revised Code and that is specified by that 21084
section for deposit into the indigent drivers alcohol treatment 21085
fund shall be deposited into a county indigent drivers alcohol 21086
treatment fund, a county juvenile indigent drivers alcohol 21087
treatment fund, or a municipal indigent drivers alcohol treatment 21088
fund as follows: 21089

(a) ~~If the~~ Regarding a suspension in question was imposed 21090
under this section or additional court costs, that portion of the 21091
fee shall be deposited as follows: 21092

(i) If the fee or court cost is paid by a person who was 21093
charged in a county court with the violation that resulted in the 21094
suspension or in the imposition of the court costs, the portion 21095
shall be deposited into the county indigent drivers alcohol 21096
treatment fund under the control of that court; 21097

(ii) If the fee or court cost is paid by a person who was 21098
charged in a juvenile court with the violation that resulted in 21099
the suspension or in the imposition of the court costs, the 21100
portion shall be deposited into the county juvenile indigent 21101
drivers alcohol treatment fund established in the county served by 21102
the court; 21103

(iii) If the fee or court cost is paid by a person who was 21104
charged in a municipal court with the violation that resulted in 21105
the suspension or in the imposition of the court costs, the 21106
portion shall be deposited into the municipal indigent drivers 21107
alcohol treatment fund under the control of that court. 21108

(b) ~~If the~~ Regarding a suspension ~~in question was~~ imposed 21109
under section 4511.19 of the Revised Code or under section 4510.07 21110
of the Revised Code for a violation of a municipal OVI ordinance, 21111
that portion of the fee shall be deposited as follows: 21112

(i) If the fee is paid by a person whose license or permit 21113
was suspended by a county court, the portion shall be deposited 21114
into the county indigent drivers alcohol treatment fund under the 21115
control of that court; 21116

(ii) If the fee is paid by a person whose license or permit 21117
was suspended by a municipal court, the portion shall be deposited 21118
into the municipal indigent drivers alcohol treatment fund under 21119
the control of that court. 21120

(3) Expenditures from a county indigent drivers alcohol 21121
treatment fund, a county juvenile indigent drivers alcohol 21122
treatment fund, or a municipal indigent drivers alcohol treatment 21123
fund shall be made only upon the order of a county, juvenile, or 21124
municipal court judge and only for payment of the cost of the 21125
attendance at an alcohol and drug addiction treatment program of a 21126
person who is convicted of, or found to be a juvenile traffic 21127
offender by reason of, a violation of division (A) of section 21128
4511.19 of the Revised Code or a substantially similar municipal 21129
ordinance, who is ordered by the court to attend the alcohol and 21130
drug addiction treatment program, and who is determined by the 21131
court to be unable to pay the cost of attendance at the treatment 21132
program or for payment of the costs specified in division (H)(4) 21133
of this section in accordance with that division. The alcohol and 21134
drug addiction services board or the board of alcohol, drug 21135

addiction, and mental health services established pursuant to 21136
section 340.02 or 340.021 of the Revised Code and serving the 21137
alcohol, drug addiction, and mental health service district in 21138
which the court is located shall administer the indigent drivers 21139
alcohol treatment program of the court. When a court orders an 21140
offender or juvenile traffic offender to attend an alcohol and 21141
drug addiction treatment program, the board shall determine which 21142
program is suitable to meet the needs of the offender or juvenile 21143
traffic offender, and when a suitable program is located and space 21144
is available at the program, the offender or juvenile traffic 21145
offender shall attend the program designated by the board. A 21146
reasonable amount not to exceed five per cent of the amounts 21147
credited to and deposited into the county indigent drivers alcohol 21148
treatment fund, the county juvenile indigent drivers alcohol 21149
treatment fund, or the municipal indigent drivers alcohol 21150
treatment fund serving every court whose program is administered 21151
by that board shall be paid to the board to cover the costs it 21152
incurs in administering those indigent drivers alcohol treatment 21153
programs. 21154

In addition, a county, juvenile, or municipal court judge may 21155
use moneys in the county indigent drivers alcohol treatment fund, 21156
county juvenile indigent drivers alcohol treatment fund, or 21157
municipal indigent drivers alcohol treatment fund in the following 21158
manners: 21159

(a) If the source of the moneys was an appropriation of the 21160
general assembly, a portion of a fee that was paid under division 21161
(F) of this section, a portion of a fine that was specified for 21162
deposit into the fund by section 4511.193 of the Revised Code, or 21163
a portion of a fine that was paid for a violation of section 21164
4511.19 of the Revised Code or of a provision contained in Chapter 21165
4510. of the Revised Code that was required to be deposited into 21166
the fund, to pay for the continued use of an ~~electronic continuous~~ 21167

alcohol monitoring device by an offender or juvenile traffic 21168
offender, in conjunction with a treatment program approved by the 21169
department of alcohol and drug addiction services, when such use 21170
is determined clinically necessary by the treatment program and 21171
when the court determines that the offender or juvenile traffic 21172
offender is unable to pay all or part of the daily monitoring or 21173
cost of the device; 21174

(b) If the source of the moneys was a portion of an 21175
additional court cost imposed under section 2949.094 of the 21176
Revised Code, to pay for the continued use of an alcohol 21177
monitoring device by an offender or juvenile traffic offender when 21178
the court determines that the offender or juvenile traffic 21179
offender is unable to pay all or part of the daily monitoring or 21180
cost of the device. The moneys may be used for a device as 21181
described in this division if the use of the device is in 21182
conjunction with a treatment program approved by the department of 21183
alcohol and drug addiction services, when the use of the device is 21184
determined clinically necessary by the treatment program, but the 21185
use of a device is not required to be in conjunction with a 21186
treatment program approved by the department in order for the 21187
moneys to be used for the device as described in this division. 21188

(4) If a county, juvenile, or municipal court determines, in 21189
consultation with the alcohol and drug addiction services board or 21190
the board of alcohol, drug addiction, and mental health services 21191
established pursuant to section 340.02 or 340.021 of the Revised 21192
Code and serving the alcohol, drug addiction, and mental health 21193
district in which the court is located, that the funds in the 21194
county indigent drivers alcohol treatment fund, the county 21195
juvenile indigent drivers alcohol treatment fund, or the municipal 21196
indigent drivers alcohol treatment fund under the control of the 21197
court are more than sufficient to satisfy the purpose for which 21198
the fund was established, as specified in divisions (H)(1) to (3) 21199

of this section, the court may declare a surplus in the fund. If 21200
the court declares a surplus in the fund, the court may expend the 21201
amount of the surplus in the fund for: 21202

(a) Alcohol and drug abuse assessment and treatment of 21203
persons who are charged in the court with committing a criminal 21204
offense or with being a delinquent child or juvenile traffic 21205
offender and in relation to whom both of the following apply: 21206

(i) The court determines that substance abuse was a 21207
contributing factor leading to the criminal or delinquent activity 21208
or the juvenile traffic offense with which the person is charged. 21209

(ii) The court determines that the person is unable to pay 21210
the cost of the alcohol and drug abuse assessment and treatment 21211
for which the surplus money will be used. 21212

(b) All or part of the cost of purchasing ~~electronic~~ 21213
~~continuous~~ alcohol monitoring devices to be used in conjunction 21214
with division (H)(3) of this section. 21215

Sec. 4511.53. (A) For purposes of this section, "snowmobile" 21216
has the same meaning as given that term in section 4519.01 of the 21217
Revised Code. 21218

(B) ~~A No~~ person operating a bicycle shall ~~not~~ ride other than 21219
upon or astride the permanent and regular seat attached thereto, 21220
~~and a person operating a motorcycle shall not ride other than upon~~ 21221
~~the permanent and regular seat attached thereto, nor~~ or carry any 21222
other person upon such bicycle ~~or motorcycle~~ other than upon a 21223
firmly attached and regular seat thereon, ~~nor shall any~~ and no 21224
person shall ride upon a bicycle ~~or motorcycle~~ other than upon 21225
such a firmly attached and regular seat. 21226

No person operating a motorcycle shall ride other than upon 21227
or astride the permanent and regular seat or saddle attached 21228
thereto, or carry any other person upon such motorcycle other than 21229

upon a firmly attached and regular seat or saddle thereon, and no person shall ride upon a motorcycle other than upon such a firmly attached and regular seat or saddle. 21230
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A No person shall ride upon a motorcycle ~~only~~ that is equipped with a saddle other than while sitting astride the ~~seat saddle~~, facing forward, with one leg on each side of the motorcycle. 21233
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No person shall ride upon a motorcycle that is equipped with a seat other than while sitting upon the seat. 21237
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No person operating a bicycle shall carry any package, bundle, or article that prevents the driver from keeping at least one hand upon the handle bars. 21239
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No bicycle or motorcycle shall be used to carry more persons at one time than the number for which it is designed and equipped, nor shall any motorcycle be operated on a highway when the handle bars or grips are more than fifteen inches higher than the seat or saddle for the operator. 21242
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No person shall operate or be a passenger on a snowmobile or motorcycle without using safety glasses or other protective eye device. No person who is under the age of eighteen years, or who holds a motorcycle operator's endorsement or license bearing a "novice" designation that is currently in effect as provided in section 4507.13 of the Revised Code, shall operate a motorcycle on a highway, or be a passenger on a motorcycle, unless wearing a protective helmet on the person's head, and no other person shall be a passenger on a motorcycle operated by such a person unless similarly wearing a protective helmet. The helmet, safety glasses, or other protective eye device shall conform with regulations prescribed and promulgated by the director of public safety. The provisions of this paragraph or a violation thereof shall not be used in the trial of any civil action. 21247
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(C) Nothing in this section shall be construed as prohibiting 21261
the carrying of a child in a seat or trailer that is designed for 21262
carrying children and is firmly attached to the bicycle. 21263

(D) Except as otherwise provided in this division, whoever 21264
violates this section is guilty of a minor misdemeanor. If, within 21265
one year of the offense, the offender previously has been 21266
convicted of or pleaded guilty to one predicate motor vehicle or 21267
traffic offense, whoever violates this section is guilty of a 21268
misdemeanor of the fourth degree. If, within one year of the 21269
offense, the offender previously has been convicted of two or more 21270
predicate motor vehicle or traffic offenses, whoever violates this 21271
section is guilty of a misdemeanor of the third degree. 21272

Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the 21273
Revised Code: 21274

(A)(1) "Clinical laboratory services" means either of the 21275
following: 21276

(a) Any examination of materials derived from the human body 21277
for the purpose of providing information for the diagnosis, 21278
prevention, or treatment of any disease or impairment or for the 21279
assessment of health; 21280

(b) Procedures to determine, measure, or otherwise describe 21281
the presence or absence of various substances or organisms in the 21282
body. 21283

(2) "Clinical laboratory services" does not include the mere 21284
collection or preparation of specimens. 21285

(B) "Designated health services" means any of the following: 21286

(1) Clinical laboratory services; 21287

(2) Home health care services; 21288

(3) Outpatient prescription drugs. 21289

(C) "Fair market value" means the value in arms-length transactions, consistent with general market value and:	21290 21291
(1) With respect to rentals or leases, the value of rental property for general commercial purposes, not taking into account its intended use;	21292 21293 21294
(2) With respect to a lease of space, not adjusted to reflect the additional value the prospective lessee or lessor would attribute to the proximity or convenience to the lessor if the lessor is a potential source of referrals to the lessee.	21295 21296 21297 21298
(D) "Governmental health care program" means any program providing health care benefits that is administered by the federal government, this state, or a political subdivision of this state, including the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, health care coverage for public employees, health care benefits administered by the bureau of workers' compensation, the medical assistance <u>medicaid</u> program established under Chapter 5111. of the Revised Code, and the disability medical assistance program established under Chapter 5115. of the Revised Code, <u>and the children's buy-in program established under sections 5101.5211 to 5101.5216 of the Revised Code.</u>	21299 21300 21301 21302 21303 21304 21305 21306 21307 21308 21309 21310
(E)(1) "Group practice" means a group of two or more holders of certificates under this chapter legally organized as a partnership, professional corporation or association, limited liability company, foundation, nonprofit corporation, faculty practice plan, or similar group practice entity, including an organization comprised of a nonprofit medical clinic that contracts with a professional corporation or association of physicians to provide medical services exclusively to patients of the clinic in order to comply with section 1701.03 of the Revised Code and including a corporation, limited liability company, partnership, or professional association described in division (B)	21311 21312 21313 21314 21315 21316 21317 21318 21319 21320 21321

of section 4731.226 of the Revised Code formed for the purpose of 21322
providing a combination of the professional services of 21323
optometrists who are licensed, certificated, or otherwise legally 21324
authorized to practice optometry under Chapter 4725. of the 21325
Revised Code, chiropractors who are licensed, certificated, or 21326
otherwise legally authorized to practice chiropractic or 21327
acupuncture under Chapter 4734. of the Revised Code, psychologists 21328
who are licensed, certificated, or otherwise legally authorized to 21329
practice psychology under Chapter 4732. of the Revised Code, 21330
registered or licensed practical nurses who are licensed, 21331
certificated, or otherwise legally authorized to practice nursing 21332
under Chapter 4723. of the Revised Code, pharmacists who are 21333
licensed, certificated, or otherwise legally authorized to 21334
practice pharmacy under Chapter 4729. of the Revised Code, 21335
physical therapists who are licensed, certificated, or otherwise 21336
legally authorized to practice physical therapy under sections 21337
4755.40 to 4755.56 of the Revised Code, occupational therapists 21338
who are licensed, certificated, or otherwise legally authorized to 21339
practice occupational therapy under sections 4755.04 to 4755.13 of 21340
the Revised Code, mechanotherapists who are licensed, 21341
certificated, or otherwise legally authorized to practice 21342
mechanotherapy under section 4731.151 of the Revised Code, and 21343
doctors of medicine and surgery, osteopathic medicine and surgery, 21344
or podiatric medicine and surgery who are licensed, certificated, 21345
or otherwise legally authorized for their respective practices 21346
under this chapter, to which all of the following apply: 21347

(a) Each physician who is a member of the group practice 21348
provides substantially the full range of services that the 21349
physician routinely provides, including medical care, 21350
consultation, diagnosis, or treatment, through the joint use of 21351
shared office space, facilities, equipment, and personnel. 21352

(b) Substantially all of the services of the members of the 21353

group are provided through the group and are billed in the name of 21354
the group and amounts so received are treated as receipts of the 21355
group. 21356

(c) The overhead expenses of and the income from the practice 21357
are distributed in accordance with methods previously determined 21358
by members of the group. 21359

(d) The group practice meets any other requirements that the 21360
state medical board applies in rules adopted under section 4731.70 21361
of the Revised Code. 21362

(2) In the case of a faculty practice plan associated with a 21363
hospital with a medical residency training program in which 21364
physician members may provide a variety of specialty services and 21365
provide professional services both within and outside the group, 21366
as well as perform other tasks such as research, the criteria in 21367
division (E)(1) of this section apply only with respect to 21368
services rendered within the faculty practice plan. 21369

(F) "Home health care services" and "immediate family" have 21370
the same meanings as in the rules adopted under section 4731.70 of 21371
the Revised Code. 21372

(G) "Hospital" has the same meaning as in section 3727.01 of 21373
the Revised Code. 21374

(H) A "referral" includes both of the following: 21375

(1) A request by a holder of a certificate under this chapter 21376
for an item or service, including a request for a consultation 21377
with another physician and any test or procedure ordered by or to 21378
be performed by or under the supervision of the other physician; 21379

(2) A request for or establishment of a plan of care by a 21380
certificate holder that includes the provision of designated 21381
health services. 21382

(I) "Third-party payer" has the same meaning as in section 21383

3901.38 of the Revised Code. 21384

Sec. 4731.71. The auditor of state may implement procedures 21385
to detect violations of section 4731.66 or 4731.69 of the Revised 21386
Code within governmental health care programs administered by the 21387
state. The auditor of state shall report any violation of either 21388
section to the state medical board and shall certify to the 21389
attorney general in accordance with section 131.02 of the Revised 21390
Code the amount of any refund owed to a state-administered 21391
governmental health care program under section 4731.69 of the 21392
Revised Code as a result of a violation. If a refund is owed to 21393
the ~~medical assistance~~ medicaid program established under Chapter 21394
5111. of the Revised Code ~~or~~, the disability medical assistance 21395
program established under Chapter 5115. of the Revised Code, or 21396
the children's buy-in program established under sections 5101.5211 21397
to 5101.5216 of the Revised Code, the auditor of state also shall 21398
report the amount to the department of ~~commerce~~ job and family 21399
services. 21400

The state medical board also may implement procedures to 21401
detect violations of section 4731.66 or 4731.69 of the Revised 21402
Code. 21403

Sec. 4735.01. As used in this chapter: 21404

(A) "Real estate broker" includes any person, partnership, 21405
association, limited liability company, limited liability 21406
partnership, or corporation, foreign or domestic, who for another, 21407
whether pursuant to a power of attorney or otherwise, and who for 21408
a fee, commission, or other valuable consideration, or with the 21409
intention, or in the expectation, or upon the promise of receiving 21410
or collecting a fee, commission, or other valuable consideration 21411
does any of the following: 21412

(1) Sells, exchanges, purchases, rents, or leases, or 21413

negotiates the sale, exchange, purchase, rental, or leasing of any real estate;	21414 21415
(2) Offers, attempts, or agrees to negotiate the sale, exchange, purchase, rental, or leasing of any real estate;	21416 21417
(3) Lists, or offers, attempts, or agrees to list, or auctions, or offers, attempts, or agrees to auction, any real estate;	21418 21419 21420
(4) Buys or offers to buy, sells or offers to sell, or otherwise deals in options on real estate;	21421 21422
(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;	21423 21424 21425 21426
(6) Advertises or holds self out as engaged in the business of selling, exchanging, purchasing, renting, or leasing real estate;	21427 21428 21429
(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;	21430 21431 21432 21433
(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;	21434 21435 21436 21437 21438 21439 21440 21441 21442
(9) Collects rental information for purposes of referring	21443

prospective tenants to rental units or locations of such units and 21444
charges the prospective tenants a fee. 21445

(B) "Real estate" includes leaseholds as well as any and 21446
every interest or estate in land situated in this state, whether 21447
corporeal or incorporeal, whether freehold or nonfreehold, and the 21448
improvements on the land, but does not include cemetery interment 21449
rights. 21450

(C) "Real estate salesperson" means any person associated 21451
with a licensed real estate broker to do or to deal in any acts or 21452
transactions set out or comprehended by the definition of a real 21453
estate broker, for compensation or otherwise. 21454

(D) "Institution of higher education" means either of the 21455
following: 21456

(1) A nonprofit institution as defined in section 1713.01 of 21457
the Revised Code that actually awards, rather than intends to 21458
award, degrees for fulfilling requirements of academic work beyond 21459
high school; 21460

(2) An institution operated for profit that otherwise 21461
qualifies under the definition of an institution in section 21462
1713.01 of the Revised Code and that actually awards, rather than 21463
intends to award, degrees for fulfilling requirements of academic 21464
work beyond high school. 21465

(E) "Foreign real estate" means real estate not situated in 21466
this state and any interest in real estate not situated in this 21467
state. 21468

(F) "Foreign real estate dealer" includes any person, 21469
partnership, association, limited liability company, limited 21470
liability partnership, or corporation, foreign or domestic, who 21471
for another, whether pursuant to a power of attorney or otherwise, 21472
and who for a fee, commission, or other valuable consideration, or 21473
with the intention, or in the expectation, or upon the promise of 21474

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. 21475
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(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. 21479
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(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. 21484
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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: 21494
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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 21503
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of, or as an incident to the management of the property and the investment in it;	21507 21508
(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 instrument creating a like bona fide fiduciary obligation;	21509 21510 21511 21512 21513 21514 21515
(3) As a public officer while performing the officer's official duties;	21516 21517
(4) As an attorney at law in the performance of the attorney's duties;	21518 21519
(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;	21520 21521 21522
(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;	21523 21524 21525 21526 21527 21528
(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.	21529 21530 21531
(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.	21532 21533 21534 21535 21536

(K) "Division of real estate" may be used interchangeably 21537
with, and for all purposes has the same meaning as, "division of 21538
real estate and professional licensing." 21539

(L) "Superintendent" or "superintendent of real estate" means 21540
the superintendent of the division of real estate and professional 21541
licensing of this state. Whenever the division or superintendent 21542
of real estate is referred to or designated in any statute, rule, 21543
contract, or other document, the reference or designation shall be 21544
deemed to refer to the division or superintendent of real estate 21545
and professional licensing, as the case may be. 21546

(M) "Inactive license" means the license status in which a 21547
salesperson's license is in the possession of the division, 21548
renewed as required under this chapter or rules adopted under this 21549
chapter, and not associated with a real estate broker. 21550

(N) "Broker's license on deposit" means the license status in 21551
which a broker's license is in the possession of the division of 21552
real estate and professional licensing and renewed as required 21553
under this chapter or rules adopted under this chapter. 21554

(O) "Suspended license" means the license status that 21555
prohibits a licensee from providing services that require a 21556
license under this chapter for a specified interval of time. 21557

(P) "Reactivate" means the process prescribed by the 21558
superintendent of real estate and professional licensing to remove 21559
a license from an inactive, voluntary hold, suspended, or broker's 21560
license on deposit status to allow a licensee to provide services 21561
that require a license under this chapter. 21562

(Q) "Revoked" means the license status in which the license 21563
is void and not eligible for reactivation. 21564

(R) "Commercial real estate" means any parcel of real estate 21565
in this state other than real estate containing one to four 21566
residential units. "Commercial real estate" does not include 21567

single-family residential units such as condominiums, townhouses, 21568
manufactured homes, or homes in a subdivision when sold, leased, 21569
or otherwise conveyed on a unit-by-unit basis, even when those 21570
units are a part of a larger building or parcel of real estate 21571
containing more than four residential units. 21572

(S) "Out-of-state commercial broker" includes any person, 21573
partnership, association, limited liability company, limited 21574
liability partnership, or corporation that is licensed to do 21575
business as a real estate broker in a jurisdiction other than 21576
Ohio. 21577

(T) "Out-of-state commercial salesperson" includes any person 21578
affiliated with an out-of-state commercial broker who is not 21579
licensed as a real estate salesperson in Ohio. 21580

(U) "Exclusive right to sell or lease listing agreement" 21581
means an agency agreement between a seller and broker that meets 21582
the requirements of section 4735.55 of the Revised Code and does 21583
both of the following: 21584

(1) Grants the broker the exclusive right to represent the 21585
seller in the sale or lease of the seller's property; 21586

(2) Provides the broker will be compensated if the broker, 21587
the seller, or any other person or entity produces a purchaser or 21588
tenant in accordance with the terms specified in the listing 21589
agreement or if the property is sold or leased during the term of 21590
the listing agreement to anyone other than to specifically 21591
exempted persons or entities. 21592

(V) "Exclusive agency agreement" means an agency agreement 21593
between a seller and broker that meets the requirements of section 21594
4735.55 of the Revised Code and does both of the following: 21595

(1) Grants the broker the exclusive right to represent the 21596
seller in the sale or lease of the seller's property; 21597

(2) Provides the broker will be compensated if the broker or any other person or entity produces a purchaser or tenant in accordance with the terms specified in the listing agreement or if the property is sold or leased during the term of the listing agreement, unless the property is sold or leased solely through the efforts of the seller or to the specifically exempted persons or entities. 21598
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(W) "Exclusive purchaser agency agreement" means an agency agreement between a purchaser and broker that meets the requirements of section 4735.55 of the Revised Code and does both of the following: 21605
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(1) Grants the broker the exclusive right to represent the purchaser in the purchase or lease of property; 21609
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(2) Provides the broker will be compensated in accordance with the terms specified in the exclusive agency agreement or if a property is purchased or leased by the purchaser during the term of the agency agreement unless the property is specifically exempted in the agency agreement. 21611
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The agreement may authorize the broker to receive compensation from the seller or the seller's agent and may provide that the purchaser is not obligated to compensate the broker if the property is purchased or leased solely through the efforts of the purchaser. 21616
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(X) "Seller" means a party in a real estate transaction who is the potential transferor of property. "Seller" includes an owner of property who is seeking to sell the property and a landlord who is seeking to rent or lease property to another person. 21621
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(Y) "Voluntary hold" means the license status in which a license is in the possession of the division of real estate and professional licensing for a period of not more than twelve months 21626
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pursuant to section 4735.142 of the Revised Code, is not renewed 21629
in accordance with the requirements specified in this chapter or 21630
the rules adopted pursuant to it, and is not associated with a 21631
real estate broker. 21632

(Z) "Resigned" means the license status in which a license 21633
has been voluntarily surrendered to or is otherwise in the 21634
possession of the division of real estate and professional 21635
licensing, is not renewed in accordance with the requirements 21636
specified in this chapter or the rules adopted pursuant to it, and 21637
is not associated with a real estate broker. 21638

Sec. 4735.02. Except as provided in section 4735.022 of the 21639
Revised Code, no person, partnership, association, limited 21640
liability company, limited liability partnership, or corporation 21641
shall act as a real estate broker or real estate salesperson, or 21642
advertise or assume to act as such, without first being licensed 21643
as provided in this chapter. No person, partnership, association, 21644
limited liability company, limited liability partnership, or 21645
corporation shall provide services that require a license under 21646
this chapter if the licensee's license is inactive, suspended, 21647
placed on voluntary hold, resigned, or a broker's license on 21648
deposit, or if the license has been revoked. Nothing contained in 21649
this chapter shall be construed as authorizing a real estate 21650
broker or salesperson to perform any service constituting the 21651
practice of law. 21652

No partnership, association, limited liability company, 21653
limited liability partnership, or corporation holding a real 21654
estate license shall employ as an officer, director, manager, or 21655
principal employee any person previously holding a license as a 21656
real estate broker, real estate salesperson, foreign real estate 21657
dealer, or foreign real estate salesperson, whose license has been 21658
placed in inactive, voluntary hold, or resigned status, or is 21659

suspended, or revoked and who has not thereafter reactivated the license or received a new license.

Sec. 4735.10. (A)(1) The Ohio real estate commission may adopt reasonable rules in accordance with Chapter 119. of the Revised Code, necessary for implementing the provisions of this chapter relating, but not limited to, the following:

(a) The form and manner of filing applications for license;

(b) Times and form of examination for license;

(c) Placing an existing broker's license on deposit or a salesperson's license on an inactive status for an indefinite period;

(d) Specifying the process by which a licensee may place the licensee's license on voluntary hold or resigned status;

(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.

(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:

(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;

(b) By not later than January 1, 2004, a three-year license and a three-year license renewal system;

(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.	21689
(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.	21690 21691 21692 21693 21694
(e) Requirements for trust accounts and property management accounts. The rules shall specify that:	21695 21696
(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. 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.	21697 21698 21699 21700 21701 21702 21703
(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.	21704 21705 21706 21707
(f) Notice of renewal forms and filing deadlines;	21708
(g) Special assessments under division (A) of section 4735.12 of the Revised Code.	21709 21710
(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:	21711 21712 21713 21714
(1) Appointment and recommendation of ancillary trustees under section 4735.05 of the Revised Code;	21715 21716
(2) Rejection of names proposed to be used by partnerships, associations, limited liability companies, limited liability	21717 21718

partnerships, and corporations, under division (A) of section	21719
4735.06 of the Revised Code;	21720
(3) Acceptance and rejection of applications to take the	21721
broker and salesperson examinations and licensure, with	21722
appropriate waivers pursuant to division (E) of section 4735.07	21723
and section 4735.09 of the Revised Code;	21724
(4) Approval of applications of brokers to place their	21725
licenses on deposit and to become salespersons under section	21726
4735.13 of the Revised Code;	21727
(5) Appointment of hearing examiners under section 119.09 of	21728
the Revised Code;	21729
(6) Acceptance and rejection of applications to take the	21730
foreign real estate dealer and salesperson examinations and	21731
licensure, with waiver of examination, under sections 4735.27 and	21732
4735.28 of the Revised Code;	21733
(7) Qualification of foreign real estate under section	21734
4735.25 of the Revised Code.	21735
If at any time there is no rule in effect establishing a	21736
guideline or standard required by this division, the	21737
superintendent may adopt a rule in accordance with Chapter 119. of	21738
the Revised Code for such purpose.	21739
(C) The commission or superintendent may hear testimony in	21740
matters relating to the duties imposed upon them, and the	21741
president of the commission and superintendent may administer	21742
oaths. The commission or superintendent may require other proof of	21743
the honesty, truthfulness, and good reputation of any person named	21744
in an application for a real estate broker's or real estate	21745
salesperson's license before admitting the applicant to the	21746
examination or issuing a license.	21747
Sec. 4735.13. (A) The license of a real estate broker shall	21748

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 location.

(B) The license of each real estate salesperson shall be mailed to and remain in the possession of the licensed broker with whom the salesperson is or is to be associated until the licensee places the license on inactive, voluntary hold, or resigned status or until the salesperson leaves the brokerage or is terminated. The broker shall keep each salesperson's license in a way that it can, and shall on request, be made immediately available for public inspection at the office or place of business of the broker. Except as provided in divisions (G) and (H) of this section, immediately upon the salesperson's leaving the association or termination of the association of a real estate salesperson with the broker, the broker shall return the salesperson's license to the superintendent of real estate.

The failure of a broker to return the license of a real estate salesperson or broker who leaves or who is terminated, via certified mail return receipt requested, within three business days of the receipt of a written request from the superintendent for the return of the license, is prima-facie evidence of misconduct under division (A)(6) of section 4735.18 of the Revised Code.

(C) Any licensee who is convicted of a felony or a crime involving moral turpitude or of violating any federal, state, or municipal civil rights law pertaining to discrimination in

housing, or any court that issues a finding of an unlawful 21781
discriminatory practice pertaining to housing accommodations 21782
described in division (H) of section 4112.02 of the Revised Code 21783
or that convicts a licensee of a violation of any municipal civil 21784
rights law pertaining to housing discrimination, shall notify the 21785
superintendent of the conviction or finding within fifteen days. 21786
If a licensee fails to notify the superintendent within the 21787
required time, the superintendent immediately may revoke the 21788
license of the licensee. 21789

Any court that convicts a licensee of a violation of any 21790
municipal civil rights law pertaining to housing discrimination 21791
also shall notify the Ohio civil rights commission within fifteen 21792
days of the conviction. 21793

(D) In case of any change of business location, a broker 21794
shall give notice in writing to the superintendent, whereupon the 21795
superintendent shall issue new licenses for the unexpired period 21796
without charge. If a broker changes a business location without 21797
giving the required notice and without receiving new licenses that 21798
action is prima-facie evidence of misconduct under division (A)(6) 21799
of section 4735.18 of the Revised Code. 21800

(E) If a real estate broker desires to associate with another 21801
real estate broker in the capacity of a real estate salesperson, 21802
the broker shall apply to the superintendent to deposit the 21803
broker's real estate broker's license with the superintendent and 21804
for the issuance of a real estate salesperson's license. The 21805
application shall be made on a form prescribed by the 21806
superintendent and shall be accompanied by the recommendation of 21807
the real estate broker with whom the applicant intends to become 21808
associated and a fee of twenty-five dollars for the real estate 21809
salesperson's license. Four dollars of the fee shall be credited 21810
to the real estate education and research fund. If the 21811
superintendent is satisfied that the applicant is honest, 21812

truthful, and of good reputation, has not been convicted of a 21813
felony or a crime involving moral turpitude, and has not been 21814
finally adjudged by a court to have violated any municipal, state, 21815
or federal civil rights laws relevant to the protection of 21816
purchasers or sellers of real estate, and that the association of 21817
the real estate broker and the applicant will be in the public 21818
interest, the superintendent shall grant the application and issue 21819
a real estate salesperson's license to the applicant. Any license 21820
so deposited with the superintendent shall be subject to this 21821
chapter. A broker who intends to deposit the broker's license with 21822
the superintendent, as provided in this section, shall give 21823
written notice of this fact in a format prescribed by the 21824
superintendent to all salespersons associated with the broker when 21825
applying to place the broker's license on deposit. 21826

(F) If a real estate broker desires to become a member or 21827
officer of a partnership, association, limited liability company, 21828
limited liability partnership, or corporation that is or intends 21829
to become a licensed real estate broker, the broker shall notify 21830
the superintendent of the broker's intentions. The notice of 21831
intention shall be on a form prescribed by the superintendent and 21832
shall be accompanied by a fee of twenty-five dollars. Four dollars 21833
of the fee shall be credited to the real estate education and 21834
research fund. 21835

No real estate broker who is a member or officer of a 21836
partnership, association, limited liability company, limited 21837
liability partnership, or corporation that is a licensed real 21838
estate broker shall perform any acts as a real estate broker other 21839
than as the agent of the partnership, association, limited 21840
liability company, limited liability partnership, or corporation, 21841
and such broker shall not have any real estate salespersons 21842
associated with the broker. 21843

(G) If a real estate broker or salesperson enters the armed 21844

forces, the broker or salesperson may place the broker's or 21845
salesperson's license on deposit with the Ohio real estate 21846
commission. The licensee shall not be required to renew the 21847
license until the renewal date that follows the date of discharge 21848
from the armed forces. Any license deposited with the commission 21849
shall be subject to this chapter. Any licensee whose license is on 21850
deposit under this division and who fails to meet the continuing 21851
education requirements of section 4735.141 of the Revised Code 21852
because the licensee is in the armed forces shall satisfy the 21853
commission that the licensee has complied with the continuing 21854
education requirements within twelve months of the licensee's 21855
discharge. The commission shall notify the licensee of the 21856
licensee's obligations under section 4735.141 of the Revised Code 21857
at the time the licensee applies for reactivation of the 21858
licensee's license. 21859

(H) If a licensed real estate salesperson submits an 21860
application to the superintendent to leave the association of one 21861
broker to associate with a different broker, the broker possessing 21862
the licensee's license need not return the salesperson's license 21863
to the superintendent. The superintendent may process the 21864
application regardless of whether the licensee's license is 21865
returned to the superintendent. 21866

Sec. 4735.14. (A) Each license issued under this chapter, 21867
shall be valid without further recommendation or examination until 21868
it is placed in an inactive, voluntary hold, or resigned status, 21869
is revoked, or suspended, or such license expires by operation of 21870
law. 21871

(B) ~~Each~~ Except for a licensee who has placed the licensee's 21872
license on voluntary hold or resigned status pursuant to section 21873
4735.142 of the Revised Code, each licensed broker, brokerage, or 21874
salesperson shall file, on or before the date the Ohio real estate 21875

commission has adopted by rule for that licensee in accordance 21876
with division (A)(2)(f) of section 4735.10 of the Revised Code, a 21877
notice of renewal on a form prescribed by the superintendent of 21878
real estate. The notice of renewal shall be mailed by the 21879
superintendent to the most current personal residence address of 21880
each broker or salesperson as filed with the superintendent by the 21881
licensee and the place of business address of the brokerage two 21882
months prior to the filing deadline. 21883

(C) The Except as otherwise provided in division (B) of this 21884
section, the license of any real estate broker, brokerage, or 21885
salesperson that fails to file a notice of renewal on or before 21886
the filing deadline of each ensuing year shall be suspended 21887
automatically without the taking of any action by the 21888
superintendent. A suspended license may be reactivated within 21889
twelve months of the date of suspension, provided that the renewal 21890
fee plus a penalty fee of fifty per cent of the renewal fee is 21891
paid to the superintendent. Failure to reactivate the license as 21892
provided in this division shall result in automatic revocation of 21893
the license without the taking of any action by the 21894
superintendent. No person, partnership, association, corporation, 21895
limited liability company, or limited partnership shall engage in 21896
any act or acts for which a real estate license is required while 21897
that entity's license is placed in an inactive, voluntary hold, or 21898
resigned status, or is suspended, or revoked. The commission shall 21899
adopt rules in accordance with Chapter 119. of the Revised Code to 21900
provide to licensees notice of suspension or revocation or both. 21901

(D) Each licensee shall notify the commission of a change in 21902
personal residence address. A licensee's failure to notify the 21903
commission of a change in personal residence address does not 21904
negate the requirement to file the license renewal by the required 21905
deadline established by the commission by rule under division 21906
(A)(2)(f) of section 4735.10 of the Revised Code. 21907

(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 licensee has satisfactorily completed thirty hours of continuing education, as prescribed by the Ohio real estate commission pursuant to section 4735.10 of the Revised Code, on or before the licensee's birthday occurring three years after the licensee's date of initial licensure, and on or before the licensee's birthday every three years thereafter.

Persons licensed as real estate salespersons who subsequently become licensed real estate brokers shall continue to submit proof of continuing education in accordance with the time period established in this section.

The requirements of this section shall not apply to any physically handicapped licensee as provided in division (E) of this section.

Each licensee who is seventy years of age or older, within a continuing education reporting period, shall submit proof satisfactory to the superintendent of real estate that the licensee has satisfactorily completed a total of nine classroom hours of continuing education, including instruction in Ohio real estate law; recently enacted state and federal laws affecting the real estate industry; municipal, state, and federal civil rights law; and canons of ethics for the real estate industry as adopted by the commission. The required proof of completion shall be submitted on or before the licensee's birthday that falls in the

third year of that continuing education reporting period. A 21939
licensee who is seventy years of age or older whose license is in 21940
an inactive status is exempt from the continuing education 21941
requirements specified in this section. The commission shall adopt 21942
reasonable rules in accordance with Chapter 119. of the Revised 21943
Code to carry out the purposes of this paragraph. 21944

(B) The continuing education requirements of this section 21945
shall be completed in schools, seminars, and educational 21946
institutions approved by the commission. Such approval shall be 21947
given according to rules established by the commission under the 21948
procedures of Chapter 119. of the Revised Code, and shall not be 21949
limited to institutions providing two-year or four-year degrees. 21950
Each school, seminar, or educational institution approved under 21951
this division shall be open to all licensees on an equal basis. 21952

(C) If the requirements of this section are not met by a 21953
licensee within the period specified, the licensee's license shall 21954
be suspended automatically without the taking of any action by the 21955
superintendent. The superintendent shall notify the licensee of 21956
the license suspension. Any license so suspended shall remain 21957
suspended until it is reactivated by the superintendent. No such 21958
license shall be reactivated until it is established, to the 21959
satisfaction of the superintendent, that the requirements of this 21960
section have been met. If the requirements of this section are not 21961
met within twelve months from the date the license was suspended, 21962
the license shall be revoked automatically without the taking of 21963
any action by the superintendent. 21964

(D) If the license of a real estate broker is suspended 21965
pursuant to division (C) of this section, the license of a real 21966
estate salesperson associated with that broker correspondingly is 21967
suspended pursuant to division (H) of section 4735.20 of the 21968
Revised Code. However, the suspended license of the associated 21969
real estate salesperson shall be reactivated and no fee shall be 21970

charged or collected for that reactivation if all of the following occur: 21971
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(1) That broker subsequently submits proof to the superintendent that the broker has complied with the requirements of this section and requests that the broker's license as a real estate broker be reactivated. 21973
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(2) The superintendent then reactivates the broker's license as a real estate broker. 21977
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(3) The associated real estate salesperson intends to continue to be associated with that broker, has complied with the requirements of this section, and otherwise is in compliance with this chapter. 21979
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Any person whose license is reactivated pursuant to this division shall submit proof satisfactory to the superintendent that the person has completed thirty hours of continuing education, as prescribed by the Ohio real estate commission, on or before the third year following the licensee's birthday occurring immediately after reactivation. 21983
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(E) Any licensee who is a physically handicapped licensee at any time during the last three months of the third year of the licensee's continuing education reporting period may receive an extension of time to submit proof to the superintendent that the licensee has satisfactorily completed the required thirty hours of continuing education. To receive an extension of time, the licensee shall submit a request to the division of real estate for the extension and proof satisfactory to the commission that the licensee was a physically handicapped licensee at some time during the last three months of the three-year reporting period. The proof shall include, but is not limited to, a signed statement by the licensee's attending physician describing the physical disability, certifying that the licensee's disability is of such a 21989
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nature as to prevent the licensee from attending any instruction 22002
lasting at least three hours in duration, and stating the expected 22003
duration of the physical disability. The licensee shall request 22004
the extension and provide the physician's statement to the 22005
division no later than one month prior to the end of the 22006
licensee's three-year continuing education reporting period, 22007
unless the physical disability did not arise until the last month 22008
of the three-year reporting period, in which event the licensee 22009
shall request the extension and provide the physician's statement 22010
as soon as practical after the occurrence of the physical 22011
disability. A licensee granted an extension pursuant to this 22012
division who is no longer a physically handicapped licensee and 22013
who submits proof of completion of the continuing education during 22014
the extension period, shall submit, for future continuing 22015
education reporting periods, proof of completion of the continuing 22016
education requirements according to the schedule established in 22017
division (A) of this section. 22018

Sec. 4735.142. (A) Any person licensed under section 4735.07 22019
or 4735.09 of the Revised Code, at any time prior to the date the 22020
licensee is required to file a notice of renewal pursuant to 22021
division (B) of section 4735.14 of the Revised Code may apply to 22022
the superintendent of real estate and professional licensing to 22023
place the licensee's license on voluntary hold or a resigned 22024
status. 22025

(B) If the superintendent has placed a license on voluntary 22026
hold pursuant to a request made under division (A) of this 22027
section, the licensee who requested that the licensee's license be 22028
placed on voluntary hold may apply to the superintendent to 22029
reactivate that license within twelve months after the date the 22030
license is placed on voluntary hold. The superintendent shall 22031
reactivate that license if the licensee complies with the 22032
requirements for such reactivation that are specified in rules 22033

adopted by the Ohio real estate commission pursuant to division 22034
(A) of section 4735.10 of the Revised Code and satisfies all of 22035
the following requirements: 22036

(1) The licensee complies with the postlicensure education 22037
requirements specified in section 4735.07 or 4735.09 of the 22038
Revised Code, as applicable; 22039

(2) The licensee complies with the continuing education 22040
requirements specified in section 4735.141 of the Revised Code; 22041

(3) The licensee renews the licensee's license in accordance 22042
with section 4735.14 of the Revised Code and, if applicable, pays 22043
the annual brokerage assessment fee in accordance with the 22044
requirements specified in rules adopted by the commission. 22045

(C) If a licensee does not apply to reactivate a license on 22046
voluntary hold pursuant to division (B) of this section during the 22047
twelve-month time period specified in that division or does not 22048
satisfy the requirements specified in that division during that 22049
twelve-month period, the superintendent shall consider that 22050
license to be in a resigned status. The superintendent shall not 22051
reactivate a resigned license. The resignation of a license is 22052
considered to be final without the taking of any action by the 22053
superintendent. If a person whose license is in a resigned status 22054
pursuant to this division wishes to obtain an active license, the 22055
person shall apply for an active license in accordance with the 22056
requirements specified in section 4735.07 or 4735.09 of the 22057
Revised Code, as applicable. 22058

(D) A licensee, at any time during which a license has been 22059
suspended pursuant to division (G) of section 4735.07, division 22060
(G) of section 4735.09, division (E) of section 4735.12, division 22061
(C) of section 4735.14, division (C) of section 4735.141, or 22062
section 4735.182 of the Revised Code, may apply to the 22063
superintendent on a form prescribed by the superintendent to 22064

voluntarily resign the licensee's license. The resignation of a 22065
license is considered to be final without the taking of any action 22066
by the superintendent. If a person whose license is in a resigned 22067
status pursuant to a request made under this division wishes to 22068
obtain an active or inactive license, the person shall apply for 22069
such a license in accordance with the requirements specified in 22070
section 4735.07 or 4735.09 of the Revised Code, as applicable, or 22071
in the rules adopted by the commission pursuant to division (A) of 22072
section 4735.10 of the Revised Code. 22073

(E) If placing a broker's license on voluntary hold or a 22074
resigned status will result in the closure of the broker's 22075
brokerage, the broker, within three days after applying to the 22076
superintendent to place the license on voluntary hold or a 22077
resigned status, shall provide to each salesperson associated with 22078
that broker a written notice stating that fact. 22079

(F) This section does not apply to any licensee whose license 22080
has been suspended pursuant to division (F) of section 4735.181 of 22081
the Revised Code or due to disciplinary action ordered by the 22082
commission pursuant to section 4735.051 of the Revised Code. 22083

Sec. 4752.04. A person seeking a license to provide home 22084
medical equipment services shall apply to the Ohio respiratory 22085
care board on a form the board shall prescribe and provide. The 22086
application must be accompanied by the license application fee 22087
established in rules adopted under section 4752.17 of the Revised 22088
Code and, except that the board may waive all or part of the fee 22089
if the board determines that an applicant's license will be issued 22090
in the last six months of the biennial licensing period 22091
established under section 4752.05 of the Revised Code. 22092

In the application, the applicant shall specify the name and 22093
location of the facility from which services will be provided. 22094

Sec. 4752.05. (A) The Ohio respiratory care board shall issue 22095
a license to provide home medical equipment services to each 22096
applicant under section 4752.04 of the Revised Code that meets 22097
either of the following requirements: 22098

(1) Meets the standards established by the board in rules 22099
adopted under section 4752.17 of the Revised Code; 22100

(2) Is a pharmacy licensed under Chapter 4729. of the Revised 22101
Code that receives total payments of ten thousand dollars or more 22102
per year from selling or renting home medical equipment. 22103

(B) During the period ending one year after ~~the effective~~ 22104
~~date of this section~~ September 16, 2004, an applicant that does 22105
not meet either of the requirements of division (A) of this 22106
section shall be granted a provisional license if for at least 22107
twelve months prior to ~~the effective date of this section~~ 22108
September 16, 2004 the applicant was engaged in the business of 22109
providing home medical equipment services. The provisional license 22110
expires one year following the date on which it is issued and is 22111
not subject to renewal under section 4752.06 of the Revised Code. 22112

(C) The board may conduct a personal interview of an 22113
applicant, or an applicant's representative, to determine the 22114
applicant's qualifications for licensure. 22115

(D) A license issued under division (A) of this section ~~is~~ 22116
~~valid from the day it is issued until the thirtieth day of June~~ 22117
~~that immediately follows the date of issue. Thereafter a license~~ 22118
~~is valid only if it is~~ expires at the end of the licensing period 22119
for which it is issued and may be renewed in accordance with 22120
section 4752.06 of the Revised Code ~~biennially on or before the~~ 22121
~~thirtieth day of June.~~ For purposes of issuing and renewing 22122
licenses, the board shall use a biennial licensing period that 22123
begins on the first day of July of each even-numbered year and 22124
ends on the thirtieth day of June of the next succeeding 22125

even-numbered year. 22126

(E) Any license issued under this section is valid only for 22127
the facility named in the application. 22128

Sec. 4752.06. Except for a provisional license issued under 22129
section 4752.05 of the Revised Code, a license issued under this 22130
chapter shall be renewed by the Ohio respiratory care board if the 22131
license holder is in compliance with the applicable requirements 22132
of this chapter. 22133

An application for license renewal shall be accompanied by 22134
the renewal fee established in rules adopted under section 4752.17 22135
of the Revised Code and, except as provided in division (B) of 22136
section 4752.07 of the Revised Code, by documentation satisfactory 22137
to the board that the continuing education requirements of section 22138
4752.07 of the Revised Code have been met. Renewals shall be made 22139
in accordance with the standard renewal procedure established 22140
under Chapter 4745. of the Revised Code and the renewal procedures 22141
established in rules adopted under section 4752.17 of the Revised 22142
Code. 22143

Sec. 4752.07. (A) The holder of a license issued under this 22144
chapter shall do all of the following: 22145

~~(A)(1)~~ Maintain a physical facility and a medical equipment 22146
inventory; 22147

~~(B)(2)~~ Establish equipment management and personnel policies; 22148

~~(C)(3)~~ Provide life-sustaining home medical equipment, as 22149
described in division (B)(1) of section 4752.01 of the Revised 22150
Code, and related home medical equipment services twenty-four 22151
hours per day, seven days per week; 22152

~~(D) Require (4) Except as provided in division (B) of this~~ 22153
section, require persons in its employ or under its control who 22154

provide home medical equipment services to successfully complete 22155
continuing education programs in home medical equipment services 22156
that meet the standards established by rule adopted under section 22157
4752.17 of the Revised Code and maintain records on participation 22158
in those programs; 22159

~~(E)~~(5) Maintain records on all individuals to whom it 22160
provides home medical equipment and services; 22161

~~(F)~~(6) Maintain liability insurance, including coverage for 22162
professional and products liability; 22163

~~(G)~~(7) Comply with all other requirements established by rule 22164
adopted under section 4752.17 of the Revised Code that apply to 22165
persons licensed under this chapter. 22166

(B) For the first renewal of a license that was issued in the 22167
last six months of the biennial licensing period established under 22168
section 4752.05 of the Revised Code, the board may waive all or 22169
part of the continuing education requirements that otherwise would 22170
have to be met to renew the license under section 4752.06 of the 22171
Revised Code. 22172

Sec. 4752.11. (A) A person seeking a certificate of 22173
registration to provide home medical equipment services shall 22174
apply to the Ohio respiratory care board on a form the board shall 22175
prescribe and provide. The application must be accompanied by the 22176
registration fee established in rules adopted under section 22177
4752.17 of the Revised Code, except that the board may waive all 22178
or part of the fee if the board determines that an applicant's 22179
certificate of registration will be issued in the last six months 22180
of the biennial registration period established under section 22181
4752.12 of the Revised Code. 22182

(B) The applicant shall specify in the application all of the 22183
following: 22184

(1) The name of the facility from which services will be provided;	22185 22186
(2) The facility's address;	22187
(3) The facility's telephone number;	22188
(4) A person who may be contacted with regard to the facility;	22189 22190
(5) The name of the national accrediting body that issued the accreditation on which the application is based;	22191 22192
(6) The applicant's accreditation number and the expiration date of the accreditation;	22193 22194
(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.	22195 22196 22197
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.	22198 22199 22200 22201 22202 22203 22204 22205 22206
(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 <u>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</u>	22207 22208 22209 22210 22211 22212 22213 22214

biennial registration period that begins on the first day of July 22215
of each even-numbered year and ends on the thirtieth day of June 22216
of the next succeeding even-numbered year. 22217

(C) A certificate of registration issued under this section 22218
is valid only for the facility named in the application. 22219

Sec. 4752.13. A certificate of registration issued under this 22220
chapter shall be renewed by the Ohio respiratory care board if the 22221
certificate holder is accredited by the joint commission on 22222
accreditation of healthcare organizations or another national 22223
accrediting body recognized by the board, as specified in rules 22224
adopted under section 4752.17 of the Revised Code. 22225

An application for renewal of a certificate of registration 22226
shall be accompanied by the renewal fee established in rules 22227
adopted under section 4752.17 of the Revised Code. Renewals shall 22228
be made in accordance with the standard renewal procedure 22229
established under Chapter 4745. of the Revised Code and the 22230
renewal procedures established in rules adopted under section 22231
4752.17 of the Revised Code. 22232

Sec. 4905.84. (A) As used in this section: 22233

(1) "Telecommunications relay service" means intrastate 22234
transmission services that provide the ability for an individual 22235
who has a hearing or speech impairment to engage in a 22236
communication by wire or radio with a hearing individual in a 22237
manner that is functionally equivalent to the ability of an 22238
individual who does not have a hearing or speech impairment to 22239
communicate using voice communication services by wire or radio. 22240
"Telecommunications relay service" includes services that enable 22241
two-way communication between an individual who uses a 22242
telecommunications device for the deaf or other nonvoice terminal 22243
device and an individual who does not use such a device. 22244

(2) "TRS provider" means an entity selected by the public utilities commission as the provider of telecommunications relay service for this state as part of the commission's intrastate telecommunications relay service program certified pursuant to federal law. 22245
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(B) For the sole purpose of funding telecommunications relay service, the commission shall, not earlier than January 1, 2009, impose on and collect from each service provider that is required under federal law to provide its customers access to telecommunications relay service an annual assessment to pay for costs incurred by the TRS provider for providing such service in Ohio. The commission shall determine the appropriate service providers to be assessed the telecommunications relay service costs, including telephone companies as defined in division (A)(2) of section 4905.03 of the Revised Code, commercial mobile radio service providers, and providers of advanced services or internet protocol-enabled services that are competitive with or functionally equivalent to basic local exchange service as defined in section 4927.01 of the Revised Code. 22250
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(C) The assessment shall be allocated proportionately among the appropriate service providers using a competitively neutral formula established by the commission based on the number of retail intrastate customer access lines or their equivalent. The commission shall annually reconcile the funds collected with the actual costs of providing telecommunications relay service when it issues the assessment and shall either proportionately charge the service providers for any amounts not sufficient to cover the actual costs or proportionately credit amounts collected in excess of the actual costs. The total amount assessed from all service providers shall not exceed the total telecommunications relay service costs. 22264
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Each service provider that pays the assessment shall be 22276

permitted to recover the cost of the assessment. The method of 22277
recovery may include, but is not limited to, a customer billing 22278
surcharge. 22279

The commission shall deposit the money collected in the 22280
telecommunications relay service fund, which is hereby created in 22281
the state treasury, and shall use the money in that fund solely to 22282
compensate the TRS provider. 22283

(D) The commission shall take such measures as it considers 22284
necessary to protect the confidentiality of information provided 22285
to the commission pursuant to this section by service providers 22286
required to pay the assessment. 22287

(E) The commission may assess a forfeiture of not more than 22288
one thousand dollars on any service provider failing to comply 22289
with this section. Each day's continuance of such failure is a 22290
separate offense. The forfeiture shall be recovered in accordance 22291
with sections 4905.55 to 4905.60 of the Revised Code. 22292

(F) The jurisdiction and authority granted to the commission 22293
by this section is limited to the administration and enforcement 22294
of this section. The commission may adopt such rules as it finds 22295
necessary to carry out this section. The commission shall adopt 22296
rules under section 111.15 of the Revised Code to establish the 22297
assessment amounts and procedures. 22298

Sec. 4906.13. (A) As used in this section and sections 22299
4906.20 and 4906.98 of the Revised Code, "economically significant 22300
wind farm" means wind turbines and associated facilities with a 22301
single interconnection to the electrical grid and designed for, or 22302
capable of, operation at an aggregate capacity of five or more 22303
megawatts but less than fifty megawatts. The term excludes any 22304
such wind farm in operation on the effective date of this section. 22305
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(B) No public agency or political subdivision of this state 22307
may require any approval, consent, permit, certificate, or other 22308
condition for the construction or initial operation of a major 22309
utility facility or economically significant wind farm authorized 22310
by a certificate issued pursuant to Chapter 4906. of the Revised 22311
Code. Nothing herein shall prevent the application of state laws 22312
for the protection of employees engaged in the construction of 22313
such facility or wind farm nor of municipal regulations that do 22314
not pertain to the location or design of, or pollution control and 22315
abatement standards for, a major utility facility or economically 22316
significant wind farm for which a certificate has been granted 22317
under this chapter. 22318

Sec. 4906.20. (A) No person shall commence to construct an 22319
economically significant wind farm in this state without first 22320
having obtained a certificate from the power siting board. An 22321
economically significant wind farm with respect to which such a 22322
certificate is required shall be constructed, operated, and 22323
maintained in conformity with that certificate and any terms, 22324
conditions, and modifications it contains. A certificate shall be 22325
issued only pursuant to this section. The certificate may be 22326
transferred, subject to the approval of the board, to a person 22327
that agrees to comply with those terms, conditions, and 22328
modifications. 22329

(B) The board shall adopt rules governing the certificating 22330
of economically significant wind farms under this section. Initial 22331
rules shall be adopted within one hundred twenty days after this 22332
section's effective date. 22333

(1) The rules shall provide for an application process for 22334
certificating economically significant wind farms that is 22335
identical to the extent practicable to the process applicable to 22336
certificating major utility facilities under sections 4906.06, 22337

4906.07, 4906.08, 4906.09, 4906.11, and 4906.12 of the Revised 22338
Code and shall prescribe a reasonable schedule of application 22339
filing fees structured in the manner of the schedule of filing 22340
fees required for major utility facilities. 22341

(2) Additionally, the rules shall prescribe reasonable 22342
regulations regarding any wind turbines and associated facilities 22343
of an economically significant wind farm, including, but not 22344
limited to, their location, erection, construction, 22345
reconstruction, change, alteration, maintenance, removal, use, or 22346
enlargement and including erosion control, aesthetics, 22347
recreational land use, wildlife protection, interconnection with 22348
power lines and with regional transmission organizations, 22349
independent transmission system operators, or similar 22350
organizations, ice throw, sound and noise levels, blade shear, 22351
shadow flicker, decommissioning, and necessary cooperation for 22352
site visits and enforcement investigations. The rules also shall 22353
prescribe a minimum setback for a wind turbine of an economically 22354
significant wind farm. That minimum shall be equal to a horizontal 22355
distance, from the turbine's base to the property line of the wind 22356
farm property, equal to one and one-tenth times the total height 22357
of the turbine structure as measured from its base to the tip of 22358
its highest blade and be at least seven hundred fifty feet in 22359
horizontal distance from the tip of the turbine's nearest blade at 22360
ninety degrees to the exterior of the nearest, habitable, 22361
residential structure, if any, located on adjacent property at the 22362
time of the certification application. The setback shall apply in 22363
all cases except those in which all owners of property adjacent to 22364
the wind farm property waive application of the setback to that 22365
property pursuant to a procedure the board shall establish by rule 22366
and except in which, in a particular case, the board determines 22367
that a setback greater than the minimum is necessary. 22368

22369

(C) The board shall approve, or may modify and approve, an application for economically significant wind farm certification if it finds that the construction, operation, and maintenance of the economically significant wind farm will comply with the rules adopted under division (B) of this section. The certificate shall be conditioned upon the economically significant wind farm complying with rules adopted under section 4561.32 of the Revised Code. 22370
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Sec. 4906.98. (A) No person shall construct a major utility facility or economically significant wind farm without first obtaining a certificate. 22378
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(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. 22381
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22383

(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. 22384
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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. 22388
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(1) The market-rate offer shall be determined through a competitive bidding process that provides for all of the following: 22395
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(a) Open, fair, and transparent competitive solicitation; 22398

(b) Clear product definition; 22399

(c) Standardized bid evaluation criteria;	22400
(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;	22401 22402 22403 22404
(e) Evaluation of the submitted bids prior to the selection of the least-cost bid winner or winners.	22405 22406
No generation supplier shall be prohibited from participating in the bidding process.	22407 22408
(2) The public utilities commission shall modify rules, or adopt new rules as necessary, concerning the conduct of the competitive bidding process and the qualifications of bidders, which rules shall foster supplier participation in the bidding process and shall be consistent with the requirements of division (A)(1) of this section.	22409 22410 22411 22412 22413 22414
(B) Prior to initiating a competitive bidding process for a market-rate offer under division (A) of this section, the electric distribution utility shall file an application with the commission. An electric distribution utility may file its application with the commission prior to the effective date of the commission rules required under division (A)(2) of this section, and, as the commission determines necessary, the utility shall immediately conform its filing to the rules upon their taking effect.	22415 22416 22417 22418 22419 22420 22421 22422 22423
An application under this division shall detail the electric distribution utility's proposed compliance with the requirements of division (A)(1) of this section and with commission rules under division (A)(2) of this section and demonstrate that all of the following requirements are met:	22424 22425 22426 22427 22428
(1) The electric distribution utility or its transmission service affiliate belongs to at least one regional transmission	22429 22430

organization that has been approved by the federal energy 22431
regulatory commission; or there otherwise is comparable and 22432
nondiscriminatory access to the electric transmission grid. 22433

(2) Any such regional transmission organization has a 22434
market-monitor function and the ability to take actions to 22435
identify and mitigate market power or the electric distribution 22436
utility's market conduct; or a similar market monitoring function 22437
exists with commensurate ability to identify and monitor market 22438
conditions and mitigate conduct associated with the exercise of 22439
market power. 22440

(3) A published source of information is available publicly 22441
or through subscription that identifies pricing information for 22442
traded electricity on- and off-peak energy products that are 22443
contracts for delivery beginning at least two years from the date 22444
of the publication and is updated on a regular basis. 22445

The commission shall initiate a proceeding and, within ninety 22446
days after the application's filing date, shall determine by order 22447
whether the electric distribution utility and its market-rate 22448
offer meet all of the foregoing requirements. If the finding is 22449
positive, the electric distribution utility may initiate its 22450
competitive bidding process. If the finding is negative as to one 22451
or more requirements, the commission in the order shall direct the 22452
electric distribution utility regarding how any deficiency may be 22453
remedied in a timely manner to the commission's satisfaction; 22454
otherwise, the electric distribution utility shall withdraw the 22455
application. However, if such remedy is made and the subsequent 22456
finding is positive and also if the electric distribution utility 22457
made a simultaneous filing under this section and section 4928.143 22458
of the Revised Code, the utility shall not initiate its 22459
competitive bid until at least one hundred fifty days after the 22460
filing date of those applications. 22461

(C) Upon the completion of the competitive bidding process 22462

authorized by divisions (A) and (B) of this section, including for 22463
the purpose of division (D) of this section, the commission shall 22464
select the least-cost bid winner or winners of that process, and 22465
such selected bid or bids, as prescribed as retail rates by the 22466
commission, shall be the electric distribution utility's standard 22467
service offer unless the commission, by order issued before the 22468
third calendar day following the conclusion of the competitive 22469
bidding process for the market rate offer, determines that one or 22470
more of the following criteria were not met: 22471

(1) Each portion of the bidding process was oversubscribed, 22472
such that the amount of supply bid upon was greater than the 22473
amount of the load bid out. 22474

(2) There were four or more bidders. 22475

(3) At least twenty-five per cent of the load is bid upon by 22476
one or more persons other than the electric distribution utility. 22477

All costs incurred by the electric distribution utility as a 22478
result of or related to the competitive bidding process or to 22479
procuring generation service to provide the standard service 22480
offer, including the costs of energy and capacity and the costs of 22481
all other products and services procured as a result of the 22482
competitive bidding process, shall be timely recovered through the 22483
standard service offer price, and, for that purpose, the 22484
commission shall approve a reconciliation mechanism, other 22485
recovery mechanism, or a combination of such mechanisms for the 22486
utility. 22487

(D) The first application filed under this section by an 22488
electric distribution utility that, as of ~~the effective date of~~ 22489
~~this section~~ July 31, 2008, directly owns, in whole or in part, 22490
operating electric generating facilities that had been used and 22491
useful in this state shall require that a portion of that 22492
utility's standard service offer load for the first five years of 22493

the market rate offer be competitively bid under division (A) of 22494
this section as follows: ten per cent of the load in year one ~~and~~, 22495
not ~~less~~ more than twenty per cent in year two, thirty per cent in 22496
year three, forty per cent in year four, and fifty per cent in 22497
year five. Consistent with those percentages, the commission shall 22498
determine the actual percentages for each year of years one 22499
through five. The standard service offer price for retail electric 22500
generation service under this first application shall be a 22501
proportionate blend of the bid price and the generation service 22502
price for the remaining standard service offer load, which latter 22503
price shall be equal to the electric distribution utility's most 22504
recent standard service offer price, adjusted upward or downward 22505
as the commission determines reasonable, relative to the 22506
jurisdictional portion of any known and measurable changes from 22507
the level of any one or more of the following costs as reflected 22508
in that most recent standard service offer price: 22509

(1) The electric distribution utility's prudently incurred 22512
cost of fuel used to produce electricity; 22513

(2) Its prudently incurred purchased power costs; 22514

(3) Its prudently incurred costs of satisfying the supply and 22515
demand portfolio requirements of this state, including, but not 22516
limited to, renewable energy resource and energy efficiency 22517
requirements; 22518

(4) Its costs prudently incurred to comply with environmental 22519
laws and regulations, with consideration of the derating of any 22520
facility associated with those costs. 22521

In making any adjustment to the most recent standard service 22522
offer price on the basis of costs described in division (D) of 22523
this section, the commission shall include the benefits that may 22524

become available to the electric distribution utility as a result 22525
of or in connection with the costs included in the adjustment, 22526
including, but not limited to, the utility's receipt of emissions 22527
credits or its receipt of tax benefits or of other benefits, and, 22528
accordingly, the commission may impose such conditions on the 22529
adjustment to ensure that any such benefits are properly aligned 22530
with the associated cost responsibility. The commission shall also 22531
determine how such adjustments will affect the electric 22532
distribution utility's return on common equity that may be 22533
achieved by those adjustments. The commission shall not apply its 22534
consideration of the return on common equity to reduce any 22535
adjustments authorized under this division unless the adjustments 22536
will cause the electric distribution utility to earn a return on 22537
common equity that is significantly in excess of the return on 22538
common equity that is earned by publicly traded companies, 22539
including utilities, that face comparable business and financial 22540
risk, with such adjustments for capital structure as may be 22541
appropriate. The burden of proof for demonstrating that 22542
significantly excessive earnings will not occur shall be on the 22543
electric distribution utility. 22544

Additionally, the commission may adjust the electric 22545
distribution utility's most recent standard service offer price by 22546
such just and reasonable amount that the commission determines 22547
necessary to address any emergency that threatens the utility's 22548
financial integrity or to ensure that the resulting revenue 22549
available to the utility for providing the standard service offer 22550
is not so inadequate as to result, directly or indirectly, in a 22551
taking of property without compensation pursuant to Section 19 of 22552
Article I, Ohio Constitution. The electric distribution utility 22553
has the burden of demonstrating that any adjustment to its most 22554
recent standard service offer price is proper in accordance with 22555
this division. 22556

(E) Beginning in the second year of a blended price under 22557
division (D) of this section and notwithstanding any other 22558
requirement of this section, the commission may alter 22559
prospectively the proportions specified in that division to 22560
mitigate any effect of an abrupt or significant change in the 22561
electric distribution utility's standard service offer price that 22562
would otherwise result in general or with respect to any rate 22563
group or rate schedule but for such alteration. Any such 22564
alteration shall be made not more often than annually, and the 22565
commission shall not, by altering those proportions and in any 22566
event, including because of the length of time, as authorized 22567
under division (C) of this section, taken to approve the market 22568
rate offer, cause the duration of the blending period to exceed 22569
ten years as counted from the effective date of the approved 22570
market rate offer. Additionally, any such alteration shall be 22571
limited to an alteration affecting the prospective proportions 22572
used during the blending period and shall not affect any blending 22573
proportion previously approved and applied by the commission under 22574
this division. 22575

(F) An electric distribution utility that has received 22576
commission approval of its first application under division (C) of 22577
this section shall not, nor ever shall be authorized or required 22578
by the commission to, file an application under section 4928.143 22579
of the Revised Code. 22580

Sec. 4928.20. (A) The legislative authority of a municipal 22581
corporation may adopt an ordinance, or the board of township 22582
trustees of a township or the board of county commissioners of a 22583
county may adopt a resolution, under which, on or after the 22584
starting date of competitive retail electric service, it may 22585
aggregate in accordance with this section the retail electrical 22586
loads located, respectively, within the municipal corporation, 22587
township, or unincorporated area of the county and, for that 22588

purpose, may enter into service agreements to facilitate for those 22589
loads the sale and purchase of electricity. The legislative 22590
authority or board also may exercise such authority jointly with 22591
any other such legislative authority or board. For customers that 22592
are not mercantile customers, an ordinance or resolution under 22593
this division shall specify whether the aggregation will occur 22594
only with the prior, affirmative consent of each person owning, 22595
occupying, controlling, or using an electric load center proposed 22596
to be aggregated or will occur automatically for all such persons 22597
pursuant to the opt-out requirements of division (D) of this 22598
section. The aggregation of mercantile customers shall occur only 22599
with the prior, affirmative consent of each such person owning, 22600
occupying, controlling, or using an electric load center proposed 22601
to be aggregated. Nothing in this division, however, authorizes 22602
the aggregation of the retail electric loads of an electric load 22603
center, as defined in section 4933.81 of the Revised Code, that is 22604
located in the certified territory of a nonprofit electric 22605
supplier under sections 4933.81 to 4933.90 of the Revised Code or 22606
an electric load center served by transmission or distribution 22607
facilities of a municipal electric utility. 22608

(B) If an ordinance or resolution adopted under division (A) 22609
of this section specifies that aggregation of customers that are 22610
not mercantile customers will occur automatically as described in 22611
that division, the ordinance or resolution shall direct the board 22612
of elections to submit the question of the authority to aggregate 22613
to the electors of the respective municipal corporation, township, 22614
or unincorporated area of a county at a special election on the 22615
day of the next primary or general election in the municipal 22616
corporation, township, or county. The legislative authority or 22617
board shall certify a copy of the ordinance or resolution to the 22618
board of elections not less than seventy-five days before the day 22619
of the special election. No ordinance or resolution adopted under 22620
division (A) of this section that provides for an election under 22621

this division shall take effect unless approved by a majority of 22622
the electors voting upon the ordinance or resolution at the 22623
election held pursuant to this division. 22624

(C) Upon the applicable requisite authority under divisions 22625
(A) and (B) of this section, the legislative authority or board 22626
shall develop a plan of operation and governance for the 22627
aggregation program so authorized. Before adopting a plan under 22628
this division, the legislative authority or board shall hold at 22629
least two public hearings on the plan. Before the first hearing, 22630
the legislative authority or board shall publish notice of the 22631
hearings once a week for two consecutive weeks in a newspaper of 22632
general circulation in the jurisdiction. The notice shall 22633
summarize the plan and state the date, time, and location of each 22634
hearing. 22635

(D) No legislative authority or board, pursuant to an 22636
ordinance or resolution under divisions (A) and (B) of this 22637
section that provides for automatic aggregation of customers that 22638
are not mercantile customers as described in division (A) of this 22639
section, shall aggregate the electrical load of any electric load 22640
center located within its jurisdiction unless it in advance 22641
clearly discloses to the person owning, occupying, controlling, or 22642
using the load center that the person will be enrolled 22643
automatically in the aggregation program and will remain so 22644
enrolled unless the person affirmatively elects by a stated 22645
procedure not to be so enrolled. The disclosure shall state 22646
prominently the rates, charges, and other terms and conditions of 22647
enrollment. The stated procedure shall allow any person enrolled 22648
in the aggregation program the opportunity to opt out of the 22649
program every three years, without paying a switching fee. Any 22650
such person that opts out before the commencement of the 22651
aggregation program pursuant to the stated procedure shall default 22652
to the standard service offer provided under section 4928.14 or 22653

division (D) of section 4928.35 of the Revised Code until the 22654
person chooses an alternative supplier. 22655

(E)(1) With respect to a governmental aggregation for a 22656
municipal corporation that is authorized pursuant to divisions (A) 22657
to (D) of this section, resolutions may be proposed by initiative 22658
or referendum petitions in accordance with sections 731.28 to 22659
731.41 of the Revised Code. 22660

(2) With respect to a governmental aggregation for a township 22661
or the unincorporated area of a county, which aggregation is 22662
authorized pursuant to divisions (A) to (D) of this section, 22663
resolutions may be proposed by initiative or referendum petitions 22664
in accordance with sections 731.28 to 731.40 of the Revised Code, 22665
except that: 22666

(a) The petitions shall be filed, respectively, with the 22667
township fiscal officer or the board of county commissioners, who 22668
shall perform those duties imposed under those sections upon the 22669
city auditor or village clerk. 22670

(b) The petitions shall contain the signatures of not less 22671
than ten per cent of the total number of electors in, 22672
respectively, the township or the unincorporated area of the 22673
county who voted for the office of governor at the preceding 22674
general election for that office in that area. 22675

(F) A governmental aggregator under division (A) of this 22676
section is not a public utility engaging in the wholesale purchase 22677
and resale of electricity, and provision of the aggregated service 22678
is not a wholesale utility transaction. A governmental aggregator 22679
shall be subject to supervision and regulation by the public 22680
utilities commission only to the extent of any competitive retail 22681
electric service it provides and commission authority under this 22682
chapter. 22683

(G) This section does not apply in the case of a municipal 22684

corporation that supplies such aggregated service to electric load 22685
centers to which its municipal electric utility also supplies a 22686
noncompetitive retail electric service through transmission or 22687
distribution facilities the utility singly or jointly owns or 22688
operates. 22689

(H) A governmental aggregator shall not include in its 22690
aggregation the accounts of any of the following: 22691

(1) A customer that has opted out of the aggregation; 22692

(2) A customer in contract with a certified electric services 22693
company; 22694

(3) A customer that has a special contract with an electric 22695
distribution utility; 22696

(4) A customer that is not located within the governmental 22697
aggregator's governmental boundaries; 22698

(5) Subject to division (C) of section 4928.21 of the Revised 22699
Code, a customer who appears on the "do not aggregate" list 22700
maintained under that section. 22701

(I) Customers that are part of a governmental aggregation 22702
under this section shall be responsible only for such portion of a 22703
surcharge under section 4928.144 of the Revised Code that is 22704
proportionate to the benefits, as determined by the commission, 22705
that electric load centers within the jurisdiction of the 22706
governmental aggregation's customers aggregation as an aggregated 22707
a group receive. The proportionate surcharge so established shall 22708
apply to each customer of the governmental aggregation while the 22709
customer is part of that aggregation. If a customer ceases being 22710
such a customer, the otherwise applicable surcharge shall apply. 22711
Nothing in this section shall result in less than full recovery by 22712
an electric distribution utility of any surcharge authorized under 22713
section 4928.144 of the Revised Code. 22714

(J) On behalf of the customers that are part of a 22715
governmental aggregation under this section and by filing written 22716
notice with the public utilities commission, the legislative 22717
authority that formed or is forming that governmental aggregation 22718
may elect not to receive standby service within the meaning of 22719
division (B)(2)(~~e~~)(d) of section 4928.143 of the Revised Code from 22720
an electric distribution utility in whose certified territory the 22721
governmental aggregation is located and that operates under an 22722
approved electric security plan under that section. Upon the 22723
filing of that notice, the electric distribution utility shall not 22724
charge any such customer to whom ~~electricity is delivered~~ 22725
competitive retail electric generation service is provided by 22726
another supplier under the governmental aggregation for the 22727
standby service. Any such consumer that returns to the utility for 22728
competitive retail electric service shall pay the market price of 22729
power incurred by the utility to serve that consumer plus any 22730
amount attributable to the utility's cost of compliance with the 22731
alternative energy resource provisions of section 4928.64 of the 22732
Revised Code to serve the consumer. Such market price shall 22733
include, but not be limited to, capacity and energy charges; all 22734
charges associated with the provision of that power supply through 22735
the regional transmission organization, including, but not limited 22736
to, transmission, ancillary services, congestion, and settlement 22737
and administrative charges; and all other costs incurred by the 22738
utility that are associated with the procurement, provision, and 22739
administration of that power supply, as such costs may be approved 22740
by the commission. The period of time during which the market 22741
price and alternative energy resource amount shall be so assessed 22742
on the consumer shall be from the time the consumer so returns to 22743
the electric distribution utility until the expiration of the 22744
electric security plan. However, if that period of time is 22745
expected to be more than two years, the commission may reduce the 22746
time period to a period of not less than two years. 22747

22748

(K) The commission shall adopt rules to encourage and promote 22749
large-scale governmental aggregation in this state. For that 22750
purpose, the commission shall conduct an immediate review of any 22751
rules it has adopted for the purpose of this section that are in 22752
effect on the effective date of the amendment of this section by 22753
S.B. 221 of the 127th general assembly, July 31, 2008. Further, 22754
within the context of an electric security plan under section 22755
4928.143 of the Revised Code, the commission shall consider the 22756
effect on large-scale governmental aggregation of any 22757
nonbypassable generation charges, however collected, that would be 22758
established under that plan, except any nonbypassable generation 22759
~~charge~~ charges that ~~relates~~ relate to a any cost incurred by the 22760
electric distribution utility, the deferral of which has been 22761
authorized by the commission prior to the effective date of the 22762
amendment of this section by S.B. 221 of the 127th general 22763
assembly, July 31, 2008. 22764

Sec. 4981.14. (A) The Ohio rail development commission may 22765
exercise all powers necessary or appropriate to carry out its 22766
corporate purposes. 22767

(B) The commission may do all of the following: 22768

(1) Adopt, and from time to time, ratify, amend, and repeal 22769
bylaws necessary and proper for the regulation of its affairs and 22770
the conduct of its business and rules to implement and make 22771
effective its powers and duties; 22772

(2) Adopt an official seal; 22773

(3) Maintain a principal office in Columbus and, if 22774
necessary, regional sub-offices at locations properly designated 22775
or provided; 22776

(4) Sue and be sued in its own name and plead and be 22777

impleaded in its own name, particularly to enforce the obligations 22778
and covenants made under this section and sections 4981.13, 22779
~~4981.14,~~ and 4981.29 of the Revised Code. Any actions against the 22780
commission shall be brought in the court of common pleas in 22781
Franklin county, in which the principal office of the commission 22782
shall be located. 22783

(5) Undertake or cause to be undertaken the acquisition, 22784
renovation, repair, refunding, operation, maintenance, or 22785
construction of any rail service project; 22786

(6) Establish and operate a revolving loan fund for the 22787
purpose of making loans to qualifying subdivisions, local or 22788
regional transportation authorities, or other persons for the 22789
acquisition, renovation, repair, refunding, or construction of 22790
rail service projects by such qualifying subdivisions, local or 22791
regional transportation authorities, and private corporations or 22792
organizations, and the repayment thereof from project financing 22793
proceeds and revenues; purchase the obligations of counties and 22794
municipal corporations issued for the acquisition, renovation, 22795
repair, or construction of rail service projects by such 22796
qualifying subdivisions and local or regional transportation 22797
authorities; and adopt rules and procedures for making those loans 22798
or purchasing those obligations; 22799

(7) Issue bonds and notes and refunding obligations of the 22800
state, payable as provided in this chapter unless the bonds are 22801
refunded by refunding bonds, for the purpose of borrowing money to 22802
implement any power granted by divisions (B)(5) and (6) of this 22803
section for one or more rail service projects or parts thereof; 22804

(8) Acquire by gift or purchase, hold, or dispose of real and 22805
personal property in the exercise of its powers and performance of 22806
its duties as set forth in this chapter; 22807

(9) Make and enter into all contracts and agreements and 22808

execute all instruments necessary or incidental to the performance 22809
of its duties and the execution of its powers and to employ 22810
natural persons to act on behalf of the commission, and to 22811
establish the terms and conditions of such employment; 22812

(10) Receive and accept from any federal agency or other 22813
person, subject to the approval of the governor, grants for or in 22814
aid of the construction, repair, renovation, operation, 22815
maintenance, or acquisition of rail service projects, and receive 22816
and accept aid or contributions from any source of money, 22817
property, labor, or other things of value, to be held, used, and 22818
applied only for the purposes for which the grants and 22819
contributions are made; 22820

(11) Purchase property coverage and liability insurance for 22821
any rail service project and for any offices of the commission, 22822
insurance protecting the commission and its officers and employees 22823
against liability, if any, or damage to property or injury to or 22824
death of persons arising from its operations, and any other 22825
insurance the commission may agree to provide under any resolution 22826
authorizing the issuance of bonds in accordance with sections 22827
4981.11 to 4981.26 of the Revised Code, or in any trust agreement 22828
securing the same; 22829

(12) Establish or increase reserves from moneys received or 22830
to be received by the commission to secure or pay the principal of 22831
and interest on bonds, notes, or other obligations issued by the 22832
commission pursuant to this chapter or other law. Moneys, funds, 22833
and accounts of the commission, however, are subject only to audit 22834
by the auditor of state and all moneys, funds, and accounts shall 22835
be held in custody or deposited as directed by resolution of the 22836
commission and unless otherwise provided by law all moneys of the 22837
commission not pledged to the holders of bonds of the commission 22838
shall be appropriated by the general assembly. 22839

(13) Receive and disburse the proceeds of general obligation 22840

or other bonds of the state or agencies thereof as may be allowed 22841
by law pursuant to any resolution or act of the general assembly; 22842

(14) To the extent permitted under its contracts with the 22843
holders of bonds or notes of the commission, consent to 22844
modification of the rate of interest, time and payment of 22845
installment of principal or interest, security, or any other term 22846
of a bond, contract, or agreement of any kind to which the 22847
commission is a party; 22848

(15) Make grants to counties or municipal corporations, 22849
qualifying subdivisions, local or regional transportation 22850
authorities, or other persons for one or more rail service 22851
projects ~~of~~ or parts thereof; 22852

(16) Provide consultation services to any qualifying 22853
subdivision, local or regional transportation authority, or other 22854
person in connection with the acquisition, renovation, repair, or 22855
construction of any rail service project; 22856

(17) Establish and amend the criteria and qualifications for 22857
the making of any loan to or the purchasing of any bond from any 22858
qualifying subdivision, local or regional transportation 22859
authority, or other person and the terms not inconsistent with 22860
this chapter of any loan or bond purchase agreement with any 22861
qualifying subdivision, local or regional transportation 22862
authority, or other person; 22863

(18) Deposit money received from the repayment of loans and 22864
recoveries from the sale, lease, or other disposition of property 22865
acquired or constructed from amounts loaned by the commission 22866
pursuant to section 4981.13 of the Revised Code or division (B) of 22867
this section, in an account pledged to secure, and applied to the 22868
repayment, without the need for appropriation, of, obligations 22869
issued under section 166.08 of the Revised Code to pay the costs 22870
of property, facilities, or equipment that qualifies as rail 22871

service projects; enter into agreements with the treasurer of 22872
state or a corporate trustee for such obligations to provide for 22873
the deposit and pledge of such money as specified in the 22874
agreement, to permit the withdrawal of money by the treasurer of 22875
state or corporate trustee from the account as necessary for 22876
application to the payment of debt service on such obligations, 22877
and to permit the investment of those amounts, without regard to 22878
Chapter 131. or 135. of the Revised Code, pending their 22879
application to the payment of debt service; and enter into 22880
agreements with persons to provide for the repayment of any 22881
amounts paid from any pledged account in connection with 22882
obligations issued under section 166.08 of the Revised Code; 22883

(19) Do all acts necessary and proper to carry out the powers 22884
expressly granted to the commission in this chapter. 22885

(C) Any instrument by which real property is acquired 22886
pursuant to this section shall identify the agency of the state 22887
that has the use and benefit of the real property as specified in 22888
section 5301.012 of the Revised Code. 22889

Sec. 5101.143. (A) The state adoption assistance loan fund is 22890
hereby created in the state treasury. The fund shall consist of 22891
all money appropriated or transferred to it and all loan 22892
repayments or other money, including interest and penalties, 22893
derived from state adoption assistance loans. The department of 22894
job and family services shall administer the fund. Money in the 22895
fund shall be used to make state adoption assistance loans to 22896
prospective adoptive parents applying for a loan under section 22897
3107.018 of the Revised Code. All investment earnings of the fund 22898
shall be credited to the fund. 22899

(B) The director of job and family services shall adopt rules 22900
in accordance with Chapter 119. of the Revised Code as necessary 22901
to implement this section, including rules for creating a loan 22902

application form, procedures and standards for reviewing and 22903
granting or denying loan applications, conditions on the use of 22904
the loan, loan repayment terms, procedures for collection of loan 22905
arrearages, and any monetary penalties for loan arrearages or 22906
improper use of loan funds. 22907

Sec. 5101.26. As used in this section and in sections 5101.27 22908
to 5101.30 of the Revised Code: 22909

(A) "County agency" means a county department of job and 22910
family services or a public children services agency. 22911

(B) "Fugitive felon" means an individual who is fleeing to 22912
avoid prosecution, or custody or confinement after conviction, 22913
under the laws of the place from which the individual is fleeing, 22914
for a crime or an attempt to commit a crime that is a felony under 22915
the laws of the place from which the individual is fleeing or, in 22916
the case of New Jersey, a high misdemeanor, regardless of whether 22917
the individual has departed from the individual's usual place of 22918
residence. 22919

(C) "Information" means records as defined in section 149.011 22920
of the Revised Code, any other documents in any format, and data 22921
derived from records and documents that are generated, acquired, 22922
or maintained by the department of job and family services, a 22923
county agency, or an entity performing duties on behalf of the 22924
department or a county agency. 22925

(D) "Law enforcement agency" means the state highway patrol, 22926
an agency that employs peace officers as defined in section 109.71 22927
of the Revised Code, the adult parole authority, a county 22928
department of probation, a prosecuting attorney, the attorney 22929
general, similar agencies of other states, federal law enforcement 22930
agencies, and postal inspectors. "Law enforcement agency" includes 22931
the peace officers and other law enforcement officers employed by 22932
the agency. 22933

(E) "Medical assistance provided under a public assistance program" means medical assistance provided under the programs established under sections 5101.49, 5101.50 to 5101.503, 5101.51 to 5101.5110, ~~and~~ 5101.52 to 5101.529, and 5101.5211 to 5101.5216, Chapters 5111. and 5115., or any other provision of the Revised Code.

(F) "Public assistance" means financial assistance, medical assistance, or social services provided under a program administered by the department of job and family services or a county agency pursuant to Chapter 329., 5101., 5104., 5107., 5108., 5111., or 5115. of the Revised Code or an executive order issued under section 107.17 of the Revised Code.

(G) "Public assistance recipient" means an applicant for or recipient or former recipient of public assistance.

Sec. 5101.5211. (A) As used in sections 5101.5211 to 5101.5216 of the Revised Code:

"Children's buy-in program" means the program established under sections 5101.5211 to 5101.5216 of the Revised Code.

"Countable family income" has the meaning established in rules adopted under section 5101.5215 of the Revised Code.

"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.

"Family" has the meaning established in rules adopted under section 5101.5215 of the Revised Code.

"Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code.

"Program for medically handicapped children" means the program established under sections 3701.021 to 3701.0210 of the

Revised Code. 22964

(B) The director of job and family services shall establish 22965
the children's buy-in program in accordance with sections 22966
5101.5211 to 5101.5216 of the Revised Code. The director shall 22967
submit to the United States secretary of health and human services 22968
an amendment to the state medicaid plan, an amendment to the state 22969
child health plan, one or more requests for a federal waiver, or 22970
such an amendment and waiver requests as necessary to seek federal 22971
matching funds for the children's buy-in program. The director 22972
shall not begin implementation of the program until after 22973
submitting the amendment, waiver request, or both. The director 22974
may begin implementation of the program before receiving approval 22975
of the amendment, waiver request, or both using state funds only. 22976
The director shall implement the program regardless of whether the 22977
amendment, waiver request, or both are denied. The program shall 22978
be funded with state funds only if the United States secretary 22979
denies federal matching funds for the program. If the United 22980
States secretary approves federal matching funds for the program 22981
and if permitted under the terms of the approval, the program 22982
shall be operated as part of the medicaid program, the children's 22983
health insurance program, or both. 22984

Sec. 5101.5212. Under the children's buy-in program and 22985
subject to section 5101.5213 of the Revised Code, an individual 22986
who does both of the following in accordance with rules adopted 22987
under section 5101.5215 of the Revised Code qualifies for medical 22988
assistance under the program, unless the director of job and 22989
family services has adopted rules under division (B) of section 22990
5101.5215 of the Revised Code to limit the number of individuals 22991
who may participate in the program at one time and the program is 22992
serving the maximum number of individuals specified in the rules: 22993
22994

(A) Applies for the children's buy-in program;	22995
(B) Provides satisfactory evidence of all of the following:	22996
(1) That the individual is under nineteen years of age;	22997
(2) That the individual's countable <u>family</u> income exceeds	22998
three <u>two</u> hundred <u>fifty</u> per cent of the federal poverty	22999
guidelines;	23000
(3) That the individual has not had creditable coverage for	23001
at least six months before enrolling in the children's buy-in	23002
program, <u>unless the individual lost the only creditable coverage</u>	23003
<u>available to the individual because the individual exhausted a</u>	23004
<u>lifetime benefit limitation;</u>	23005
(4) That one or more of the following apply to the	23006
individual:	23007
(a) The individual is unable to obtain creditable coverage	23008
due to a pre-existing condition of the individual;	23009
(b) The individual lost the only creditable coverage	23010
available to the individual because the individual has exhausted a	23011
lifetime benefit limitation;	23012
(c) The premium for the only creditable coverage available to	23013
the individual is greater than two hundred per cent of the premium	23014
applicable to the individual under the children's buy-in program;	23015
(d) The individual participates in the program for medically	23016
handicapped children.	23017
(5) That the individual meets the additional eligibility	23018
requirements for the children's buy-in program established in	23019
rules adopted under section 5101.5215 of the Revised Code.	23020
Sec. 5101.5213. (A) An individual participating in the	23021
children's buy-in program shall be charged a monthly premium	23022
established by rules adopted under section 5101.5215 of the	23023

Revised Code. The amount of the monthly premium shall not be less than the following:

(1) In the case of an individual with countable family income exceeding ~~three~~ two hundred fifty per cent but not exceeding four hundred per cent of the federal poverty guidelines, the following amount:

(a) If no other member of the individual's family receives medical assistance under the program with the individual, one hundred dollars;

(b) If one or more members of the individual's family receive medical assistance under the program with the individual, one hundred fifty dollars.

(2) In the case of an individual with countable family income exceeding four hundred per cent but not exceeding five hundred per cent of the federal poverty guidelines, the following amount:

(a) If no other member of the individual's family receives medical assistance under the program with the individual, one hundred twenty-five dollars;

(b) If one or more members of the individual's family receive medical assistance under the program with the individual, one hundred seventy-five dollars.

(3) In the case of an individual with countable family income exceeding five hundred per cent of the federal poverty guidelines, the full amount of the actuarially determined cost of the premium.

(B) If the premium for the children's buy-in program is not paid for two consecutive months, the individual shall lose eligibility for the program. The individual may not resume participation in the program until the unpaid premiums that

accrued before the individual lost eligibility are paid. 23054

Sec. 5101.5214. (A) An individual participating in the 23055
children's buy-in program ~~may~~ shall be charged co-payments ~~to the~~ 23056
~~extent required~~ established by rules, ~~if any,~~ adopted under 23057
~~division (B)~~ of section 5101.5215 of the Revised Code. 23058

(B) Notwithstanding division (B) of section 5111.0112 of the 23059
Revised Code, if applicable, and to the extent permitted by 23060
federal law, a provider may refuse to provide a service to an 23061
individual if a co-payment ~~authorized~~ required by this section is 23062
not paid. 23063

Sec. 5101.5215. (A) The director of job and family services 23064
shall adopt rules in accordance with Chapter 119. of the Revised 23065
Code as necessary to implement the children's buy-in program, 23066
including rules that do all of the following: 23067

(1) Establish the meaning of "countable family income" and 23068
"family"; 23069

(2) For the purpose of section 5101.5212 of the Revised Code, 23070
establish additional eligibility requirements for the program; 23071
23072

(3) For the purpose of section 5101.5213 of the Revised Code, 23073
establish monthly premiums for the children's buy-in program; 23074
23075

(4) For the purpose of section 5101.5214 of the Revised Code, 23076
establish copayment requirements for the children's buy-in 23077
program. 23078

(B) The director may adopt rules in accordance with Chapter 23079
119. of the Revised Code to ~~establish co-payment requirements for~~ 23080
limit the number of individuals ~~participating~~ who may participate 23081
in the children's buy-in program at one time. 23082

Sec. 5101.571. As used in sections 5101.571 to 5101.591 of	23083
the Revised Code:	23084
(A) "Information" means all of the following:	23085
(1) An individual's name, address, date of birth, and social	23086
security number;	23087
(2) The group or plan number, or other identifier, assigned	23088
by a third party to a policy held by an individual or a plan in	23089
which the individual participates and the nature of the coverage;	23090
(3) Any other data the director of job and family services	23091
specifies in rules adopted under section 5101.591 of the Revised	23092
Code.	23093
(B) "Medical assistance" means medical items or services	23094
provided under any of the following:	23095
(1) Medicaid, as defined in section 5111.01 of the Revised	23096
Code;	23097
(2) The children's health insurance program part I, part II,	23098
and part III established under sections 5101.50 to 5101.529 of the	23099
Revised Code;	23100
(3) The disability medical assistance program established	23101
under Chapter 5115. of the Revised Code;	23102
<u>(4) The children's buy-in program established under sections</u>	23103
<u>5101.5211 to 5101.5216 of the Revised Code.</u>	23104
(C) "Medical support" means support specified as support for	23105
the purpose of medical care by order of a court or administrative	23106
agency.	23107
(D) "Public assistance" means medical assistance or	23108
assistance under the Ohio works first program established under	23109
Chapter 5107. of the Revised Code.	23110
(E)(1) Subject to division (E)(2) of this section, and except	23111

as provided in division (E)(3) of this section, "third party"	23112
means all of the following:	23113
(a) A person authorized to engage in the business of sickness and accident insurance under Title XXXIX of the Revised Code;	23114 23115
(b) A person or governmental entity providing coverage for medical services or items to individuals on a self-insurance basis;	23116 23117 23118
(c) A health insuring corporation as defined in section 1751.01 of the Revised Code;	23119 23120
(d) A group health plan as defined in 29 U.S.C. 1167;	23121
(e) A service benefit plan as referenced in 42 U.S.C. 1396a(a)(25);	23122 23123
(f) A managed care organization;	23124
(g) A pharmacy benefit manager;	23125
(h) A third party administrator;	23126
(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.	23127 23128 23129 23130
(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.	23131 23132 23133 23134 23135
(3) "Third party" does not include the program for medically handicapped children established under section 3701.023 of the Revised Code.	23136 23137 23138
Sec. 5101.572. (A) A third party shall cooperate with the department of job and family services in identifying individuals	23139 23140

for the purpose of establishing third party liability pursuant to 23141
Title XIX of the Social Security Act, as amended. 23142

(B) In furtherance of the requirement in division (A) of this 23143
section and to allow the department to determine any period that 23144
the individual or the individual's spouse or dependent may have 23145
been covered by the third party and the nature of the coverage, a 23146
third party shall provide, as the department so chooses, 23147
information or access to information, or both, in the third 23148
party's electronic data system on the department's request and in 23149
accordance with division (C) of this section. 23150

(C)(1) If the department chooses to receive information 23151
directly, the third party shall provide the information under all 23152
of the following circumstances: 23153

(a) In a medium, format, and manner prescribed by the 23154
director of job and family services in rules adopted under section 23155
5101.591 of the Revised Code; 23156

(b) Free of charge; 23157

(c) Not later than the end of the thirtieth day after the 23158
department makes its request, unless a different time is agreed to 23159
by the director in writing. 23160

(2) If the department chooses to receive access to 23161
information, the third party shall provide access by a method 23162
prescribed by the director of job and family services in rules 23163
adopted under section 5101.591 of the Revised Code. In 23164
facilitating access, the department may enter into a trading 23165
partner agreement with the third party to permit the exchange of 23166
information via "ASC X 12N 270/271 Health Care Eligibility Benefit 23167
Inquiry and Response" transactions. 23168

(D) All of the following apply with respect to information 23169
provided by a third party to the department under this section: 23170

(1) The information is confidential and not a public record 23171
under section 149.43 of the Revised Code. 23172

(2) The release of information to the department is not to be 23173
considered a violation of any right of confidentiality or contract 23174
that the third party may have with covered persons including, but 23175
not limited to, contractees, beneficiaries, heirs, assignees, and 23176
subscribers. 23177

(3) The third party is immune from any liability that it may 23178
otherwise incur through its release of information to the 23179
department. 23180

The department of job and family services shall limit its use 23181
of information gained from third parties to purposes directly 23182
connected with the administration of the medicaid program and the 23183
child support program authorized by Title IV-D of the "Social 23184
Security Act." 23185

(E) No third party shall disclose to other parties or make 23186
use of any information regarding recipients of aid under Chapter 23187
5107. or 5111. of the Revised Code that it obtains from the 23188
department, except in the manner provided for by the director of 23189
job and family services in administrative rules. 23190

Sec. 5101.58. (A) The acceptance of public assistance gives 23191
an automatic right of recovery to the department of job and family 23192
services and a county department of job and family services 23193
against the liability of a third party for the cost of medical 23194
assistance paid on behalf of the public assistance recipient or 23195
participant. When an action or claim is brought against a third 23196
party by a public assistance recipient or participant, any 23197
payment, settlement or compromise of the action or claim, or any 23198
court award or judgment, is subject to the recovery right of the 23199
department of job and family services or county department of job 23200
and family services. Except in the case of a recipient or 23201

participant who receives medical assistance through a managed care organization, the department's or county department's claim shall not exceed the amount of medical assistance paid by a department on behalf of the recipient or participant. A payment, settlement, compromise, judgment, or award that excludes the cost of medical assistance paid for by a department shall not preclude a department from enforcing its rights under this section.

(B) In the case of a recipient or participant who receives medical assistance through a managed care organization, the amount of the department's or county department's claim shall be the amount the managed care organization pays for medical assistance rendered to the recipient or participant, even if that amount is more than the amount a department pays to the managed care organization for the recipient's or participant's medical assistance.

(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:

(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;

(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.

(D) The written notice that must be given under division (C) 23233
of this section shall disclose the identity and address of any 23234
third party against whom the recipient or participant has or may 23235
have a right of recovery. 23236

(E) No settlement, compromise, judgment, or award or any 23237
recovery in any action or claim by a recipient or participant 23238
where the departments have a right of recovery shall be made final 23239
without first giving the appropriate departments written notice as 23240
described in division (C) of this section and a reasonable 23241
opportunity to perfect their rights of recovery. If the 23242
departments are not given the appropriate written notice, the 23243
recipient or participant and, if there is one, the recipient's or 23244
participant's attorney, are liable to reimburse the departments 23245
for the recovery received to the extent of medical payments made 23246
by the departments. 23247

(F) The departments shall be permitted to enforce their 23248
recovery rights against the third party even though they accepted 23249
prior payments in discharge of their rights under this section if, 23250
at the time the departments received such payments, they were not 23251
aware that additional medical expenses had been incurred but had 23252
not yet been paid by the departments. The third party becomes 23253
liable to the department of job and family services or county 23254
department of job and family services as soon as the third party 23255
is notified in writing of the valid claims for recovery under this 23256
section. 23257

(G)(1) Subject to division (G)(2) of this section, the right 23258
of recovery of a department does not apply to that portion of any 23259
judgment, award, settlement, or compromise of a claim, to the 23260
extent of attorneys' fees, costs, or other expenses incurred by a 23261
recipient or participant in securing the judgment, award, 23262
settlement, or compromise, or to the extent of medical, surgical, 23263
and hospital expenses paid by such recipient or participant from 23264

the recipient's or participant's own resources. 23265

(2) Reasonable attorneys' fees, not to exceed one-third of 23266
the total judgment, award, settlement, or compromise, plus costs 23267
and other expenses incurred by the recipient or participant in 23268
securing the judgment, award, settlement, or compromise, shall 23269
first be deducted from the total judgment, award, settlement, or 23270
compromise. After fees, costs, and other expenses are deducted 23271
from the total judgment, award, settlement, or compromise, the 23272
department of job and family services or appropriate county 23273
department of job and family services shall receive no less than 23274
one-half of the remaining amount, or the actual amount of medical 23275
assistance paid, whichever is less. 23276

(H) A right of recovery created by this section may be 23277
enforced separately or jointly by the department of job and family 23278
services or the appropriate county department of job and family 23279
services. To enforce their recovery rights, the departments may do 23280
any of the following: 23281

(1) Intervene or join in any action or proceeding brought by 23282
the recipient or participant or on the recipient's or 23283
participant's behalf against any third party who may be liable for 23284
the cost of medical assistance paid; 23285

(2) Institute and pursue legal proceedings against any third 23286
party who may be liable for the cost of medical assistance paid; 23287

(3) Initiate legal proceedings in conjunction with any 23288
injured, diseased, or disabled recipient or participant or the 23289
recipient's or participant's attorney or representative. 23290

(I) A recipient or participant shall not assess attorney 23291
fees, costs, or other expenses against the department of job and 23292
family services or a county department of job and family services 23293
when the department or county department enforces its right of 23294
recovery created by this section. 23295

(J) The right of recovery given to the department under this section does not include rights to support from any other person assigned to the state under sections 5107.20 and 5115.07 of the Revised Code, but includes payments made by a third party under contract with a person having a duty to support.

Sec. 5101.80. (A) As used in this section and in section 5101.801 of the Revised Code:

(1) "County family services agency" has the same meaning as in section 307.981 of the Revised Code.

(2) "State agency" has the same meaning as in section 9.82 of the Revised Code.

(3) "Title IV-A administrative agency" means both of the following:

(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;

(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.

(4) "Title IV-A program" means all of the following that are funded in part with funds provided under the temporary assistance for needy families block grant established by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended:

(a) The Ohio works first program established under Chapter 5107. of the Revised Code;

(b) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;

(c) A program established by the general assembly or an executive order issued by the governor that is administered or supervised by the department of job and family services pursuant to section 5101.801 of the Revised Code;	23325 23326 23327 23328
(d) The kinship permanency incentive program created under section 5101.802 of the Revised Code;	23329 23330
(e) The Title IV-A demonstration program created under section 5101.803 of the Revised Code;	23331 23332
(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.	23333 23334 23335 23336
(B) The department of job and family services shall act as the single state agency to administer and supervise the administration of Title IV-A programs. The Title IV-A state plan and amendments to the plan prepared under division (C) of this section are binding on Title IV-A administrative agencies. No Title IV-A administrative agency may establish, by rule or otherwise, a policy governing a Title IV-A program that is inconsistent with a Title IV-A program policy established, in rule or otherwise, by the director of job and family services.	23337 23338 23339 23340 23341 23342 23343 23344 23345
(C) The department of job and family services shall do all of the following:	23346 23347
(1) Prepare and submit to the United States secretary of health and human services a Title IV-A state plan for Title IV-A programs;	23348 23349 23350
(2) Prepare and submit to the United States secretary of health and human services amendments to the Title IV-A state plan that the department determines necessary, including amendments necessary to implement Title IV-A programs identified in divisions (A)(4)(c) to (f) of this section;	23351 23352 23353 23354 23355

- (3) Prescribe forms for applications, certificates, reports, records, and accounts of Title IV-A administrative agencies, and other matters related to Title IV-A programs; 23356
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- (4) Make such reports, in such form and containing such information as the department may find necessary to assure the correctness and verification of such reports, regarding Title IV-A programs; 23359
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- (5) Require reports and information from each Title IV-A administrative agency as may be necessary or advisable regarding a Title IV-A program; 23363
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- (6) Afford a fair hearing in accordance with section 5101.35 of the Revised Code to any applicant for, or participant or former participant of, a Title IV-A program aggrieved by a decision regarding the program; 23366
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- (7) Administer and expend, pursuant to Chapters 5104., 5107., and 5108. of the Revised Code and sections 5101.801, 5101.802, and 5101.803 of the Revised Code, any sums appropriated by the general assembly for the purpose of those chapters and sections and all sums paid to the state by the secretary of the treasury of the United States as authorized by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended; 23370
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- (8) Conduct investigations and audits as are necessary regarding Title IV-A programs; 23377
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- (9) Enter into reciprocal agreements with other states relative to the provision of Ohio works first and prevention, retention, and contingency to residents and nonresidents; 23379
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- (10) Contract with a private entity to conduct an independent on-going evaluation of the Ohio works first program and the prevention, retention, and contingency program. The contract must require the private entity to do all of the following: 23382
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(a) Examine issues of process, practice, impact, and outcomes;	23386 23387
(b) Study former participants of Ohio works first who have not participated in Ohio works first for at least one year to determine whether they are employed, the type of employment in which they are engaged, the amount of compensation they are receiving, whether their employer provides health insurance, whether and how often they have received benefits or services under the prevention, retention, and contingency program, and whether they are successfully self sufficient;	23388 23389 23390 23391 23392 23393 23394 23395
(c) Provide the department with reports at times the department specifies.	23396 23397
(11) Not later than January 1, 2001, and the first <u>last</u> day of each January and July thereafter , prepare a report containing information on the following:	23398 23399 23400
(a) Individuals exhausting the time limits for participation in Ohio works first set forth in section 5107.18 of the Revised Code.	23401 23402 23403
(b) Individuals who have been exempted from the time limits set forth in section 5107.18 of the Revised Code and the reasons for the exemption.	23404 23405 23406
(D) The department shall provide copies of the reports it receives under division (C)(10) of this section and prepares under division (C)(11) of this section to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The department shall provide copies of the reports to any private or government entity on request.	23407 23408 23409 23410 23411 23412 23413
(E) An authorized representative of the department or a county family services agency or state agency administering a Title IV-A program shall have access to all records and	23414 23415 23416

information bearing thereon for the purposes of investigations 23417
conducted pursuant to this section. An authorized representative 23418
of a government entity or private, not-for-profit entity 23419
administering a project funded in whole or in part with funds 23420
provided under the Title IV-A demonstration program shall have 23421
access to all records and information bearing on the project for 23422
the purpose of investigations conducted pursuant to this section. 23423

Sec. 5104.02. (A) The director of job and family services is 23424
responsible for the licensing of child day-care centers and type A 23425
family day-care homes. Each entity operating a head start program 23426
shall meet the criteria for, and be licensed as, a child day-care 23427
center. The director is responsible for the enforcement of this 23428
chapter and of rules promulgated pursuant to this chapter. 23429

No person, firm, organization, institution, or agency shall 23430
operate, establish, manage, conduct, or maintain a child day-care 23431
center or type A family day-care home without a license issued 23432
under section 5104.03 of the Revised Code. The current license 23433
shall be posted in a conspicuous place in the center or type A 23434
home that is accessible to parents, custodians, or guardians and 23435
employees of the center or type A home at all times when the 23436
center or type A home is in operation. 23437

(B) A person, firm, institution, organization, or agency 23438
operating any of the following programs is exempt from the 23439
requirements of this chapter: 23440

(1) A program of child care that operates for two or less 23441
consecutive weeks; 23442

(2) Child care in places of worship during religious 23443
activities during which children are cared for while at least one 23444
parent, guardian, or custodian of each child is participating in 23445
such activities and is readily available; 23446

(3) Religious activities which do not provide child care;	23447
(4) Supervised training, instruction, or activities of children in specific areas, including, but not limited to: art; drama; dance; music; gymnastics, swimming, or another athletic skill or sport; computers; or an educational subject conducted on an organized or periodic basis no more than one day a week and for no more than six hours duration;	23448 23449 23450 23451 23452 23453
(5) Programs in which the director determines that at least one parent, custodian, or guardian of each child is on the premises of the facility offering child care and is readily accessible at all times, except that child care provided on the premises at which a parent, custodian, or guardian is employed more than two and one-half hours a day shall be licensed in accordance with division (A) of this section;	23454 23455 23456 23457 23458 23459 23460
(6)(a) Programs that provide child care funded and regulated or operated and regulated by state departments other than the department of job and family services or the state board of education when the director of job and family services has determined that the rules governing the program are equivalent to or exceed the rules promulgated pursuant to this chapter.	23461 23462 23463 23464 23465 23466
Notwithstanding any exemption from regulation under this chapter, each state department shall submit to the director of job and family services a copy of the rules that govern programs that provide child care and are regulated or operated and regulated by the department. Annually, each state department shall submit to the director a report for each such program it regulates or operates and regulates that includes the following information:	23467 23468 23469 23470 23471 23472 23473
(i) The site location of the program;	23474
(ii) The maximum number of infants, toddlers, preschool children, or school children served by the program at one time;	23475 23476
(iii) The number of adults providing child care for the	23477

number of infants, toddlers, preschool children, or school children;	23478 23479
(iv) Any changes in the rules made subsequent to the time when the rules were initially submitted to the director.	23480 23481
The director shall maintain a record of the child care information submitted by other state departments and shall provide this information upon request to the general assembly or the public.	23482 23483 23484 23485
(b) Child care programs conducted by boards of education or by chartered nonpublic schools that are conducted in school buildings and that provide child care to school children only shall be exempt from meeting or exceeding rules promulgated pursuant to this chapter.	23486 23487 23488 23489 23490
(7) Any preschool program or school child program, except a head start program, that is subject to licensure by the department of education under sections 3301.52 to 3301.59 of the Revised Code.	23491 23492 23493 23494
(8) Any program providing child care that meets all of the following requirements and, on October 20, 1987, was being operated by a nonpublic school that holds a charter issued by the state board of education for kindergarten only:	23495 23496 23497 23498
(a) The nonpublic school has given the notice to the state board and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly;	23499 23500 23501 23502
(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five;	23503 23504 23505
(c) The program is conducted in a school building;	23506
(d) The program is operated in accordance with rules	23507

promulgated by the state board under sections 3301.52 to 3301.57 23508
of the Revised Code. 23509

(9) A youth development program operated outside of school 23510
hours by a community-based center to which all of the following 23511
apply: 23512

(a) The children enrolled in the program are under nineteen 23513
years of age and enrolled in or eligible to be enrolled in a grade 23514
of kindergarten or above. 23515

(b) The program provides informal child care and at least two 23516
of the following supervised activities: educational, recreational, 23517
culturally enriching, social, and personal development activities. 23518
23519

(c) ~~The state board of education has approved the program's~~ 23520
program is eligible for participation in the child and adult care 23521
food program as an outside-school-hours care center pursuant to 23522
standards established under section 3313.813 of the Revised Code. 23523

(d) The community-based center operating the program is 23524
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 23525
and (c)(3). 23526

Sec. 5104.041. (A) All type A and type B family day-care 23527
homes shall procure and maintain one of the following: 23528

(1) Liability insurance issued by an insurer authorized to do 23529
business in this state under Chapter 3905. of the Revised Code 23530
insuring the type A or type B family day-care home against 23531
liability arising out of, or in connection with, the operation of 23532
the family day-care home. Liability insurance procured under this 23533
division shall cover any cause for which the type A or type B 23534
family day-care home would be liable, in the amount of at least 23535
one hundred thousand dollars per occurrence and three hundred 23536
thousand dollars in the aggregate. 23537

(2) An affidavit signed by the parent, guardian, or custodian 23538
of each child receiving child care from the type A or type B 23539
family day-care home that states all of the following: 23540

(a) The family day-care home does not carry liability 23541
insurance described in division (A)(1) of this section; 23542

(b) If the licensee of a type A family day-care home or the 23543
provider of a type B family day-care home is not the owner of the 23544
real property where the family day-care home is located, the 23545
liability insurance, if any, of the owner of the real property may 23546
not provide for coverage of any liability arising out of, or in 23547
connection with, the operation of the family day-care home. 23548

(B) If the licensee of a type A family day-care home or the 23549
provider of a type B family day-care home is not the owner of the 23550
real property where the family day-care home is located and the 23551
family day-care home procures liability insurance described in 23552
division (A)(1) of this section, that licensee or provider shall 23553
name the owner of the real property as an additional insured party 23554
on the liability insurance policy if all of the following apply: 23555
23556

(1) The owner of the real property requests the licensee or 23557
provider, in writing, to add the owner of the real property to the 23558
liability insurance policy as an additional insured party. 23559

(2) The addition of the owner of the real property does not 23560
result in cancellation or nonrenewal of the insurance policy 23561
procured by the type A or type B family day-care home. 23562

(3) The owner of the real property pays any additional 23563
premium assessed for coverage of the owner of the real property. 23564

(C) Proof of insurance or affidavit required under division 23565
(A) of this section shall be maintained at the type A or type B 23566
family day-care home and made available for review during 23567
inspection or investigation as required under this chapter. 23568

(D) The director of job and family services shall adopt rules 23569
for the enforcement of this section. 23570

Sec. 5111.0210. Until July 1, 2009, the director of job and 23571
family services shall not change the medicaid reimbursement rates 23572
that apply to providers of durable medical equipment from the 23573
rates that are in effect on the effective date of this section. 23574

On and after July 1, 2009, the director shall establish 23575
medicaid reimbursement rates that apply to providers of durable 23576
medical equipment by using a cost analysis methodology. The 23577
methodology shall include a statistically valid sample of all 23578
types of durable medical equipment providers in this state, 23579
including providers that have a large volume of sales, providers 23580
that have a small volume of sales, and providers that operate 23581
predominantly in rural, suburban, or metropolitan areas. The 23582
statistical mean that is derived by using the cost analysis 23583
methodology shall be used by the director to establish the 23584
medicaid reimbursement rates that apply to providers of durable 23585
medical equipment. 23586

Sec. 5111.032. (A) As used in this section: 23587

(1) "Criminal records check" has the same meaning as in 23588
section 109.572 of the Revised Code. 23589

(2) "Department" includes a designee of the department of job 23590
and family services. 23591

(3) "Owner" means a person who has an ownership interest in a 23592
provider in an amount designated by the department of job and 23593
family services in rules adopted under this section. 23594

(4) "Provider" means a person, institution, or entity that 23595
has a provider agreement with the department of job and family 23596
services pursuant to Title XIX of the "Social Security Act," 49 23597
State. 620 (1965), 42 U.S.C. 1396, as amended. 23598

(B)(1) Except as provided in division (B)(2) of this section, 23599
the department of job and family services may require that any 23600
provider, applicant to be a provider, employee or prospective 23601
employee of a provider, owner or prospective owner of a provider, 23602
officer or prospective officer of a provider, or board member or 23603
prospective board member of a provider submit to a criminal 23604
records check as a condition of obtaining a provider agreement, 23605
continuing to hold a provider agreement, being employed by a 23606
provider, having an ownership interest in a provider, or being an 23607
officer or board member of a provider. The department may 23608
designate the categories of persons who are subject to the 23609
criminal records check requirement. The department shall designate 23610
the times at which the criminal records checks must be conducted. 23611

(2) The section does not apply to providers, applicants to be 23612
providers, employees of a provider, or prospective employees of a 23613
provider who are subject to criminal records checks under section 23614
5111.033 or 5111.034 of the Revised Code. 23615

(C)(1) The department shall inform each provider or applicant 23616
to be a provider whether the provider or applicant is subject to a 23617
criminal records check requirement under division (B) of this 23618
section. For providers, the information shall be given at times 23619
designated in rules adopted under this section. For applicants to 23620
be providers, the information shall be given at the time of 23621
initial application. When the information is given, the department 23622
shall specify which of the provider's or applicant's employees or 23623
prospective employees, owners or prospective owners, officers or 23624
prospective officers, or board members or prospective board 23625
members are subject to the criminal records check requirement. 23626

(2) At times designated in rules adopted under this section, 23627
a provider that is subject to the criminal records check 23628
requirement shall inform each person specified by the department 23629
under division (C)(1) of this section that the person is required, 23630

as applicable, to submit to a criminal records check for final 23631
consideration for employment in a full-time, part-time, or 23632
temporary position; as a condition of continued employment; or as 23633
a condition of becoming or continuing to be an officer, board 23634
member or owner of a provider. 23635

(D)(1) If a provider or applicant to be a provider is subject 23636
to a criminal records check under this section, the department 23637
shall require the conduct of a criminal records check by the 23638
superintendent of the bureau of criminal identification and 23639
investigation. If a provider or applicant to be a provider for 23640
whom a criminal records check is required does not present proof 23641
of having been a resident of this state for the five-year period 23642
immediately prior to the date the criminal records check is 23643
requested or provide evidence that within that five-year period 23644
the superintendent has requested information about the individual 23645
from the federal bureau of investigation in a criminal records 23646
check, the department shall require the provider or applicant to 23647
request that the superintendent obtain information from the 23648
federal bureau of investigation as part of the criminal records 23649
check of the provider or applicant. Even if a provider or 23650
applicant for whom a criminal records check request is required 23651
presents proof of having been a resident of this state for the 23652
five-year period, the department may require that the provider or 23653
applicant request that the superintendent obtain information from 23654
the federal bureau of investigation and include it in the criminal 23655
records check of the provider or applicant. 23656

(2) A provider shall require the conduct of a criminal 23657
records check by the superintendent with respect to each of the 23658
persons specified by the department under division (C)(1) of this 23659
section. If the person for whom a criminal records check is 23660
required does not present proof of having been a resident of this 23661
state for the five-year period immediately prior to the date the 23662

criminal records check is requested or provide evidence that 23663
within that five-year period the superintendent of the bureau of 23664
criminal identification and investigation has requested 23665
information about the individual from the federal bureau of 23666
investigation in a criminal records check, the individual shall 23667
request that the superintendent obtain information from the 23668
federal bureau of investigation as part of the criminal records 23669
check of the individual. Even if an individual for whom a criminal 23670
records check request is required presents proof of having been a 23671
resident of this state for the five-year period, the department 23672
may require the provider to request that the superintendent obtain 23673
information from the federal bureau of investigation and include 23674
it in the criminal records check of the person. 23675

(E)(1) Criminal records checks required under this section 23676
for providers or applicants to be providers shall be obtained as 23677
follows: 23678

(a) The department shall provide each provider or applicant 23679
information about accessing and completing the form prescribed 23680
pursuant to division (C)(1) of section 109.572 of the Revised Code 23681
and the standard fingerprint impression sheet prescribed pursuant 23682
to division (C)(2) of that section. 23683

(b) The provider or applicant shall submit the required form 23684
and one complete set of fingerprint impressions directly to the 23685
superintendent for purposes of conducting the criminal records 23686
check using the applicable methods prescribed by division (C) of 23687
section 109.572 of the Revised Code. The applicant or provider 23688
shall pay all fees associated with obtaining the criminal records 23689
check. 23690

(c) The superintendent shall conduct the criminal records 23691
check in accordance with section 109.572 of the Revised Code. The 23692
provider or applicant shall instruct the superintendent to submit 23693
the report of the criminal records check directly to the director 23694

of job and family services. 23695

(2) Criminal records checks required under this section for 23696
persons specified by the department under division (C)(1) of this 23697
section shall be obtained as follows: 23698

(a) The provider shall give to each person subject to 23699
criminal records check requirement information about accessing and 23700
completing the form prescribed pursuant to division (C)(1) of 23701
section 109.572 of the Revised Code and the standard fingerprint 23702
impression sheet prescribed pursuant to division (C)(2) of that 23703
section. 23704

(b) The person shall submit the required form and one 23705
complete set of fingerprint impressions directly to the 23706
superintendent for purposes of conducting the criminal records 23707
check using the applicable methods prescribed by division (C) of 23708
section 109.572 of the Revised Code. The person shall pay all fees 23709
associated with obtaining the criminal records check. 23710

(c) The superintendent shall conduct the criminal records 23711
check in accordance with section 109.572 of the Revised Code. The 23712
person subject to the criminal records check shall instruct the 23713
superintendent to submit the report of the criminal records check 23714
directly to the provider. The department may require the provider 23715
to submit the report to the department. 23716

(F) If a provider or applicant to be a provider is given the 23717
information specified in division (E)(1)(a) of this section but 23718
fails to obtain a criminal records check, the department shall, as 23719
applicable, terminate the provider agreement or deny the 23720
application to be a provider. 23721

If a person is given the information specified in division 23722
(E)(2)(a) of this section but fails to obtain a criminal records 23723
check, the provider shall not, as applicable, permit the person to 23724
be an employee, owner, officer, or board member of the provider. 23725

(G) Except as provided in rules adopted under division (J) of this section, the department shall terminate the provider agreement of a provider or the department shall not issue a provider agreement to an applicant if the provider or applicant is subject to a criminal records check under this section and the provider or applicant has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the following:

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

(2) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division ~~(D)~~(G)(1) of this section.

(H)(1)(a) Except as provided in rules adopted under division (J) of this section and subject to division (H)(2) of this section, no provider shall permit a person to be an employee,

owner, officer, or board member of the provider if the person is 23758
subject to a criminal records check under this section and the 23759
person has been convicted of, has pleaded guilty to, or has been 23760
found eligible for intervention in lieu of conviction for any of 23761
the offenses specified in division (G)(1) or (2) of this section. 23762

(b) No provider shall employ a person who has been excluded 23763
from participating in the medicaid program, the medicare program 23764
operated pursuant to Title XVIII of the "Social Security Act," or 23765
any other federal health care program. 23766

(2)(a) A provider may employ conditionally a person for whom 23767
a criminal records check is required under this section prior to 23768
obtaining the results of a criminal records check regarding the 23769
person, but only if the person submits a request for a criminal 23770
records check not later than five business days after the 23771
individual begins conditional employment. 23772

(b) A provider that employs a person conditionally under 23773
authority of division (H)(2)(a) of this section shall terminate 23774
the person's employment if the results of the criminal records 23775
check request are not obtained within the period ending sixty days 23776
after the date the request is made. Regardless of when the results 23777
of the criminal records check are obtained, if the results 23778
indicate that the individual has been convicted of, has pleaded 23779
guilty to, or has been found eligible for intervention in lieu of 23780
conviction for any of the offenses specified in division (G)(1) or 23781
(2) of this section, the provider shall terminate the person's 23782
employment unless the provider chooses to employ the individual 23783
pursuant to division (J) of this section. 23784

(I) The report of a criminal records check conducted pursuant 23785
to this section is not a public record for the purposes of section 23786
149.43 of the Revised Code and shall not be made available to any 23787
person other than the following: 23788

(1) The person who is the subject of the criminal records check or the person's representative;	23789 23790
(2) The director of job and family services and the staff of the department in the administration of the medicaid program;	23791 23792
(3) A court, hearing officer, or other necessary individual involved in a case dealing with the denial or termination of a provider agreement;	23793 23794 23795
(4) A court, hearing officer, or other necessary individual involved in a case dealing with a person's denial of employment, termination of employment, or employment or unemployment benefits.	23796 23797 23798
(J) The department may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules may specify circumstances under which the department may continue a provider agreement or issue a provider agreement to an applicant when the provider or applicant has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the offenses specified in division (G)(1) or (2) of this section. The rules may also specify circumstances under which a provider may permit a person to be an employee, owner, officer, or board member of the provider, when the person has been convicted of, has pleaded guilty to, or has been found eligible for intervention in lieu of conviction for any of the offenses specified in division (G)(1) or (2) of this section.	23799 23800 23801 23802 23803 23804 23805 23806 23807 23808 23809 23810 23811
Sec. 5111.084. There is hereby established the pharmacy and therapeutics committee of the department of job and family services. The committee shall consist of nine <u>ten</u> members and shall be appointed by the director of job and family services. The membership of the committee shall include: three	23812 23813 23814 23815 23816
<u>(A) Three</u> pharmacists licensed under Chapter 4729. of the Revised Code; two	23817 23818

(B) Two doctors of medicine and two doctors of osteopathy 23819
licensed who hold certificates issued under Chapter 4731. of the 23820
Revised Code; ~~a~~ 23821

(C) A registered nurse licensed under Chapter 4723. of the 23822
Revised Code; ~~and a~~ 23823

(D) A pharmacologist who has a doctoral degree; 23824

(E) A psychiatrist who holds a certificate issued under 23825
Chapter 4731. of the Revised Code and specializes in psychiatry. 23826
~~At least one of the members who is a doctor of medicine or doctor~~ 23827
~~of osteopathy shall be a psychiatrist. The~~ 23828

The committee shall elect one of its members as chairperson. 23829

Sec. 5111.091. ~~Every three months~~ Not later than the first 23830
day of each calendar quarter, the director of job and family 23831
services shall submit a report to the president and minority 23832
leader of the senate ~~and,~~ speaker and minority leader of the house 23833
of representatives, and the chairpersons of the committees of the 23834
senate and house of representatives that hear bills making 23835
biennial appropriations on the establishment and implementation of 23836
programs designed to control the increase of the cost of the 23837
medicaid program, increase the efficiency of the medicaid program, 23838
and promote better health outcomes. 23839

The report shall include information regarding all of the 23840
following: 23841

(A) Provider network management; 23842

(B) Electronic claims submission and payment systems; 23843

(C) Limited provider contracts and payments based on 23844
performance; 23845

(D) Efforts to enforce third party liability; 23846

(E) Implementation of the medicaid information technology 23847

<u>system;</u>	23848
<u>(F) Expansion of the medicaid data warehouse and decision support system;</u>	23849
<u>(G) Development of infrastructure policies for electronic health records and e-prescribing.</u>	23850
Sec. 5111.31. (A) Every provider agreement with the provider of a nursing facility or intermediate care facility for the mentally retarded shall:	23851
(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.	23852
(2) Except as provided by division (B)(1) of this section, include any part of the facility that meets standards for certification of compliance with federal and state laws and rules for participation in the medicaid program.	23853
(3) Prohibit the provider from discriminating against any patient on the basis of race, color, sex, creed, or national origin.	23854
(4) Except as otherwise prohibited under section 5111.55 of	23855

the Revised Code, prohibit the provider from failing or refusing 23878
to accept a patient because the patient is, becomes, or may, as a 23879
patient in the facility, become a medicaid recipient if less than 23880
eighty per cent of the patients in the facility are medicaid 23881
recipients. 23882

(B)(1) Except as provided by division (B)(2) of this section, 23883
the following are not required to be included in a provider 23884
agreement unless otherwise required by federal law: 23885

(a) Beds added during the period beginning July 1, 1987, and 23886
ending July 1, 1993, to a nursing home licensed under Chapter 23887
3721. of the Revised Code; 23888

(b) Beds in an intermediate care facility for the mentally 23889
retarded that are designated for respite care under a medicaid 23890
waiver component operated pursuant to a waiver sought under 23891
section 5111.87 of the Revised Code; 23892

~~(c) Beds that are converted to providing home and 23893
community based services under the ICF/MR conversion pilot program 23894
authorized by a waiver sought under division (B)(1) of section 23895
5111.88 of the Revised Code. 23896~~

(2) If a provider chooses to include a bed specified in 23897
division (B)(1)(a) of this section in a provider agreement, the 23898
bed may not be removed from the provider agreement unless the 23899
provider withdraws the facility in which the bed is located from 23900
the medicaid program. 23901

(C) Nothing in this section shall bar a provider that is a 23902
religious organization operating a religious or denominational 23903
nursing facility or intermediate care facility for the mentally 23904
retarded from giving preference to persons of the same religion or 23905
denomination. Nothing in this section shall bar any provider from 23906
giving preference to persons with whom the provider has contracted 23907
to provide continuing care. 23908

(D) Nothing in this section shall bar the provider of a county home organized under Chapter 5155. of the Revised Code from admitting residents exclusively from the county in which the county home is located.

(E) No provider of a nursing facility or intermediate care facility for the mentally retarded for which a provider agreement is in effect shall violate the provider contract obligations imposed under this section.

(F) Nothing in divisions (A) and (C) of this section shall bar a provider from retaining patients who have resided in the provider's facility for not less than one year as private pay patients and who subsequently become medicaid recipients, but refusing to accept as a patient any person who is or may, as a patient in the facility, become a medicaid recipient, if all of the following apply:

(1) The provider does not refuse to retain any patient who has resided in the provider's facility for not less than one year as a private pay patient because the patient becomes a medicaid recipient, except as necessary to comply with division (F)(2) of this section;

(2) The number of medicaid recipients retained under this division does not at any time exceed ten per cent of all the patients in the facility;

(3) On July 1, 1980, all the patients in the facility were private pay patients.

Sec. 5111.71. (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 23939
both of the following apply: 23940

(1) It holds a valid medicaid provider agreement. 23941

(2) It meets all other conditions for participation in the 23942
medicaid school component of the medicaid program established in 23943
rules adopted under section 5111.715 of the Revised Code. 23944

(B) The director of job and family services shall submit a 23945
state medicaid plan amendment to the United States secretary of 23946
health and human services for the purpose of creating, in 23947
accordance with sections 5111.71 to 5111.715 of the Revised Code, 23948
the medicaid school component of the medicaid program. The 23949
director shall create the medicaid school component on receipt of 23950
the United States secretary's approval of the amendment. 23951

Sec. 5111.711. A qualified medicaid school provider 23952
participating in the medicaid school component of the medicaid 23953
program may submit a claim to the department of job and family 23954
services for federal financial participation for providing, in 23955
schools, services covered by the medicaid school component to 23956
medicaid recipients who are eligible for the services. No 23957
qualified medicaid school provider may submit such a claim before 23958
the provider incurs the cost of providing the service. 23959

The claim shall include certification of the qualified 23960
medicaid school provider's expenditures for the service. The 23961
certification shall show that the money the qualified medicaid 23962
school provider used for the expenditures was nonfederal money the 23963
provider may legally use for providing the service and that the 23964
amount of the expenditures was sufficient to pay the full cost of 23965
the service. 23966

Except as otherwise provided in sections 5111.71 to 5111.715 23967
of the Revised Code and rules adopted under sections 5111.713 and 23968

5111.715 of the Revised Code, a qualified medicaid school provider 23969
is subject to all conditions of participation in the medicaid 23970
program that generally apply to providers of goods and services 23971
under the medicaid program, including conditions regarding audits 23972
and recovery of overpayments. 23973

Sec. 5111.712. The department of job and family services 23974
shall seek federal financial participation for each claim a 23975
qualified medicaid school provider properly submits to the 23976
department under section 5111.711 of the Revised Code. The 23977
department shall disburse the federal financial participation the 23978
department receives from the federal government for such a claim 23979
to the qualified medicaid school provider that submitted the 23980
claim. The department may not pay the qualified medicaid school 23981
provider the nonfederal share of the cost of the services for 23982
which the claim was submitted. 23983

Sec. 5111.713. The department of job and family services 23984
shall enter into an interagency agreement with the department of 23985
education under section 5111.91 of the Revised Code that provides 23986
for the department of education to administer the medicaid school 23987
component of the medicaid program other than the aspects of the 23988
component that sections 5111.71 to 5111.715 of the Revised Code 23989
require the department of job and family services to administer. 23990
The interagency agreement may include a provision that provides 23991
for the department of education to pay to the department of job 23992
and family services the nonfederal share of a portion of the 23993
administrative expenses the department of job and family services 23994
incurs in administering the aspects of the component that the 23995
department of job and family services administers. 23996

The department of education shall establish, in rules adopted 23997
under Chapter 119. of the Revised Code, a process by which 23998
qualified medicaid school providers participating in the medicaid 23999

school component pay to the department of education the nonfederal 24000
share of the department's expenses incurred in administering the 24001
component. 24002

Sec. 5111.714. (A) There is hereby created in the state 24003
treasury the medicaid school program administrative fund. 24004

(B) Both of the following shall be deposited into the 24005
medicaid school program administrative fund: 24006

(1) The federal funds the department of education receives 24007
for the expenses the department incurs in administering the 24008
medicaid school component of the medicaid program; 24009

(2) The money the department collects from qualified medicaid 24010
school providers in the process established in rules adopted under 24011
section 5111.713 of the Revised Code. 24012

(C) No funds shall be deposited into the medicaid school 24013
program administrative fund in violation of federal statutes or 24014
regulations. 24015

(D) The department of education shall use money in the 24016
medicaid school program administrative fund for both of the 24017
following purposes: 24018

(1) Paying for the expenses the department incurs in 24019
administering the medicaid school component of the medicaid 24020
program; 24021

(2) Paying a qualified medicaid school provider a refund for 24022
any overpayment the provider makes to the department under the 24023
process established in rules adopted under section 5111.713 of the 24024
Revised Code if the process results in an overpayment. 24025

Sec. 5111.715. The director of job and family services shall 24026
adopt rules under Chapter 119. of the Revised Code as necessary to 24027
implement the medicaid school component of the medicaid program, 24028

<u>including rules that establish or specify all of the following:</u>	24029
<u>(A) Conditions a board of education of a city, local, or</u>	24030
<u>exempted school district, governing authority of a community</u>	24031
<u>school established under Chapter 3314. of the Revised Code, the</u>	24032
<u>state school for the deaf, and the state school for the blind must</u>	24033
<u>meet to participate in the component;</u>	24034
<u>(B) Services the component covers;</u>	24035
<u>(C) Reimbursement rates for the services the component</u>	24036
<u>covers.</u>	24037
<u>Sec. 5111.874. (A) As used in sections 5111.874 to 5111.8710</u>	24038
<u>of the Revised Code:</u>	24039
<u>"Home and community-based services" has the same meaning as</u>	24040
<u>in section 5123.01 of the Revised Code.</u>	24041
<u>"ICF/MR services" means intermediate care facility for the</u>	24042
<u>mentally retarded services covered by the medicaid program that an</u>	24043
<u>intermediate care facility for the mentally retarded provides to a</u>	24044
<u>resident of the facility who is a medicaid recipient eligible for</u>	24045
<u>medicaid-covered intermediate care facility for the mentally</u>	24046
<u>retarded services.</u>	24047
<u>"Intermediate care facility for the mentally retarded" means</u>	24048
<u>an intermediate care facility for the mentally retarded that is</u>	24049
<u>certified as in compliance with applicable standards for the</u>	24050
<u>medicaid program by the director of health in accordance with</u>	24051
<u>Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42</u>	24052
<u>U.S.C. 1396, as amended, and licensed as a residential facility</u>	24053
<u>under section 5123.19 of the Revised Code.</u>	24054
<u>"Residential facility" has the same meaning as in section</u>	24055
<u>5123.19 of the Revised Code.</u>	24056
<u>(B) For the purpose of increasing the number of slots</u>	24057

available for home and community-based services and subject to 24058
sections 5111.877 and 5111.878 of the Revised Code, the operator 24059
of an intermediate care facility for the mentally retarded may 24060
convert all of the beds in the facility from providing ICF/MR 24061
services to providing home and community-based services if all of 24062
the following requirements are met: 24063

(1) The operator provides the directors of health, job and 24064
family services, and mental retardation and developmental 24065
disabilities at least ninety days' notice of the operator's intent 24066
to relinquish the facility's certification as an intermediate care 24067
facility for the mentally retarded and to begin providing home and 24068
community-based services. 24069

(2) The operator complies with the requirements of sections 24070
5111.65 to 5111.688 of the Revised Code regarding a voluntary 24071
termination as defined in section 5111.65 of the Revised Code if 24072
those requirements are applicable. 24073

(3) The operator notifies each of the facility's residents 24074
that the facility is to cease providing ICF/MR services and inform 24075
each resident that the resident may do either of the following: 24076

(a) Continue to receive ICF/MR services by transferring to 24077
another facility that is an intermediate care facility for the 24078
mentally retarded willing and able to accept the resident if the 24079
resident continues to qualify for ICF/MR services; 24080

(b) Begin to receive home and community-based services 24081
instead of ICF/MR services from any provider of home and 24082
community-based services that is willing and able to provide the 24083
services to the resident if the resident is eligible for the 24084
services and a slot for the services is available to the resident. 24085

(4) The operator meets the requirements for providing home 24086
and community-based services, including the following: 24087

(a) Such requirements applicable to a residential facility if 24088

the operator maintains the facility's license as a residential facility; 24089
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(b) Such requirements applicable to a facility that is not licensed as a residential facility if the operator surrenders the facility's residential facility license under section 5123.19 of the Revised Code. 24091
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(5) The director of mental retardation and developmental disabilities approves the conversion. 24095
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(C) The notice to the director of mental retardation and developmental disabilities under division (B)(1) of this section shall specify whether the operator wishes to surrender the facility's license as a residential facility under section 5123.19 of the Revised Code. 24097
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(D) If the director of mental retardation and developmental disabilities approves a conversion under division (B) of this section, the director of health shall terminate the certification of the intermediate care facility for the mentally retarded to be converted. The director of health shall notify the director of job and family services of the termination. On receipt of the director of health's notice, the director of job and family services shall terminate the operator's medicaid provider agreement that authorizes the operator to provide ICF/MR services at the facility. The operator is not entitled to notice or a hearing under Chapter 119. of the Revised Code before the director of job and family services terminates the medicaid provider agreement. 24102
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Sec. 5111.875. (A) For the purpose of increasing the number of slots available for home and community-based services and subject to sections 5111.877 and 5111.878 of the Revised Code, a person who acquires, through a request for proposals issued by the director of mental retardation and developmental disabilities, a 24114
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residential facility that is an intermediate care facility for the 24120
mentally retarded and for which the license as a residential 24121
facility was previously surrendered or revoked may convert some or 24122
all of the facility's beds from providing ICF/MR services to 24123
providing home and community-based services if all of the 24124
following requirements are met: 24125

(1) The person provides the directors of health, job and 24126
family services, and mental retardation and developmental 24127
disabilities at least ninety days' notice of the person's intent 24128
to make the conversion. 24129

(2) The person complies with the requirements of sections 24130
5111.65 to 5111.688 of the Revised Code regarding a voluntary 24131
termination as defined in section 5111.65 of the Revised Code if 24132
those requirements are applicable. 24133

(3) If the person intends to convert all of the facility's 24134
beds, the person notifies each of the facility's residents that 24135
the facility is to cease providing ICF/MR services and informs 24136
each resident that the resident may do either of the following: 24137

(a) Continue to receive ICF/MR services by transferring to 24138
another facility that is an intermediate care facility for the 24139
mentally retarded willing and able to accept the resident if the 24140
resident continues to qualify for ICF/MR services; 24141

(b) Begin to receive home and community-based services 24142
instead of ICF/MR services from any provider of home and 24143
community-based services that is willing and able to provide the 24144
services to the resident if the resident is eligible for the 24145
services and a slot for the services is available to the resident. 24146

(4) If the person intends to convert some but not all of the 24147
facility's beds, the person notifies each of the facility's 24148
residents that the facility is to convert some of its beds from 24149

providing ICF/MR services to providing home and community-based 24150
services and inform each resident that the resident may do either 24151
of the following: 24152

(a) Continue to receive ICF/MR services from any provider of 24153
ICF/MR services that is willing and able to provide the services 24154
to the resident if the resident continues to qualify for ICF/MR 24155
services; 24156

(b) Begin to receive home and community-based services 24157
instead of ICF/MR services from any provider of home and 24158
community-based services that is willing and able to provide the 24159
services to the resident if the resident is eligible for the 24160
services and a slot for the services is available to the resident. 24161

(5) The person meets the requirements for providing home and 24162
community-based services at a residential facility. 24163

(B) The notice provided to the directors under division 24164
(A)(1) of this section shall specify whether some or all of the 24165
facility's beds are to be converted. If some but not all of the 24166
beds are to be converted, the notice shall specify how many of the 24167
facility's beds are to be converted and how many of the beds are 24168
to continue to provide ICF/MR services. 24169

(C) On receipt of a notice under division (A)(1) of this 24170
section, the director of health shall do the following: 24171

(1) Terminate the certification of the intermediate care 24172
facility for the mentally retarded if the notice specifies that 24173
all of the facility's beds are to be converted; 24174

(2) Reduce the facility's certified capacity by the number of 24175
beds being converted if the notice specifies that some but not all 24176
of the beds are to be converted. 24177

(D) The director of health shall notify the director of job 24178
and family services of the termination or reduction under division 24179

(C) of this section. On receipt of the director of health's 24180
notice, the director of job and family services shall do the 24181
following: 24182

(1) Terminate the person's medicaid provider agreement that 24183
authorizes the person to provide ICF/MR services at the facility 24184
if the facility's certification was terminated; 24185

(2) Amend the person's medicaid provider agreement to reflect 24186
the facility's reduced certified capacity if the facility's 24187
certified capacity is reduced. 24188

The person is not entitled to notice or a hearing under 24189
Chapter 119. of the Revised Code before the director of job and 24190
family services terminates or amends the medicaid provider 24191
agreement. 24192

Sec. 5111.876. Subject to section 5111.877 of the Revised 24193
Code, the director of mental retardation and developmental 24194
disabilities may request that the director of job and family 24195
services seek the approval of the United States secretary of 24196
health and human services to increase the number of slots 24197
available for home and community-based services by a number not 24198
exceeding the number of beds that were part of the licensed 24199
capacity of a residential facility that had its license revoked or 24200
surrendered under section 5123.19 of the Revised Code if the 24201
residential facility was an intermediate care facility for the 24202
mentally retarded at the time of the license revocation or 24203
surrender. The revocation or surrender may have occurred before, 24204
or may occur on or after, the effective date of this section. The 24205
request may include beds the director removed from such a 24206
residential facility's licensed capacity before transferring 24207
ownership or operation of the residential facility pursuant to a 24208
request for proposals. 24209

Sec. 5111.877. The director of job and family services may 24210
seek approval from the United States secretary of health and human 24211
services for not more than a total of one hundred slots for home 24212
and community-based services for the purposes of sections 24213
5111.874, 5111.875, and 5111.876 of the Revised Code. 24214

Sec. 5111.878. Not more than a total of one hundred beds may 24215
be converted from providing ICF/MR services to providing home and 24216
community-based services under sections 5111.874 and 5111.875 of 24217
the Revised Code. 24218

Sec. 5111.879. No person or government entity may reconvert a 24219
bed to be used for ICF/MR services if the bed was converted to use 24220
for home and community-based services under section 5111.874 or 24221
5111.875 of the Revised Code. This prohibition applies regardless 24222
of either of the following: 24223

(A) The bed is part of the licensed capacity of a residential 24224
facility. 24225

(B) The bed has been sold, leased, or otherwise transferred 24226
to another person or government entity. 24227

Sec. 5111.8710. The directors of job and family services and 24228
mental retardation and developmental disabilities may adopt rules 24229
in accordance with Chapter 119. of the Revised Code as necessary 24230
to implement sections 5111.874 to 5111.8710 of the Revised Code. 24231

Sec. 5111.94. (A) As used in this section, "vendor offset" 24232
means a reduction of a medicaid payment to a medicaid provider to 24233
correct a previous, incorrect medicaid payment to that provider. 24234

(B) There is hereby created in the state treasury the health 24235
care services administration fund. Except as provided in division 24236
(C) of this section, all the following shall be deposited into the 24237

fund:	24238
(1) Amounts deposited into the fund pursuant to sections 5111.92 and 5111.93 of the Revised Code;	24239 24240
(2) The amount of the state share of all money the department of job and family services, in fiscal year 2003 and each fiscal year thereafter, recovers pursuant to a tort action under the department's right of recovery under section 5101.58 of the Revised Code that exceeds the state share of all money the department, in fiscal year 2002, recovers pursuant to a tort action under that right of recovery;	24241 24242 24243 24244 24245 24246 24247
(3) Subject to division (D) of this section, the amount of the state share of all money the department of job and family services, in fiscal year 2003 and each fiscal year thereafter, recovers through audits of medicaid providers that exceeds the state share of all money the department, in fiscal year 2002, recovers through such audits;	24248 24249 24250 24251 24252 24253
(4) Amounts from assessments on hospitals under section 5112.06 of the Revised Code and intergovernmental transfers by governmental hospitals under section 5112.07 of the Revised Code that are deposited into the fund in accordance with the law;	24254 24255 24256 24257
<u>(5) Amounts that the department of education pays to the department of job and family services, if any, pursuant to an interagency agreement entered into under section 5111.713 of the Revised Code.</u>	24258 24259 24260 24261
(C) No funds shall be deposited into the health care services administration fund in violation of federal statutes or regulations.	24262 24263 24264
(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.	24265 24266 24267 24268

(E) The director of job and family services shall use funds 24269
available in the health care services administration fund to pay 24270
for costs associated with the administration of the medicaid 24271
program. 24272

Sec. 5111.941. ~~(A)~~ The medicaid revenue and collections fund 24273
is hereby created in the state treasury. Except as otherwise 24274
provided by statute or as authorized by the controlling board, ~~the~~ 24275
~~non-federal~~ both of the following shall be credited to the fund: 24276

(1) The nonfederal share of all medicaid-related revenues, 24277
collections, and recoveries ~~shall be credited to the fund;~~ 24278

(2) The monthly premiums charged under the children's buy-in 24279
program pursuant to section 5101.5213 of the Revised Code. The 24280

(B) The department of job and family services shall use money 24281
credited to the medicaid revenue and collections fund to pay for 24282
medicaid services and contracts and the children's buy-in program 24283
established under sections 5101.5211 to 5101.5216 of the Revised 24284
Code. 24285

Sec. 5112.31. The department of job and family services shall 24286
do all of the following: 24287

(A) For the ~~purpose of providing home and community based~~ 24288
~~services for mentally retarded and developmentally disabled~~ 24289
~~persons~~ purposes specified in sections 5112.37 and 5112.371 of the 24290
Revised Code, annually assess each intermediate care facility for 24291
the mentally retarded a franchise permit fee equal to ~~nine~~ eleven 24292
dollars and ~~sixty-three~~ ninety-eight cents multiplied, ~~except as~~ 24293
~~adjusted under section 5112.311 of the Revised Code~~, by the 24294
product of the following: 24295

(1) The number of beds certified under Title XIX of the 24296
"Social Security Act" on the first day of May of the calendar year 24297
in which the assessment is determined pursuant to division (A) of 24298

section 5112.33 of the Revised Code; 24299

(2) The number of days in the fiscal year beginning on the 24300
first day of July of the same calendar year. 24301

(B) Beginning July 1, ~~2007~~ 2009, and the first day of each 24302
July thereafter, adjust fees determined under division (A) of this 24303
section in accordance with the composite inflation factor 24304
established in rules adopted under section 5112.39 of the Revised 24305
Code. 24306

(C) If the United States secretary of health and human 24307
services determines that the franchise permit fee established by 24308
sections 5112.30 to 5112.39 of the Revised Code would be an 24309
impermissible health care-related tax under section 1903(w) of the 24310
"Social Security Act," 42 U.S.C.A. 1396b(w), as amended, take all 24311
necessary actions to cease implementation of those sections in 24312
accordance with rules adopted under section 5112.39 of the Revised 24313
Code. 24314

Sec. 5112.37. ~~All~~ There is hereby created in the state 24315
treasury the home and community-based services for the mentally 24316
retarded and developmentally disabled fund. Ninety-four and 24317
twenty-eight hundredths per cent of all installment payments and 24318
penalties paid by an intermediate care facility for the mentally 24319
retarded under sections 5112.33 and 5112.34 of the Revised Code 24320
shall be deposited into the "~~home and community based services for~~ 24321
~~the mentally retarded and developmentally disabled fund,~~" ~~which is~~ 24322
~~hereby created in the state treasury.~~ The department of job and 24323
family services shall distribute the money in the fund in 24324
accordance with rules adopted under section 5112.39 of the Revised 24325
Code. The departments of job and family services and mental 24326
retardation and developmental disabilities shall use the money for 24327
the ~~medical assistance~~ medicaid program established under Chapter 24328
5111. of the Revised Code and home and community-based services to 24329

mentally retarded and developmentally disabled persons. 24330

Sec. 5112.371. There is hereby created in the state treasury 24331
the children with intensive behavioral needs programs fund. Five 24332
and seventy-two hundredths per cent of all installment payments 24333
and penalties paid by an intermediate care facility for the 24334
mentally retarded under sections 5112.33 and 5112.34 of the 24335
Revised Code shall be deposited in the fund. The money in the fund 24336
shall be used for the programs the director of mental retardation 24337
and developmental disabilities establishes under section 5123.0417 24338
of the Revised Code. 24339

Sec. 5123.0412. (A) The department of mental retardation and 24340
developmental disabilities shall charge each county board of 24341
mental retardation and developmental disabilities an annual fee 24342
equal to one and one-half per cent of the total value of all 24343
medicaid paid claims for ~~medicaid case management services and~~ 24344
home and community-based services provided during the year to an 24345
individual eligible for services from the county board. No county 24346
board shall pass the cost of a fee charged to the county board 24347
under this section on to another provider of these services. 24348

(B) The fees collected under this section shall be deposited 24349
into the ODMR/DD administration and oversight fund and the ODJFS 24350
administration and oversight fund, both of which are hereby 24351
created in the state treasury. The portion of the fees to be 24352
deposited into the ODMR/DD administration and oversight fund and 24353
the portion of the fees to be deposited into the ODJFS 24354
administration and oversight fund shall be the portion specified 24355
in an interagency agreement entered into under division (C) of 24356
this section. The department of mental retardation and 24357
developmental disabilities shall use the money in the ODMR/DD 24358
administration and oversight fund and the department of job and 24359
family services shall use the money in the ODJFS administration 24360

and oversight fund for both of the following purposes: 24361

(1) The administrative and oversight costs of medicaid case 24362
management services and home and community-based services. The 24363
administrative and oversight costs shall include costs for staff, 24364
systems, and other resources the departments need and dedicate 24365
solely to the following duties associated with the services: 24366

(a) Eligibility determinations; 24367

(b) Training; 24368

(c) Fiscal management; 24369

(d) Claims processing; 24370

(e) Quality assurance oversight; 24371

(f) Other duties the departments identify. 24372

(2) Providing technical support to county boards' local 24373
administrative authority under section 5126.055 of the Revised 24374
Code for the services. 24375

(C) The departments of mental retardation and developmental 24376
disabilities and job and family services shall enter into an 24377
interagency agreement to do both of the following: 24378

(1) Specify which portion of the fees collected under this 24379
section is to be deposited into the ODMR/DD administration and 24380
oversight fund and which portion is to be deposited into the ODJFS 24381
administration and oversight fund; 24382

(2) Provide for the departments to coordinate the staff whose 24383
costs are paid for with money in the ODMR/DD administration and 24384
oversight fund and the ODJFS administration and oversight fund. 24385

(D) The departments shall submit an annual report to the 24386
director of budget and management certifying how the departments 24387
spent the money in the ODMR/DD administration and oversight fund 24388
and the ODJFS administration and oversight fund for the purposes 24389

specified in division (B) of this section. 24390

Sec. 5123.0417. (A) Using funds available under section 24391
5112.371 of the Revised Code, the director of mental retardation 24392
and developmental disabilities shall establish one or more 24393
programs for individuals under twenty-one years of age who have 24394
intensive behavioral needs, including such individuals with a 24395
primary diagnosis of autism spectrum disorder. The programs may 24396
include one or more medicaid waiver components that the director 24397
administers pursuant to section 5111.871 of the Revised Code. The 24398
programs may do one or more of the following: 24399

(1) Establish models that incorporate elements common to 24400
effective intervention programs and evidence-based practices in 24401
services for children with intensive behavioral needs; 24402

(2) Design a template for individualized education plans and 24403
individual service plans that provide consistent intervention 24404
programs and evidence-based practices for the care and treatment 24405
of children with intensive behavioral needs; 24406

(3) Disseminate best practice guidelines for use by families 24407
of children with intensive behavioral needs and professionals 24408
working with such families; 24409

(4) Develop a transition planning model for effectively 24410
mainstreaming school-age children with intensive behavioral needs 24411
to their public school district; 24412

(5) Contribute to the field of early and effective 24413
identification and intervention programs for children with 24414
intensive behavioral needs by providing financial support for 24415
scholarly research and publication of clinical findings. 24416

(B) The director of mental retardation and developmental 24417
disabilities shall collaborate with the director of job and family 24418
services and consult with the executive director of the Ohio 24419

center for autism and low incidence and university-based programs 24420
that specialize in services for individuals with developmental 24421
disabilities when establishing programs under this section. 24422

Sec. 5123.196. (A) Except as provided in division ~~(F)~~(E) of 24423
this section, the director of mental retardation and developmental 24424
disabilities shall not issue a license under section 5123.19 of 24425
the Revised Code on or after July 1, 2003, if issuance will result 24426
in there being more beds in all residential facilities licensed 24427
under that section than is permitted under division (B) of this 24428
section. 24429

(B) ~~Except as provided in division (D) of this section, the~~ 24430
The maximum number of beds for the purpose of division (A) of this 24431
section shall not exceed ten thousand eight hundred thirty-eight 24432
minus, except as provided in division (C) of this section, both of 24433
the following: 24434

(1) The number of such beds that cease to be residential 24435
facility beds on or after July 1, 2003, because a residential 24436
facility license is revoked, terminated, or not renewed for any 24437
reason or is surrendered in accordance with section 5123.19 of the 24438
Revised Code ~~and after the issuance of an adjudication order~~ 24439
~~pursuant to Chapter 119. of the Revised Code;~~ 24440

(2) The number of such beds for which a licensee voluntarily 24441
converts to use for supported living on or after July 1, 2003. 24442

(C) The director is not required to reduce the maximum number 24443
of beds pursuant to division (B) of this section by a bed that 24444
ceases to be a residential facility bed if the director determines 24445
that the bed is needed to provide services to an individual with 24446
mental retardation or a developmental disability who resided in 24447
the residential facility in which the bed was located ~~unless the~~ 24448
~~reason the bed ceases to be a residential facility bed is because~~ 24449
~~it is converted to providing home and community based services~~ 24450

~~under the ICF/MR conversion pilot program that is authorized by a~~ 24451
~~waiver sought under division (B)(1) of section 5111.88 of the~~ 24452
~~Revised Code.~~ 24453

~~(D) The director shall increase the number of beds determined~~ 24454
~~under division (B) of this section if necessary to enable the~~ 24455
~~operator of a residential facility to do either of the following:~~ 24456

~~(1) Obtain a residential facility license as required by~~ 24457
~~section 5111.8814 of the Revised Code;~~ 24458

~~(2) Reconvert beds to providing ICF/MR services under section~~ 24459
~~5111.8811 of the Revised Code.~~ 24460

~~(E)~~ The director shall maintain an up-to-date written record 24461
of the maximum number of residential facility beds provided for by 24462
division (B) of this section. 24463

~~(F)~~(E) The director may issue an interim license under 24464
division (S) of section 5123.19 of the Revised Code and issue, 24465
pursuant to rules adopted under division (H)(11) of that section, 24466
a waiver allowing a residential facility to admit more residents 24467
than the facility is licensed to admit regardless of whether the 24468
interim license or waiver will result in there being more beds in 24469
all residential facilities licensed under that section than is 24470
permitted under division (B) of this section. 24471

Sec. 5123.36. (A) To the extent funds are available and on 24472
application by a county board of mental retardation and 24473
developmental disabilities or private nonprofit agency 24474
incorporated to provide mental retardation or developmental 24475
disability services, the director of mental retardation and 24476
developmental disabilities may enter into an agreement with the 24477
county board or agency to assist the county board or agency with a 24478
mental retardation or developmental disability construction 24479
project. Except as provided by division (B) of this section, the 24480

director may provide up to ninety per cent of the total project 24481
cost where circumstances warrant. The director may, where 24482
circumstances warrant, use existing facilities or other in-kind 24483
match for the local share of the communities' share of the cost. 24484

(B) Upon the recommendation of the director, for projects of 24485
the highest priority of the department of mental retardation and 24486
developmental disabilities, the controlling board may authorize 24487
the director to provide more than ninety per cent of the total 24488
cost of a project under this section. 24489

(C) A county board is eligible for funds under this section 24490
for a project bid on or after January 1, 1992, under either 24491
section 153.07 or 307.86 of the Revised Code, as long as all other 24492
applicable requirements were followed. 24493

(D) A private nonprofit agency that receives funds pursuant 24494
to this section for the construction of a single-family home, 24495
including, where appropriate, the acquisition and installation of 24496
a single-family home fabricated in an off-site facility, is not 24497
subject to the requirements of Chapter 153. of the Revised Code 24498
with respect to the construction project, notwithstanding any 24499
provision of that chapter to the contrary. 24500

(E) The director may not assist a project under this section 24501
unless the controlling board or director of budget and management 24502
also approves the project pursuant to section 126.14 of the 24503
Revised Code. 24504

Sec. 5501.09. (A) There is hereby created within the division 24505
of multi-modal planning and programs the office of maritime 24506
transportation. The director of transportation shall assign to the 24507
office such duties, powers, and functions relating to state 24508
maritime transportation issues and activities as the director 24509
determines. 24510

(B) In addition to those duties, powers, and functions the 24511
director assigns to it, the office of maritime transportation 24512
shall exercise and perform such other duties, powers, and 24513
functions as are assigned to it by law. 24514

Sec. 5502.68. (A) There is hereby created in the state 24515
treasury the drug law enforcement fund. Three dollars and fifty 24516
cents out of each ten-dollar court cost imposed pursuant to 24517
section 2949.094 of the Revised Code shall be credited to the 24518
fund. Money in the fund shall be in an interest-bearing account, 24519
and all interest earned shall be credited to the fund. Money in 24520
the fund shall be used only in accordance with this section to 24521
award grants to counties, municipal corporations, townships, 24522
township police districts, and joint township police districts to 24523
defray the expenses that a drug task force organized in the 24524
county, or in the county in which the municipal corporation, 24525
township, or district is located, incurs in performing its 24526
functions related to the enforcement of the state's drug laws and 24527
other state laws related to illegal drug activity. 24528

The division of criminal justice services shall administer 24529
all money deposited into the drug law enforcement fund and, by 24530
rule adopted under Chapter 119. of the Revised Code, shall 24531
establish procedures for a county, municipal corporation, 24532
township, township police district, or joint township police 24533
district to apply for money from the fund to defray the expenses 24534
that a drug task force organized in the county, or in the county 24535
in which the municipal corporation, township, or district is 24536
located, incurs in performing its functions related to the 24537
enforcement of the state's drug laws and other state laws related 24538
to illegal drug activity, procedures and criteria for determining 24539
eligibility of applicants to be provided money from the fund, and 24540
procedures and criteria for determining the amount of money to be 24541
provided out of the fund to eligible applicants. 24542

(B) The procedures and criteria established under division 24543
(A) of this section for applying for money from the fund shall 24544
include, but shall not be limited to, a provision requiring a 24545
county, municipal corporation, township, township police district, 24546
or joint township police district that applies for money from the 24547
fund to specify in its application the amount of money desired 24548
from the fund, provided that the cumulative amount requested in 24549
all applications submitted for any single drug task force may not 24550
exceed more than two hundred fifty thousand dollars in any 24551
calendar year for that task force. 24552

(C) The procedures and criteria established under division 24553
(A) of this section for determining eligibility of applicants to 24554
be provided money from the fund and for determining the amount of 24555
money to be provided out of the fund to eligible applicants shall 24556
include, but not be limited to, all of the following: 24557

(1) Provisions requiring that, in order to be eligible to be 24558
provided money from the fund, a drug task force that applies for 24559
money from the fund must provide evidence that the drug task force 24560
will receive a local funding match of at least twenty-five per 24561
cent of the task force's projected operating costs in the period 24562
of time covered by the grant; 24563

(2) Provisions requiring that money from the fund be 24564
allocated and provided to drug task forces that apply for money 24565
from the fund in accordance with the following priorities: 24566

(a) Drug task forces that apply, that are in existence on the 24567
date of the application, and that are determined to be eligible 24568
applicants, and to which either of the following applies shall be 24569
given first priority to be provided money from the fund: 24570

(i) Drug task forces that received funding through the 24571
division of criminal justice services in calendar year 2007; 24572

(ii) Drug task forces in a county that has a population that 24573

exceeds seven hundred fifty thousand. 24574

(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: 24575
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(i) Drug task forces that are not in existence on the date of the application; 24585
24586

(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. 24587
24588
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(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. 24590
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(E) As used in this section "drug task force" means a drug task force organized in any county by the sheriff of the county, the prosecuting attorney of the county, the chief of police of the organized police department of any municipal corporation or township in the county, and the chief of police of the police force of any township police district or joint township police district in the county to perform functions related to the enforcement of state drug laws and other state laws related to 24597
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illegal drug activity. 24605

Sec. 5513.01. (A) All purchases of machinery, materials, 24606
supplies, or other articles that the director of transportation 24607
makes shall be in the manner provided in this section. In all 24608
cases except those in which the director provides written 24609
authorization for purchases by district deputy directors of 24610
transportation, all such purchases shall be made at the central 24611
office of the department of transportation in Columbus. Before 24612
making any purchase at that office, the director, as provided in 24613
this section, shall give notice to bidders of the director's 24614
intention to purchase. Where the expenditure does not exceed the 24615
amount applicable to the purchase of supplies specified in 24616
division (B) of section 125.05 of the Revised Code, as adjusted 24617
pursuant to division (D) of that section, the director shall give 24618
such notice as the director considers proper, or the director may 24619
make the purchase without notice. Where the expenditure exceeds 24620
the amount applicable to the purchase of supplies specified in 24621
division (B) of section 125.05 of the Revised Code, as adjusted 24622
pursuant to division (D) of that section, the director shall give 24623
notice by posting for not less than ten days a written, typed, or 24624
printed invitation to bidders on a bulletin board, which shall be 24625
located in a place in the offices assigned to the department and 24626
open to the public during business hours. Producers or 24627
distributors of any product may notify the director, in writing, 24628
of the class of articles for the furnishing of which they desire 24629
to bid and their post-office addresses, in which case copies of 24630
all invitations to bidders relating to the purchase of such 24631
articles shall be mailed to such persons by the director by 24632
regular first class mail at least ten days prior to the time fixed 24633
for taking bids. The director also may mail copies of all 24634
invitations to bidders to news agencies or other agencies or 24635
organizations distributing information of this character. Requests 24636

for invitations shall not be valid nor require action by the 24637
director unless renewed, either annually or after such shorter 24638
period as the director may prescribe by a general rule. The 24639
invitation to bidders shall contain a brief statement of the 24640
general character of the article that it is intended to purchase, 24641
the approximate quantity desired, and a statement of the time and 24642
place where bids will be received, and may relate to and describe 24643
as many different articles as the director thinks proper, it being 24644
the intent and purpose of this section to authorize the inclusion 24645
in a single invitation of as many different articles as the 24646
director desires to invite bids upon at any given time. 24647
Invitations issued during each calendar year shall be given 24648
consecutive numbers, and the number assigned to each invitation 24649
shall appear on all copies thereof. In all cases where notice is 24650
required by this section, sealed bids shall be taken, on forms 24651
prescribed and furnished by the director, and modification of bids 24652
after they have been opened shall not be permitted. 24653

(B) The director may permit the Ohio turnpike commission, any 24654
political subdivision, and any state university or college to 24655
participate in contracts into which the director has entered for 24656
the purchase of machinery, materials, supplies, or other articles. 24657
~~Any~~ The turnpike commission and any political subdivision or state 24658
university or college desiring to participate in such purchase 24659
contracts shall file with the director a certified copy of the 24660
bylaws or rules of the turnpike commission or the ordinance or 24661
resolution of ~~its~~ the legislative authority, board of trustees, or 24662
other governing board requesting authorization to participate in 24663
such contracts and agreeing to be bound by such terms and 24664
conditions as the director prescribes. Purchases made by the 24665
turnpike commission, political subdivisions, or state universities 24666
or colleges under this division are exempt from any competitive 24667
bidding required by law for the purchase of machinery, materials, 24668
supplies, or other articles. 24669

(C) As used in this section: 24670

(1) "Political subdivision" means any county, township, 24671
municipal corporation, conservancy district, township park 24672
district, park district created under Chapter 1545. of the Revised 24673
Code, port authority, regional transit authority, regional airport 24674
authority, regional water and sewer district, or county transit 24675
board. 24676

(2) "State university or college" has the same meaning as in 24677
division (A)(1) of section 3345.32 of the Revised Code. 24678

(3) "Ohio turnpike commission" means the commission created 24679
by section 5537.02 of the Revised Code. 24680

Sec. 5525.01. Before entering into a contract the director of 24681
transportation shall advertise for bids for two consecutive weeks 24682
in one newspaper of general circulation published in the county in 24683
which the improvement or part thereof is located, but if there is 24684
no such newspaper then in one newspaper having general circulation 24685
in an adjacent county. The director may advertise for bids in such 24686
other publications as the director considers advisable. Such 24687
notices shall state that plans and specifications for the 24688
improvement are on file in the office of the director and the 24689
district deputy director of the district in which the improvement 24690
or part thereof is located and the time within which bids therefor 24691
will be received. 24692

Each bidder shall be required to file with the bidder's bid a 24693
bid guaranty in the form of a certified check ~~or~~, a cashier's 24694
check, or an electronic funds transfer to the treasurer of state 24695
that is evidenced by a receipt or by a certification to the 24696
director of transportation in a form prescribed by the director 24697
that an electronic funds transfer has been made to the treasurer 24698
of state, for an amount equal to five per cent of the bidder's 24699
bid, but in no event more than fifty thousand dollars, or a bid 24700

bond for ten per cent of the bidder's bid, payable to the 24701
director, which check, transferred sum, or bond shall be forthwith 24702
returned to the bidder in case the contract is awarded to another 24703
bidder, or, in case of a successful bidder, when the bidder has 24704
entered into a contract and furnished the bonds required by 24705
section 5525.16 of the Revised Code. In the event the contract is 24706
awarded to a bidder, and the bidder fails or refuses to furnish 24707
the bonds as required by section 5525.16 of the Revised Code, the 24708
check, transferred sum, or bid bond filed with the bidder's bid 24709
shall be forfeited as liquidated damages. No bidder shall be 24710
required either to file a signed contract with the bidder's bid, 24711
to enter into a contract, or to furnish the contract performance 24712
bond and the payment bond required by that section until the bids 24713
have been opened and the bidder has been notified by the director 24714
that the bidder is awarded the contract. 24715

The director shall permit a bidder to withdraw the bidder's 24716
bid from consideration, without forfeiture of the ~~certified~~ check, 24717
transferred sum, or bid bond filed with the bid, providing a 24718
written request together with a sworn statement of the grounds for 24719
such withdrawal is delivered within forty-eight hours after the 24720
time established for the receipt of bids, and if the price bid was 24721
substantially lower than the other bids, providing the bid was 24722
submitted in good faith, and the reason for the price bid being 24723
substantially lower was a clerical mistake evident on the face of 24724
the bid, as opposed to a judgment mistake, and was actually due to 24725
an unintentional and substantial arithmetic error or an 24726
unintentional omission of a substantial quantity of work, labor, 24727
or material made directly in the compilation of the bid. In the 24728
event the director decides the conditions for withdrawal have not 24729
been met, the director may award the contract to such bidder. If 24730
such bidder does not then enter into a contract and furnish the 24731
contract bond as required by law, the director may declare 24732
forfeited the ~~certified~~ check, transferred sum, or bid bond as 24733

liquidated damages and award the contract to the next higher 24734
bidder or reject the remaining bids and readvertise the project 24735
for bids. Such bidder may, within thirty days, appeal the decision 24736
of the director to the court of common pleas of Franklin county 24737
and the court may affirm or reverse the decision of the director 24738
and may order the director to refund the amount of the forfeiture. 24739
At the hearing before the common pleas court evidence may be 24740
introduced for and against the decision of the director. The 24741
decision of the common pleas court may be appealed as in other 24742
cases. 24743

There is hereby created the ODOT letting fund, which shall be 24744
in the custody of the treasurer of state but shall not be part of 24745
the state treasury. All certified checks and cashiers' checks 24746
received with bidders' bids, and all sums transferred to the 24747
treasurer of state by electronic funds transfer in connection with 24748
bidders' bids, under this section shall be credited to the fund. 24749
All such bid guaranties shall be held in the fund until a 24750
determination is made as to the final disposition of the money. If 24751
the department determines that any such bid guaranty is no longer 24752
required to be held, the amount of the bid guaranty shall be 24753
returned to the appropriate bidder. If the department determines 24754
that a bid guaranty under this section shall be forfeited, the 24755
amount of the bid guaranty shall be transferred or, in the case of 24756
money paid on a forfeited bond, deposited into the state treasury, 24757
to the credit of the highway operating fund. Any investment 24758
earnings of the ODOT letting fund shall be distributed as the 24759
treasurer of state considers appropriate. 24760

The director shall require all bidders to furnish the 24761
director, upon such forms as the director may prescribe, detailed 24762
information with respect to all pending work of the bidder, 24763
whether with the department of transportation or otherwise, 24764
together with such other information as the director considers 24765

necessary. 24766

In the event a bidder fails to submit anything required to be 24767
submitted with the bid and then fails or refuses to so submit such 24768
at the request of the director, the failure or refusal constitutes 24769
grounds for the director, in the director's discretion, to declare 24770
as forfeited the bid guaranty submitted with the bid. 24771

The director may reject any or all bids. Except in regard to 24772
contracts for environmental remediation and specialty work for 24773
which there are no classes of work set out in the rules adopted by 24774
the director, if the director awards the contract, the director 24775
shall award it to the lowest competent and responsible bidder as 24776
defined by rules adopted by the director under section 5525.05 of 24777
the Revised Code, who is qualified to bid under sections 5525.02 24778
to 5525.09 of the Revised Code. In regard to contracts for 24779
environmental remediation and specialty work for which there are 24780
no classes of work set out in the rules adopted by the director, 24781
the director shall competitively bid the projects in accordance 24782
with this chapter and shall award the contracts to the lowest and 24783
best bidder. 24784

The award for all projects competitively let by the director 24785
under this section shall be made within ten days after the date on 24786
which the bids are opened, and the successful bidder shall enter 24787
into a contract and furnish a contract performance bond and a 24788
payment bond, as provided for in section 5525.16 of the Revised 24789
Code, within ten days after the bidder is notified that the bidder 24790
has been awarded the contract. 24791

The director may insert in any contract awarded under this 24792
chapter a clause providing for value engineering change proposals, 24793
under which a contractor who has been awarded a contract may 24794
propose a change in the plans and specifications of the project 24795
that saves the department time or money on the project without 24796
impairing any of the essential functions and characteristics of 24797

the project such as service life, reliability, economy of 24798
operation, ease of maintenance, safety, and necessary standardized 24799
features. If the director adopts the value engineering proposal, 24800
the savings from the proposal shall be divided between the 24801
department and the contractor according to guidelines established 24802
by the director, provided that the contractor shall receive at 24803
least fifty per cent of the savings from the proposal. The 24804
adoption of a value engineering proposal does not invalidate the 24805
award of the contract or require the director to rebid the 24806
project. 24807

Sec. 5533.94. In addition to the designation in section 24808
5533.35 of the Revised Code, the road known as interstate highway 24809
number ninety, located within the municipal corporation of 24810
Willoughby Hills in Lake county only, shall be known as the "Cpl. 24811
Joshua Harmon Memorial Highway." 24812

The director of transportation may erect suitable markers 24813
along the highway indicating its name. 24814

Sec. 5703.19. (A) To carry out the purposes of the laws that 24815
the tax commissioner is required to administer, the commissioner 24816
or any person employed by the commissioner for that purpose, upon 24817
demand, may inspect books, accounts, records, and memoranda of any 24818
person or public utility subject to those laws, and may examine 24819
under oath any officer, agent, or employee of that person or 24820
public utility. Any person other than the commissioner who makes a 24821
demand pursuant to this section shall produce the person's 24822
authority to make the inspection. 24823

(B) If a person or public utility receives at least ten days' 24824
written notice of a demand made under division (A) of this section 24825
and refuses to comply with that demand, a penalty of five hundred 24826
dollars shall be imposed upon the person or public utility for 24827

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 possession of the department to the extent that the access and examination are necessary for purposes of the audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the audit or unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. 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 auditor of state.

(2) For purposes of an internal audit pursuant to section 126.45 of the Revised Code, the officers and employees of the office of internal auditing in the office of budget and management charged with conducting the internal audit shall have access to and the right to examine any state tax returns and state tax return information in the possession of the department to the extent that the access and examination are necessary for purposes of the internal audit. Any information acquired as the result of that access and examination shall not be divulged for any purpose other than as required for the internal audit or unless the officers and employees are required to testify in a court or proceeding under compulsion of legal process. 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 office of internal auditing.

(3) As provided by section 6103(d)(2) of the Internal Revenue Code, any federal tax returns or federal tax information that the department has acquired from the internal revenue service, through federal and state statutory authority, may be disclosed to the auditor of state or the office of internal auditing solely for purposes of an audit of the department.

(C) Division (A) of this section does not prohibit any of the following:

(1) Divulging information contained in applications, complaints, and related documents filed with the department under section 5715.27 of the Revised Code or in applications filed with the department under section 5715.39 of the Revised Code;

(2) Providing information to the office of child support within the department of job and family services pursuant to

section 3125.43 of the Revised Code;	24891
(3) Disclosing to the board of motor vehicle collision repair registration any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code;	24892 24893 24894 24895 24896
(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;	24897 24898 24899
(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;	24900 24901 24902
(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to rules adopted under section 5745.16 of the Revised Code;	24903 24904 24905 24906
(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account;	24907 24908 24909 24910 24911 24912 24913 24914
(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section;	24915 24916
(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;	24917 24918 24919 24920 24921

(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code;	24922 24923
<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>	24924 24925 24926 24927
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.	24928 24929 24930
(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.	24931 24932 24933 24934 24935 24936 24937 24938 24939 24940 24941
(C) The committee shall consist of:	24942
(1) The following members, appointed by the governor with the advice and consent of the senate:	24943 24944
(a) Not more than two representatives of the business community;	24945 24946
(b) Not more than three representatives of municipal tax administrators; and	24947 24948
(c) Not more than two tax practitioners.	24949
(2) The following ex officio members:	24950

(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;	24951 24952 24953 24954
(b) The secretary of state or the secretary of state's designee;	24955 24956
(c) The treasurer of state or the treasurer of state's designee;	24957 24958
(d) The director of budget and management or the director's designee;	24959 24960
(e) The director of the office of information technology <u>state chief information officer</u> or the director's <u>officer's</u> designee; and	24961 24962 24963
(f) The tax commissioner or the tax commissioner's designee; <u>and</u>	24964 24965
<u>(g) The director of development or the director's designee.</u>	24966
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.	24967 24968 24969
(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. 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.	24970 24971 24972 24973 24974 24975 24976 24977 24978
(E) The committee is a part of the department of taxation for administrative purposes.	24979 24980

(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 be used to pay the costs of implementing and operating the tax discovery data system and to defray the costs incurred by the department of taxation in administering the system.

(C) Beginning July 1, 2009, on or before the first day of January, April, July, and October of each calendar year, the tax commissioner shall determine and certify to the director of budget and management the amount needed to pay the costs of operating the

tax discovery data system in the previous calendar quarter and the 25012
costs incurred in the previous calendar quarter by the department 25013
of taxation in administering the system. The director shall 25014
provide for payment from the general revenue fund to the discovery 25015
project fund of the amount so certified. 25016

Sec. 5705.194. The board of education of any city, local, 25017
exempted village, cooperative education, or joint vocational 25018
school district at any time may declare by resolution that the 25019
revenue that will be raised by all tax levies which the district 25020
is authorized to impose, when combined with state and federal 25021
revenues, will be insufficient to provide for the emergency 25022
requirements of the school district or to avoid an operating 25023
deficit, and that it is therefore necessary to levy an additional 25024
tax in excess of the ten-mill limitation. The resolution shall be 25025
confined to a single purpose and shall specify that purpose. If 25026
the levy is proposed to renew all or a portion of the proceeds 25027
derived from one or more existing levies imposed pursuant to this 25028
section, it shall be called a renewal levy and shall be so 25029
designated on the ballot. If two or more existing levies are to be 25030
included in a single renewal levy but are not scheduled to expire 25031
in the same year, the resolution shall specify that the existing 25032
levies to be renewed shall not be levied after the year preceding 25033
the year in which the renewal levy is first imposed. 25034
Notwithstanding the original purpose of any one or more existing 25035
levies that are to be in any single renewal levy, the purpose of 25036
the renewal levy may be either to avoid an operating deficit or to 25037
provide for the emergency requirements of the school district. The 25038
resolution shall further specify the amount of money it is 25039
necessary to raise for the specified purpose for each calendar 25040
year the millage is to be imposed; if a renewal levy, whether the 25041
levy is to renew all, or a portion of, the proceeds derived from 25042
one or more existing levies; and the number of years in which the 25043

millage is to be in effect, which may include a levy upon the 25044
current year's tax list. The number of years may be any number not 25045
exceeding ~~five~~ ten. 25046

The question shall be submitted at a special election on a 25047
date specified in the resolution. The date shall not be earlier 25048
than eighty days after the adoption and certification of the 25049
resolution to the county auditor and shall be consistent with the 25050
requirements of section 3501.01 of the Revised Code. A resolution 25051
for a renewal levy shall not be placed on the ballot unless the 25052
question is submitted on a date on which a special election may be 25053
held under division (D) of section 3501.01 of the Revised Code, 25054
except for the first Tuesday after the first Monday in February 25055
and August, during the last year the levy to be renewed may be 25056
extended on the real and public utility property tax list and 25057
duplicate, or at any election held in the ensuing year, except 25058
that if the resolution proposes renewing two or more existing 25059
levies, the question shall be submitted on the date of the general 25060
or primary election held during the last year at least one of the 25061
levies to be renewed may be extended on that list and duplicate, 25062
or at any election held during the ensuing year. For purposes of 25063
this section, a levy shall be considered to be an "existing levy" 25064
through the year following the last year it can be placed on the 25065
real and public utility property tax list and duplicate. 25066

The submission of questions to the electors under this 25067
section is subject to the limitation on the number of election 25068
dates established by section 5705.214 of the Revised Code. 25069

The resolution shall go into immediate effect upon its 25070
passage, and no publication of the resolution shall be necessary 25071
other than that provided for in the notice of election. A copy of 25072
the resolution shall immediately after its passing be certified to 25073
the county auditor of the proper county. Section 5705.195 of the 25074
Revised Code shall govern the arrangements for the submission of 25075

questions to the electors under this section and other matters 25076
concerning the election. Publication of notice of the election 25077
shall be made in one or more newspapers of general circulation in 25078
the county once a week for two consecutive weeks prior to the 25079
election, and, if the board of elections operates and maintains a 25080
web site, the board of elections shall post notice of the election 25081
on its web site for thirty days prior to the election. If a 25082
majority of the electors voting on the question submitted in an 25083
election vote in favor of the levy, the board of education of the 25084
school district may make the additional levy necessary to raise 25085
the amount specified in the resolution for the purpose stated in 25086
the resolution. The tax levy shall be included in the next tax 25087
budget that is certified to the county budget commission. 25088

After the approval of the levy and prior to the time when the 25089
first tax collection from the levy can be made, the board of 25090
education may anticipate a fraction of the proceeds of the levy 25091
and issue anticipation notes in an amount not exceeding the total 25092
estimated proceeds of the levy to be collected during the first 25093
year of the levy. 25094

The notes shall be issued as provided in section 133.24 of 25095
the Revised Code, shall have principal payments during each year 25096
after the year of their issuance over a period not to exceed five 25097
years, and may have principal payment in the year of their 25098
issuance. 25099

Sec. 5705.199. (A) At any time the board of education of a 25100
city, local, exempted village, cooperative education, or joint 25101
vocational school district, by a vote of two-thirds of all its 25102
members, may declare by resolution that the revenue that will be 25103
raised by all tax levies that the district is authorized to 25104
impose, when combined with state and federal revenues, will be 25105
insufficient to provide for the necessary requirements of the 25106

school district, and that it is therefore necessary to levy a tax 25107
in excess of the ten-mill limitation for the purpose of providing 25108
for the necessary requirements of the school district. Such a levy 25109
shall be proposed as a substitute for all or a portion of one or 25110
more existing levies imposed under sections 5705.194 to 5705.197 25111
of the Revised Code or under this section, by levying a tax as 25112
follows: 25113

(1) In the initial year the levy is in effect, the levy shall 25114
be in a specified amount of money equal to the aggregate annual 25115
dollar amount of proceeds derived from the levy or levies, or 25116
portion thereof, being substituted. 25117

(2) In each subsequent year the levy is in effect, the levy 25118
shall be in a specified amount of money equal to the sum of the 25119
following: 25120

(a) The dollar amount of the proceeds derived from the levy 25121
in the prior year; and 25122

(b) The dollar amount equal to the product of the total 25123
taxable value of all taxable real property in the school district 25124
in the then-current year, excluding carryover property as defined 25125
in section 319.301 of the Revised Code, multiplied by the annual 25126
levy, expressed in mills for each one dollar of valuation, that 25127
was required to produce the annual dollar amount of the levy under 25128
this section in the prior year; provided, that the amount under 25129
division (A)(2)(b) of this section shall not be less than zero. 25130

(B) The resolution proposing the substitute levy shall 25131
specify the annual dollar amount the levy is to produce in its 25132
initial year; the first calendar year in which the levy will be 25133
due; and the term of the levy expressed in years, which may be any 25134
number not exceeding ten, or for a continuing period of time. The 25135
resolution shall specify the date of holding the election, which 25136
shall not be earlier than seventy-five days after certification of 25137

the resolution to the board of elections, and which shall be 25138
consistent with the requirements of section 3501.01 of the Revised 25139
Code. If two or more existing levies are to be included in a 25140
single substitute levy, but are not scheduled to expire in the 25141
same year, the resolution shall specify that the existing levies 25142
to be substituted shall not be levied after the year preceding the 25143
year in which the substitute levy is first imposed. 25144

25145

The resolution shall go into immediate effect upon its 25146
passage, and no publication of the resolution shall be necessary 25147
other than that provided for in the notice of election. A copy of 25148
the resolution shall immediately after its passage be certified to 25149
the county auditor in the manner provided by section 5705.195 of 25150
the Revised Code, and sections 5705.194 and 5705.196 of the 25151
Revised Code shall govern the arrangements for the submission of 25152
the question and other matters concerning the notice of election 25153
and the election, except as may be provided otherwise in this 25154
section. 25155

(C) The form of the ballot to be used at the election on the 25156
question of a levy under this section shall be as follows: 25157

"Shall a tax levy substituting for an existing levy be 25158
imposed by the (here insert name of school district) 25159
for the purpose of providing for the necessary requirements of the 25160
school district in the initial sum of (here insert the 25161
annual dollar amount the levy is to produce in its initial year), 25162
and a levy of taxes be made outside of the ten-mill limitation 25163
estimated by the county auditor to require (here insert 25164
number of mills) mills for each one dollar of valuation, which 25165
amounts to (here insert rate expressed in dollars and 25166
cents) for each one hundred dollars of valuation for the initial 25167
year of the tax, for a period of (here insert the 25168
number of years the levy is to be imposed, or that it will be 25169

levied for a continuing period of time), commencing in 25170
(first year the tax is to be levied), first due in calendar year 25171
..... (first calendar year in which the tax shall be due), 25172
with the sum of such tax to increase only if and as new land or 25173
real property improvements not previously taxed by the school 25174
district are added to its tax list? 25175

25176
25177

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

25178
25179
25180

If the levy submitted is a proposal to substitute all or a 25181
portion of more than one existing levy, the form of the ballot may 25182
be changed so long as the ballot reflects the number of levies to 25183
be substituted and that none of the existing levies to be 25184
substituted will be levied after the year preceding the year in 25185
which the substitute levy is first imposed. The form of the ballot 25186
shall be modified by substituting the statement "Shall a tax levy 25187
substituting for an existing levy" with "Shall a tax levy 25188
substituting for existing levies" and adding the following 25189
statement after "added to its tax list?" and before "For the Tax 25190
Levy": 25191

"If approved, any remaining tax years on any of the 25192
..... (here insert the number of existing levies) existing 25193
levies will not be collected after (here insert the 25194
current tax year or, if not the current tax year, the applicable 25195
tax year)." 25196

(D) The submission of questions to the electors under this 25197
section is subject to the limitation on the number of election 25198
dates established by section 5705.214 of the Revised Code. 25199

(E) If a majority of the electors voting on the question so 25200

submitted in an election vote in favor of the levy, the board of 25201
education may make the necessary levy within the school district 25202
at the rate and for the purpose stated in the resolution. The tax 25203
levy shall be included in the next tax budget that is certified to 25204
the county budget commission. 25205

(F) A levy for a continuing period of time may be decreased 25206
pursuant to section 5705.261 of the Revised Code. 25207

(G) A levy under this section substituting for all or a 25208
portion of one or more existing levies imposed under sections 25209
5705.194 to 5705.197 of the Revised Code or under this section 25210
shall be treated as having renewed the levy or levies being 25211
substituted for purposes of the payments made under sections 25212
5751.20 to 5751.22 of the Revised Code. 25213

(H) After the approval of a levy on the current tax list and 25214
duplicate, and prior to the time when the first tax collection 25215
from the levy can be made, the board of education may anticipate a 25216
fraction of the proceeds of the levy and issue anticipation notes 25217
in a principal amount not exceeding fifty per cent of the total 25218
estimated proceeds of the levy to be collected during the first 25219
year of the levy. The notes shall be issued as provided in section 25220
133.24 of the Revised Code, shall have principal payments during 25221
each year after the year of their issuance over a period not to 25222
exceed five years, and may have a principal payment in the year of 25223
their issuance. 25224

Sec. 5705.214. Not more than three elections during any 25225
calendar year shall include the questions by a school district of 25226
tax levies proposed under any one or any combination of the 25227
following sections: sections 5705.194, 5705.199, 5705.21, 25228
5705.212, 5705.213, 5705.217, and 5705.218 of the Revised Code. 25229

Sec. 5705.29. This section does not apply to a subdivision or 25230

taxing unit for which the county budget commission has waived the 25231
requirement to adopt a tax budget pursuant to section 5705.281 of 25232
the Revised Code. The tax budget shall present the following 25233
information in such detail as is prescribed by the auditor of 25234
state: 25235

(A)(1) A statement of the necessary current operating 25236
expenses for the ensuing fiscal year for each department and 25237
division of the subdivision, classified as to personal services 25238
and other expenses, and the fund from which such expenditures are 25239
to be made. Except in the case of a school district, this estimate 25240
may include a contingent expense not designated for any particular 25241
purpose, and not to exceed three per cent of the total amount of 25242
appropriations for current expenses. In the case of a school 25243
district, this estimate may include a contingent expense not 25244
designated for any particular purpose and not to exceed thirteen 25245
per cent of the total amount of appropriations for current 25246
expenses. 25247

(2) A statement of the expenditures for the ensuing fiscal 25248
year necessary for permanent improvements, exclusive of any 25249
expense to be paid from bond issues, classified as to the 25250
improvements contemplated by the subdivision and the fund from 25251
which such expenditures are to be made; 25252

(3) The amounts required for the payment of final judgments; 25253

(4) A statement of expenditures for the ensuing fiscal year 25254
necessary for any purpose for which a special levy is authorized, 25255
and the fund from which such expenditures are to be made; 25256

(5) Comparative statements, so far as possible, in parallel 25257
columns of corresponding items of expenditures for the current 25258
fiscal year and the two preceding fiscal years. 25259

(B)(1) An estimate of receipts from other sources than the 25260
general property tax during the ensuing fiscal year, which shall 25261

include an estimate of unencumbered balances at the end of the	25262
current fiscal year, and the funds to which such estimated	25263
receipts are credited;	25264
(2) The amount each fund requires from the general property	25265
tax, which shall be the difference between the contemplated	25266
expenditure from the fund and the estimated receipts, as provided	25267
in this section. The section of the Revised Code under which the	25268
tax is authorized shall be set forth.	25269
(3) Comparative statements, so far as possible, in parallel	25270
columns of taxes and other revenues for the current fiscal year	25271
and the two preceding fiscal years.	25272
(C)(1) The amount required for debt charges;	25273
(2) The estimated receipts from sources other than the tax	25274
levy for payment of such debt charges, including the proceeds of	25275
refunding bonds to be issued to refund bonds maturing in the next	25276
succeeding fiscal year;	25277
(3) The net amount for which a tax levy shall be made,	25278
classified as to bonds authorized and issued prior to January 1,	25279
1922, and those authorized and issued subsequent to such date, and	25280
as to what portion of the levy will be within and what in excess	25281
of the ten-mill limitation.	25282
(D) An estimate of amounts from taxes authorized to be levied	25283
in excess of the ten-mill limitation on the tax rate, and the fund	25284
to which such amounts will be credited, together with the sections	25285
of the Revised Code under which each such tax is exempted from all	25286
limitations on the tax rate.	25287
(E)(1) A board of education may include in its budget for the	25288
fiscal year in which a levy proposed under section 5705.194,	25289
<u>5705.199</u> , 5705.21, or 5705.213, or the original levy under section	25290
5705.212 of the Revised Code is first extended on the tax list and	25291
duplicate an estimate of expenditures to be known as a voluntary	25292

contingency reserve balance, which shall not be greater than 25293
twenty-five per cent of the total amount of the levy estimated to 25294
be available for appropriation in such year. 25295

(2) A board of education may include in its budget for the 25296
fiscal year following the year in which a levy proposed under 25297
section 5705.194, 5705.199, 5705.21, or 5705.213, or the original 25298
levy under section 5705.212 of the Revised Code is first extended 25299
on the tax list and duplicate an estimate of expenditures to be 25300
known as a voluntary contingency reserve balance, which shall not 25301
be greater than twenty per cent of the amount of the levy 25302
estimated to be available for appropriation in such year. 25303

(3) Except as provided in division (E)(4) of this section, 25304
the full amount of any reserve balance the board includes in its 25305
budget shall be retained by the county auditor and county 25306
treasurer out of the first semiannual settlement of taxes until 25307
the beginning of the next succeeding fiscal year, and thereupon, 25308
with the depository interest apportioned thereto, it shall be 25309
turned over to the board of education, to be used for the purposes 25310
of such fiscal year. 25311

(4) A board of education, by a two-thirds vote of all members 25312
of the board, may appropriate any amount withheld as a voluntary 25313
contingency reserve balance during the fiscal year for any lawful 25314
purpose, provided that prior to such appropriation the board of 25315
education has authorized the expenditure of all amounts 25316
appropriated for contingencies under section 5705.40 of the 25317
Revised Code. Upon request by the board of education, the county 25318
auditor shall draw a warrant on the district's account in the 25319
county treasury payable to the district in the amount requested. 25320

(F)(1) A board of education may include a spending reserve in 25321
its budget for fiscal years ending on or before June 30, 2002. The 25322
spending reserve shall consist of an estimate of expenditures not 25323
to exceed the district's spending reserve balance. A district's 25324

spending reserve balance is the amount by which the designated 25325
percentage of the district's estimated personal property taxes to 25326
be settled during the calendar year in which the fiscal year ends 25327
exceeds the estimated amount of personal property taxes to be so 25328
settled and received by the district during that fiscal year. 25329
Moneys from a spending reserve shall be appropriated in accordance 25330
with section 133.301 of the Revised Code. 25331

(2) For the purposes of computing a school district's 25332
spending reserve balance for a fiscal year, the designated 25333
percentage shall be as follows: 25334

Fiscal year ending in:	Designated percentage	
1998	50%	25335
1999	40%	25336
2000	30%	25337
2001	20%	25338
2002	10%	25339

(G) Except as otherwise provided in this division, the county 25341
budget commission shall not reduce the taxing authority of a 25342
subdivision as a result of the creation of a reserve balance 25343
account. Except as otherwise provided in this division, the county 25344
budget commission shall not consider the amount in a reserve 25345
balance account of a township, county, or municipal corporation as 25346
an unencumbered balance or as revenue for the purposes of division 25347
(E)(3) or (4) of section 5747.51 of the Revised Code. The county 25348
budget commission may require documentation of the reasonableness 25349
of the reserve balance held in any reserve balance account. The 25350
commission shall consider any amount in a reserve balance account 25351
that it determines to be unreasonable as unencumbered and as 25352
revenue for the purposes of ~~sections~~ section 5747.51 of the 25353
Revised Code and may take such amounts into consideration when 25354
determining whether to reduce the taxing authority of a 25355
subdivision. 25356

Sec. 5709.121. (A) Real property and tangible personal 25357
property belonging to a charitable or educational institution or 25358
to the state or a political subdivision, shall be considered as 25359
used exclusively for charitable or public purposes by such 25360
institution, the state, or political subdivision, if it meets one 25361
of the following requirements: 25362

(1) It is used by such institution, the state, or political 25363
subdivision, or by one or more other such institutions, the state, 25364
or political subdivisions under a lease, sublease, or other 25365
contractual arrangement: 25366

(a) As a community or area center in which presentations in 25367
music, dramatics, the arts, and related fields are made in order 25368
to foster public interest and education therein; 25369

(b) For other charitable, educational, or public purposes. 25370

(2) It is made available under the direction or control of 25371
such institution, the state, or political subdivision for use in 25372
furtherance of or incidental to its charitable, educational, or 25373
public purposes and not with the view to profit. 25374

(3) It is used by an organization described in division (D) 25375
of section 5709.12 of the Revised Code. If the organization is a 25376
corporation that receives a grant under the Thomas Alva Edison 25377
grant program authorized by division (C) of section 122.33 of the 25378
Revised Code at any time during the tax year, "used," for the 25379
purposes of this division, includes holding property for lease or 25380
resale to others. 25381

(B)(1) Property described in division (A)(1)(a) of this 25382
section shall continue to be considered as used exclusively for 25383
charitable or public purposes even if the property is conveyed 25384
through one conveyance or a series of conveyances to an entity 25385
that is not a charitable or educational institution and is not the 25386

state or a political subdivision, provided that all of the 25387
following conditions apply with respect to that property: 25388

(a) The property has been listed as exempt on the county 25389
auditor's tax list and duplicate for the county in which it is 25390
located for the ten tax years immediately preceding the year in 25391
which the property is conveyed through one conveyance or a series 25392
of conveyances; 25393

(b) The owner to which the property is conveyed through one 25394
conveyance or a series of conveyances leases the property through 25395
one lease or a series of leases to the entity that owned or 25396
occupied the property for the ten tax years immediately preceding 25397
the year in which the property is conveyed or an affiliate of such 25398
prior owner or occupant; 25399

(c) The property includes improvements that are at least 25400
fifty years old; 25401

(d) The property is being renovated in connection with a 25402
claim for historic preservation tax credits available under 25403
federal law; 25404

(e) The property continues to be used for the purposes 25405
described in division (A)(1)(a) of this section after its 25406
conveyance; and 25407

(f) The property is certified by the United States secretary 25408
of the interior as a "certified historic structure" or certified 25409
as part of a certified historic structure. 25410

(2) Notwithstanding section 5715.27 of the Revised Code, an 25411
application for exemption from taxation of property described in 25412
division (B)(1) of this section may be filed by either the owner 25413
of the property or its occupant. 25414

(C) For purposes of this section, an institution is a 25415
charitable institution if the institution is a nonprofit 25416

corporation or association, no part of the net earnings of which 25417
inures to the benefit of any private shareholder or individual, is 25418
exempt from federal income taxation under section 501(a) of the 25419
Internal Revenue Code, the majority of the institution's board of 25420
directors are appointed by the mayor or legislative authority of a 25421
municipal corporation or a board of county commissioners, or a 25422
combination thereof, and the primary purpose of the institution is 25423
to assist in the development and revitalization of downtown urban 25424
areas. 25425

Sec. 5721.30. As used in sections 5721.30 to 5721.43 of the 25426
Revised Code: 25427

(A) "Tax certificate," "certificate," or "duplicate 25428
certificate" means a document that may be issued as a physical 25429
certificate, in book-entry form, or through an electronic medium, 25430
at the discretion of the county treasurer. Such document shall 25431
contain the information required by section 5721.31 of the Revised 25432
Code and shall be prepared, transferred, or redeemed in the manner 25433
prescribed by sections 5721.30 to 5721.43 of the Revised Code. As 25434
used in those sections, "tax certificate," "certificate," and 25435
"duplicate certificate" do not refer to the delinquent land tax 25436
certificate or the delinquent vacant land tax certificate issued 25437
under section 5721.13 of the Revised Code. 25438

(B) "Certificate parcel" means the parcel of delinquent land 25439
that is the subject of and is described in a tax certificate. 25440

(C) "Certificate holder" means a person who purchases a tax 25441
certificate under section 5721.32, 5721.33, or 5721.42 of the 25442
Revised Code, or a person to whom a tax certificate has been 25443
transferred pursuant to section 5721.36 of the Revised Code. 25444

(D) "Certificate purchase price" means, with respect to the 25445
sale of tax certificates under sections 5721.32, 5721.33, and 25446
5721.42 of the Revised Code, the amount equal to delinquent taxes, 25447

~~assessments, penalties, and interest computed under section~~ 25448
~~323.121 of the Revised Code~~ charged against a certificate parcel 25449
at the time the tax certificate respecting that parcel is sold, 25450
not including any delinquent taxes, ~~assessments, penalties,~~ 25451
~~interest, and charges,~~ the lien for which has been conveyed to a 25452
certificate holder through a prior sale of a tax certificate 25453
respecting that parcel; ~~provided, however, that payment.~~ Payment 25454
of the certificate purchase price in a sale under section 5721.33 25455
of the Revised Code may be made wholly in cash or partially in 25456
cash and partially by noncash consideration acceptable to the 25457
county treasurer from the purchaser. In the event that any such 25458
noncash consideration is delivered to pay a portion of the 25459
certificate purchase price, such noncash consideration may be 25460
subordinate to the rights of the holders of other obligations 25461
whose proceeds paid the cash portion of the certificate purchase 25462
price. 25463

"Certificate purchase price" also includes the amount of the 25464
fee charged by the county treasurer to the purchaser of the 25465
certificate under division (H) of section 5721.32 of the Revised 25466
Code. 25467

(E)(1) With respect to a sale of tax certificates under 25468
section 5721.32 of the Revised Code, and except as provided in 25469
division (E)(2) of this section, ~~both of the following apply:~~ 25470

~~(1)~~ "Certificate certificate redemption price" means the 25471
certificate purchase price plus the greater of the following: 25472

(a) ~~Interest~~ Simple interest, at the certificate rate of 25473
interest, accruing during the certificate interest period on the 25474
certificate purchase price, calculated in accordance with section 25475
5721.41 of the Revised Code; 25476

(b) Six per cent of the certificate purchase price. 25477

(2) If the certificate rate of interest equals zero, the 25478

certificate redemption price equals the certificate purchase price 25479
plus the fee charged by the county treasurer to the purchaser of 25480
the certificate under division (H) of section 5721.32 of the 25481
Revised Code. 25482

(F) With respect to a sale of tax certificates under section 25483
5721.33 of the Revised Code, "certificate redemption price" means 25484
the amount equal to the sum of the following: 25485

(1) The certificate purchase price; 25486

(2) Interest accrued on the certificate purchase price at the 25487
certificate rate of interest from the date on which a tax 25488
certificate is delivered through and including the day immediately 25489
preceding the day on which the certificate redemption price is 25490
paid; 25491

(3) The fee, if any, charged by the county treasurer to the 25492
purchaser of the certificate under division (J) of section 5721.33 25493
of the Revised Code; 25494

(4) Any other fees charged by any county office in connection 25495
with the recording of tax certificates. 25496

(G) "Certificate rate of interest" means the rate of simple 25497
interest per year bid by the winning bidder in an auction of a tax 25498
certificate held under section 5721.32 of the Revised Code, or the 25499
rate of simple interest per year not to exceed eighteen per cent 25500
per year fixed pursuant to section 5721.42 of the Revised Code or 25501
by the county treasurer with respect to any tax certificate sold 25502
pursuant to a negotiated sale under section 5721.33 of the Revised 25503
Code. The certificate rate of interest shall not be less than zero 25504
per cent per year. 25505

(H) "Cash" means United States currency, certified checks, 25506
money orders, bank drafts, ~~or~~ electronic transfer of funds, or 25507
other forms of payment authorized by the county treasurer, and 25508
excludes any other form of payment not so authorized. 25509

(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 that section~~ The date the certificate holder files a request for foreclosure or notice of intent to foreclose under division (A) of section 5721.37 of the Revised Code and submits the payment required under division (B) of that section;

~~(2) In the case of a certificate parcel redeemed under division (A) or (C) of section 5721.38 of the Revised Code, the~~ The date the owner of record of the certificate parcel, or any

other person entitled to redeem that parcel, ~~pays to the county~~ 25542
~~treasurer or to the certificate holder, as applicable, the full~~ 25543
~~amount determined under that section~~ redeems the certificate 25544
parcel under division (A) or (C) of section 5721.38 of the Revised 25545
Code or redeems the certificate under section 5721.381 of the 25546
Revised Code. 25547

~~(L)~~ "County treasurer" means, with respect to the sale of tax 25548
~~certificates under section 5721.32, or 5721.33 of the Revised~~ 25549
~~Code, the county treasurer of a county having a population of at~~ 25550
~~least two hundred thousand according to the then most recent~~ 25551
~~federal decennial census.~~ 25552

~~(M)~~(K) "Qualified trustee" means a trust company within the 25553
state or a bank having the power of a trust company within the 25554
state with a combined capital stock, surplus, and undivided 25555
profits of at least one hundred million dollars. 25556

~~(N)~~(L) "Tax certificate sale/purchase agreement" means the 25557
purchase and sale agreement described in division (C) of section 25558
5721.33 of the Revised Code setting forth the certificate purchase 25559
price, plus any applicable premium or less any applicable 25560
discount, including, without limitation, the amount to be paid in 25561
cash and the amount and nature of any noncash consideration, the 25562
date of delivery of the tax certificates, and the other terms and 25563
conditions of the sale, including, without limitation, the rate of 25564
interest that the tax certificates shall bear. 25565

~~(O)~~(M) "Noncash consideration" means any form of 25566
consideration other than cash, including, but not limited to, 25567
promissory notes whether subordinate or otherwise. 25568

~~(P)~~(N) "Private attorney" means ~~for purposes of section~~ 25569
~~5721.37 of the Revised Code,~~ any attorney licensed to practice law 25570
in this state, ~~whether practicing with a firm of attorneys or~~ 25571
~~otherwise,~~ whose license has not been revoked or otherwise and is 25572

not currently suspended, and who ~~brings~~ is retained to bring 25573
foreclosure proceedings pursuant to section 5721.37 of the Revised 25574
Code on behalf of a certificate holder. 25575

~~(Q)(O)~~ "Related certificate parcel" means, with respect to a 25576
certificate holder, the certificate parcel with respect to which 25577
the certificate holder has purchased and holds a tax certificate 25578
pursuant to sections 5721.30 to 5721.43 of the Revised Code and, 25579
with respect to a tax certificate, the certificate parcel against 25580
which the tax certificate has been sold pursuant to those 25581
sections. 25582

(P) "Delinquent taxes" means delinquent taxes as defined in 25583
section 323.01 of the Revised Code and includes assessments and 25584
charges, and penalties and interest computed under section 323.121 25585
of the Revised Code. 25586

Sec. 5721.31. (A)~~(1)~~ After receipt of a duplicate of the 25587
delinquent land list compiled under section 5721.011 of the 25588
Revised Code, or a delinquent land list compiled previously under 25589
that section, ~~for a county having a population of at least two~~ 25590
~~hundred thousand according to the most recent federal decennial~~ 25591
~~census,~~ the county treasurer may select from the list parcels of 25592
delinquent land the lien against which the county treasurer may 25593
attempt to transfer by the sale of tax certificates under sections 25594
5721.30 to 5721.43 of the Revised Code. ~~The county treasurer may~~ 25595
~~select only those eligible parcels~~ None of the following parcels 25596
may be selected for a tax certificate sale: 25597

(a) A parcel for which the full amount of taxes, assessments, 25598
penalties, interest, and charges have ~~not yet~~ been paid ~~or~~; 25599

(b) A parcel for which a valid delinquent tax contract under 25600
section 323.122, 323.31, or 5713.20 of the Revised Code is ~~not~~ in 25601
force; 25602

(c) A parcel the owner of which has filed a petition in 25603
bankruptcy, so long as the parcel is property of the bankruptcy 25604
estate. Each certificate shall contain the same information as is 25605
required to be contained in the delinquent land list. The 25606

(2) The county treasurer shall compile a separate list, ~~the~~ 25607
~~list~~ of parcels selected for tax certificate sales, including the 25608
same information as is required to be included in the delinquent 25609
land list. 25610

Upon compiling the list of parcels selected for tax 25611
certificate sales, the county treasurer may conduct a title search 25612
for any parcel on the list. 25613

(B)(1) Except as otherwise provided in division (B)(3) of 25614
this section, when tax certificates are to be sold under section 25615
5721.32 of the Revised Code with respect to parcels, the county 25616
treasurer shall send written notice by certified ~~or registered~~ 25617
mail to either the owner of record or all interested parties 25618
discoverable through a title search, or both, of each parcel on 25619
the list. A notice to an owner shall be sent to the owner's last 25620
known tax-mailing address. The notice shall inform the owner or 25621
interested parties that a tax certificate will be offered for sale 25622
on the parcel, and that the owner or interested parties may incur 25623
additional expenses as a result of the sale. 25624

(2) Except as otherwise provided in division (B)(3) of this 25625
section, when tax certificates are to be sold under section 25626
5721.33 of the Revised Code with respect to parcels, the county 25627
treasurer, at least thirty days prior to the date of sale of such 25628
tax certificates, shall send written notice of the sale by 25629
certified ~~or registered~~ mail, ~~or both~~, to the last known 25630
tax-mailing address of the record owner of the property or parcel 25631
and may send such notice to all parties with an interest in the 25632
property that has been recorded in the property records of the 25633
county pursuant to section 317.08 of the Revised Code. The notice 25634

shall state that a tax certificate will be offered for sale on the parcel, and that the owner or interested parties may incur additional expenses as a result of the sale.

(3) The county treasurer is not required to send a notice under division (B)(1) or (B)(2) of this section if the treasurer previously has attempted to send such notice to the owner of the parcel and the notice has been returned by the post office as undeliverable. The absence of a valid tax_mailing address for the owner of a parcel does not preclude the county treasurer from selling a tax certificate for the parcel.

(C) The county treasurer shall advertise the sale of tax certificates under section 5721.32 of the Revised Code in a newspaper of general circulation in the county, once a week for two consecutive weeks. The advertisement shall include the date, the time, and the place of the public auction, abbreviated legal descriptions of the parcels, and the names of the owners of record of the parcels. The advertisement also shall include the certificate purchase prices of the parcels or the total purchase price of tax certificates for sale in blocks of tax certificates.

(D) After the county treasurer has compiled the list of parcels selected for tax certificate sales but before a tax certificate respecting a parcel is sold, if the owner of record of the parcel pays to the county treasurer in cash the ~~full amount of delinquent taxes, assessments, penalties, interest, and charges then due and payable or enters into a valid delinquent tax contract under section 323.31 of the Revised Code to pay that amount~~ delinquent taxes respecting the parcel or otherwise acts so that any condition in division (A)(1)(a), (b), or (c) of this section applies to the parcel, the owner of record of the parcel also shall pay a fee in an amount prescribed by the treasurer to cover the administrative costs of the treasurer under this section respecting the parcel ~~and credited. The fee shall be deposited in~~

the county treasury to the credit of the tax certificate 25667
administration fund. 25668

(E) A tax certificate administration fund shall be created in 25669
the county treasury of each county selling tax certificates under 25670
sections 5721.30 to 5721.43 of the Revised Code. The fund shall be 25671
administered by the county treasurer, and used solely for the 25672
purposes of sections 5721.30 to 5721.43 of the Revised Code. Any 25673
fee received by the treasurer under sections 5721.30 to 5721.43 of 25674
the Revised Code shall be credited to the fund, except the bidder 25675
registration fee under division (B) of section 5721.32 of the 25676
Revised Code and the county prosecuting attorney's fee under 25677
division (B)(3) of section 5721.37 of the Revised Code. 25678

(F) The county treasurers of more than one county may jointly 25679
conduct a regional sale of tax certificates under section 5721.32 25680
of the Revised Code. A regional sale shall be held at a single 25681
location in one county, where the tax certificates from each of 25682
the participating counties shall be offered for sale at public 25683
auction. Before the regional sale, each county treasurer shall 25684
advertise the sale for the parcels in the treasurer's county as 25685
required by division (C) of this section. At the regional sale, 25686
tax certificates shall be sold on parcels from one county at a 25687
time, with all of the certificates for one county offered for sale 25688
before any certificates for the next county are offered for sale. 25689

(G) The tax commissioner shall prescribe the form of the tax 25690
certificate under this section, and county treasurers shall use 25691
the form so prescribed ~~by the commissioner~~. 25692

Sec. 5721.32. (A) The sale of tax certificates by public 25693
auction may be conducted at any time after completion of the 25694
advertising of the sale under section 5721.31 of the Revised Code, 25695
on the date and at the time and place designated in the 25696
advertisements, and may be continued from time to time as the 25697

county treasurer directs. The county treasurer may offer the tax 25698
certificates for sale in blocks of tax certificates, consisting of 25699
any number of tax certificates as determined by the county 25700
treasurer. 25701

(B)(1) The sale of tax certificates under this section shall 25702
be conducted at a public auction by the county treasurer or a 25703
designee of the county treasurer. 25704

(2) No person shall be permitted to bid without completing a 25705
bidder registration form, in the form prescribed by the tax 25706
commissioner, and without filing the form with the county 25707
treasurer prior to the start of the auction, together with 25708
remittance of a registration fee, in cash, of five hundred 25709
dollars. The bidder registration form shall include a tax 25710
identification number of the registrant. The registration fee is 25711
refundable at the end of bidding on the day of the auction, unless 25712
the registrant is the winning bidder for one or more tax 25713
certificates or one or more blocks of tax certificates, in which 25714
case the fee may be applied toward the deposit required by this 25715
section. 25716

(3) The county treasurer may require a person who wishes to 25717
bid on one or more parcels to submit a letter from a financial 25718
institution stating that the bidder has sufficient funds available 25719
to pay the purchase price of the parcels and a written 25720
authorization for the treasurer to verify such information with 25721
the financial institution. The county treasurer may require 25722
submission of the letter and authorization sufficiently in advance 25723
of the auction to allow for verification. No person who fails to 25724
submit the required letter and authorization, or whose financial 25725
institution fails to provide the requested verification, shall be 25726
permitted to bid. 25727

(C) At the public auction, the county treasurer or the 25728
treasurer's designee or agent shall begin the bidding at eighteen 25729

per cent per year simple interest, and accept lower bids in even 25730
increments of one-fourth of one per cent to the rate of zero per 25731
cent. The county treasurer, designee, or agent shall award the tax 25732
certificate to the person bidding the lowest certificate rate of 25733
interest. The county treasurer shall decide which person is the 25734
winning bidder in the event of a tie for the lowest bid offered, 25735
or if a person contests the lowest bid offered. The county 25736
treasurer's decision is not appealable. 25737

(D)(1) The winning bidder shall pay the county treasurer a 25738
cash deposit of at least ten per cent of the certificate purchase 25739
price not later than the close of business on the day of the sale. 25740
The winning bidder shall pay the balance and the fee required 25741
under division (H) of this section not later than five business 25742
days after the day on which the certificate is sold. ~~If~~ Except as 25743
provided under division (D)(2) of this section, if the winning 25744
bidder fails to pay the balance and fee within the prescribed 25745
time, the bidder forfeits the deposit, and the county treasurer 25746
shall retain the tax certificate and may attempt to sell it at any 25747
auction conducted at a later date. ~~The~~ 25748

(2) At the request of a winning bidder, the county treasurer 25749
may release the bidder from the bidder's tax certificate purchase 25750
obligation. The county treasurer may retain all or any portion of 25751
the deposit of a bidder granted a release. After granting a 25752
release under this division, the county treasurer may award the 25753
tax certificate to the person that submitted the second lowest bid 25754
at the auction. 25755

(3) The county treasurer shall deposit the forfeited deposit 25756
forfeited or retained under divisions (D)(1) or (2) of this 25757
section in the county treasury to the credit of the tax 25758
certificate administration fund. 25759

(E) Upon receipt of the full payment of the certificate 25760
purchase price from the purchaser, the county treasurer shall 25761

issue the tax certificate and record the tax certificate sale by 25762
~~marking on the tax certificate and~~ entering into a tax certificate 25763
register, the certificate purchase price, the certificate rate of 25764
interest, the date the certificate was sold, ~~and~~ the name and 25765
address of the certificate holder, ~~which~~ and any other information 25766
the county treasurer considers necessary. The county treasurer may 25767
keep the tax certificate register in a hard-copy format or in an 25768
electronic format. The name and address of the certificate holder 25769
may be, upon receipt of instructions from the purchaser, that of 25770
the secured party of the actual purchaser, or an agent or 25771
custodian for the purchaser or secured party. The county treasurer 25772
also shall transfer the tax certificate to the certificate holder 25773
~~and, upon presentation to the treasurer of instructions signed by~~ 25774
~~the certificate purchaser, shall record in the tax certificate~~ 25775
~~register the name and address of any secured party of the~~ 25776
~~certificate purchaser having a security interest in the tax~~ 25777
~~certificate. Upon the transfer of a tax certificate, the . The~~ 25778
county treasurer shall apportion the part of the proceeds from the 25779
sale representing taxes, penalties, and interest among the several 25780
taxing districts in the same proportion that the amount of taxes 25781
levied by each district against the certificate parcel in the 25782
preceding tax year bears to the taxes levied by all such districts 25783
against the certificate parcel in the preceding tax year, and 25784
credit the part of the proceeds representing assessments and other 25785
charges to the items of assessments and charges in the order in 25786
which those items became due. Upon ~~completion of the sale of~~ 25787
issuing a tax certificate, the delinquent taxes, ~~assessments,~~ 25788
~~penalties, and interest~~ that make up the certificate purchase 25789
price are transferred, and the superior lien of the state and its 25790
taxing districts for those delinquent taxes, ~~assessments,~~ 25791
~~penalties, and interest~~ is conveyed intact to the certificate 25792
holder. 25793

(F) If a tax certificate is offered for sale under this 25794

section but is not sold, the county treasurer may strike the 25795
corresponding certificate parcel from the list of parcels selected 25796
for tax certificate sales. The lien for taxes, assessments, 25797
charges, penalties, and interest against a parcel stricken from 25798
the list thereafter may be foreclosed in the manner prescribed by 25799
section 323.25, 5721.14, or 5721.18 of the Revised Code unless, 25800
prior to the institution of such proceedings against the parcel, 25801
the county treasurer restores the parcel to the list of parcels 25802
selected for tax certificate sales. 25803

(G) A certificate holder shall not be liable for damages 25804
arising from a violation of sections 3737.87 to 3737.891 or 25805
Chapter 3704., 3734., 3745., 3746., 3750., 3751., 3752., 6109., or 25806
6111. of the Revised Code, or a rule adopted or order, permit, 25807
license, variance, or plan approval issued under any of those 25808
chapters, that is or was committed by another person in connection 25809
with the parcel for which the tax certificate is held. 25810

(H) When selling a tax certificate under this section, the 25811
county treasurer shall charge a fee to the purchaser of the 25812
certificate. The county treasurer shall set the fee at a 25813
reasonable amount that covers the treasurer's costs of 25814
administering the sale of the tax certificate. The county 25815
treasurer shall deposit the fee in the county treasury to the 25816
credit of the tax certificate administration fund. 25817

(I) After selling a tax certificate under this section, the 25818
county treasurer shall send written notice by certified ~~or~~ 25819
~~registered~~ mail to the owner of the certificate parcel at the 25820
owner's last known tax-mailing address. The notice shall inform 25821
the owner that the tax certificate was sold, shall describe the 25822
owner's options to redeem the parcel, including entering into a 25823
redemption payment plan under division (C)(1) of section 5721.38 25824
of the Revised Code, and shall name the certificate holder and its 25825
secured party, if any. However, the county treasurer is not 25826

required to send a notice under this division if the treasurer 25827
previously has attempted to send a notice to the owner of the 25828
parcel at the owner's last known tax-mailing address, and the 25829
postal service has returned the notice as undeliverable. 25830

(J) A tax certificate shall not be sold to the owner of the 25831
certificate parcel. 25832

Sec. 5721.33. (A) A county treasurer may, in the treasurer's 25833
discretion, negotiate the sale of any number of tax certificates 25834
with one or more persons, ~~including~~. Terms that may be negotiated 25835
include, without limitation, any of the following: 25836

(1) A premium to be added to or discount to be subtracted 25837
from the certificate purchase price for the tax certificates and 25838
any; 25839

(2) Different time frames under which the certificate holder 25840
may initiate a foreclosure action than are otherwise allowed under 25841
sections 5721.30 to 5721.43 of the Revised Code, not to exceed six 25842
years after the date the tax certificate was sold; 25843

(3) The amount to be paid in private attorney's fees related 25844
to tax certificate foreclosures, subject to section 5721.371 of 25845
the Revised Code; 25846

(4) Any other terms of the sale that the county treasurer, in 25847
the treasurer's discretion, determines appropriate or necessary 25848
for the sale. 25849

(B) The sale of tax certificates under this section shall be 25850
governed by the criteria established by the county treasurer 25851
pursuant to division (E) of this section. 25852

(C) The county treasurer may execute a tax certificate 25853
sale/purchase agreement and other necessary agreements with a 25854
designated purchaser or purchasers to complete a negotiated sale 25855
of tax certificates. 25856

(D) The tax certificate may be sold at a premium to or 25857
discount from the certificate purchase price. The county treasurer 25858
may establish as one of the terms of the negotiated sale the 25859
portion of the certificate purchase price, plus any applicable 25860
premium or less any applicable discount, that the purchaser or 25861
purchasers shall pay in cash on the date the tax certificates are 25862
sold and the portion, if any, of the certificate purchase price, 25863
plus any applicable premium or less any applicable discount, that 25864
the purchaser or purchasers shall pay in noncash consideration and 25865
the nature of that consideration. 25866

The county treasurer shall sell such tax certificates at a 25867
certificate purchase price, plus any applicable premium and less 25868
any applicable discount, and at a certificate rate of interest 25869
that, in the treasurer's determination, are in the best interests 25870
of the county. 25871

(E)(1) The county treasurer shall adopt rules governing the 25872
eligibility of persons to purchase tax certificates or to 25873
otherwise participate in a negotiated sale under this section. The 25874
rules may provide for precertification of such persons, including 25875
a requirement for disclosure of income, assets, and any other 25876
financial information the county treasurer determines appropriate. 25877
The rules also may prohibit any person that is delinquent in the 25878
payment of any tax to the county or to the state, or that is in 25879
default in or on any other obligation to the county or to the 25880
state, from purchasing a tax certificate or otherwise 25881
participating in a negotiated sale of tax certificates under this 25882
section. The eligibility information required shall include the 25883
tax identification number of the purchaser and may include the tax 25884
identification number of the participant. The county treasurer, 25885
upon request, shall provide a copy of the rules adopted under this 25886
section. 25887

(2) Any person that intends to purchase a tax certificate in 25888

a negotiated sale shall submit an affidavit to the county treasurer that establishes compliance with the applicable eligibility criteria and includes any other information required by the treasurer. Any person that fails to submit such an affidavit is ineligible to purchase a tax certificate. Any person that knowingly submits a false or misleading affidavit shall forfeit any tax certificate or certificates purchased by the person at a sale for which the affidavit was submitted, shall be liable for payment of the full certificate purchase price, plus any applicable premium and less any applicable discount, of the tax certificate or certificates, and shall be disqualified from participating in any tax certificate sale conducted in the county during the next five years.

(3) A tax certificate shall not be sold to the owner of the certificate parcel or to any corporation, partnership, or association in which such owner has an interest. No person that purchases a tax certificate in a negotiated sale shall assign or transfer the tax certificate to the owner of the certificate parcel or to any corporation, partnership, or association in which the owner has an interest. Any person that knowingly or negligently transfers or assigns a tax certificate to the owner of the certificate parcel or to any corporation, partnership, or association in which such owner has an interest shall be liable for payment of the full certificate purchase price, plus any applicable premium and less any applicable discount, and shall not be entitled to a refund of any amount paid. Such tax certificate shall be deemed void and the tax lien sold under the tax certificate shall revert to the county as if no sale of the tax certificate had occurred.

(F) The purchaser in a negotiated sale under this section shall deliver the certificate purchase price, plus any applicable premium and less any applicable discount and including any noncash

consideration, to the county treasurer not later than the close of 25921
business on the date the tax certificates are delivered to the 25922
purchaser. The certificate purchase price, ~~plus any applicable~~ 25923
~~premium and~~ less any applicable discount, or portion of the price, 25924
that is paid in cash shall be deposited in the county's general 25925
fund to the credit of the account to which ad valorem real 25926
property taxes are credited and further credited as provided in 25927
division (G) of this section. Any applicable premium that is paid 25928
shall be, at the discretion of the county treasurer, apportioned 25929
to and deposited in any authorized county fund. The purchaser also 25930
shall pay on the date the tax certificates are delivered to the 25931
purchaser the fee, if any, negotiated under division (J) of this 25932
section. If the purchaser fails to pay the certificate purchase 25933
price, plus any applicable premium and less any applicable 25934
discount, and any such fee, within the time periods required by 25935
this section, the county treasurer shall retain the tax 25936
certificate and may attempt to sell it at any auction or 25937
negotiated sale conducted at a later date. 25938

(G) Upon receipt of the full payment from the purchaser of 25939
the certificate purchase price, plus any applicable premium and 25940
less any applicable discount, and the negotiated fee, if any, ~~from~~ 25941
~~the purchaser,~~ the county treasurer, or a qualified trustee whom 25942
the treasurer has engaged for such purpose, shall issue the tax 25943
certificate and record the tax certificate sale by ~~marking on each~~ 25944
~~of the tax certificates sold or, if issued in book-entry form, on~~ 25945
~~the global tax certificate, and marking~~ entering into a tax 25946
certificate register, the certificate purchase price, any premium 25947
paid or discount taken, the certificate rate of interest, the date 25948
the certificates were sold, ~~and~~ the name and address of the 25949
certificate holder or, in the case of issuance of the tax 25950
certificates in a book-entry system, the name and address of the 25951
nominee, ~~which~~ and any other information the county treasurer 25952
considers necessary. The county treasurer may keep the tax 25953

certificate register in a hard-copy format or an electronic 25954
format. The name and address of the certificate holder or nominee 25955
may be, upon receipt of instructions from the purchaser, that of 25956
the secured party of the actual purchaser, or an agent or 25957
custodian for the purchaser or secured party. The county treasurer 25958
also shall transfer the tax certificates to the certificate holder 25959
~~and, upon presentation to the treasurer of instructions signed by~~ 25960
~~the certificate purchaser or purchasers, shall record in the tax~~ 25961
~~certificate register the name and address of any secured party of~~ 25962
~~the certificate purchaser or purchasers having a security interest~~ 25963
~~in the tax certificate. Upon the transfer of the tax certificates,~~ 25964
~~the.~~ The county treasurer shall apportion the part of the cash 25965
proceeds from the sale representing taxes, penalties, and interest 25966
among the several taxing districts in the same proportion that the 25967
amount of taxes levied by each district against the certificate 25968
parcels in the preceding tax year bears to the taxes levied by all 25969
such districts against the certificate parcels in the preceding 25970
tax year, and credit the part of the proceeds representing 25971
assessments and other charges to the items of assessments and 25972
charges in the order in which those items became due. If the cash 25973
proceeds from the sale are not sufficient to fully satisfy the 25974
items of ~~outstanding delinquent~~ taxes, assessments, penalties, 25975
interest, and charges on the certificate parcels against which tax 25976
certificates were sold, the county treasurer shall credit the cash 25977
proceeds to such items pro rata based upon the proportion that 25978
each item of ~~delinquent~~ taxes, assessments, penalties, interest, 25979
and charges bears to the aggregate of all such items, or by any 25980
other method that the county treasurer, in the treasurer's sole 25981
discretion, determines is equitable. Upon ~~completion of the sale~~ 25982
~~of~~ issuing the tax certificates, the delinquent taxes, 25983
~~assessments, penalties, and interest~~ that make up the certificate 25984
purchase price are transferred, and the superior lien of the state 25985
and its taxing districts for those delinquent taxes, ~~assessments,~~ 25986

~~penalties, and interest~~ is conveyed intact to the certificate holder or holders. 25987
25988

(H) If a tax certificate is offered for sale under this section but is not sold, the county treasurer may strike the corresponding certificate parcel from the list of parcels selected for tax certificate sales. The lien for taxes, assessments, charges, penalties, and interest against a parcel stricken from the list thereafter may be foreclosed in the manner prescribed by section 323.25, 5721.14, or 5721.18 of the Revised Code unless, prior to the institution of such proceedings against the parcel, the county treasurer restores the parcel to the list of parcels selected for tax certificate sales. 25989
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(I) Neither a certificate holder nor its secured party, if any, shall be liable for damages arising from a violation of sections 3737.87 to 3737.891 or Chapter 3704., 3734., 3745., 3746., 3750., 3751., 3752., 6109., or 6111. of the Revised Code, or a rule adopted or order, permit, license, variance, or plan approval issued under any of those chapters, that is or was committed by another person in connection with the parcel for which the tax certificate is held. 25999
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(J) When selling a tax certificate under this section, the county treasurer may negotiate with the purchaser of the certificate for ~~a fee~~ fees paid by the purchaser to the county treasurer to reimburse the treasurer for any part or all of the treasurer's costs of preparing for and administering the sale of the tax certificate and any fees set forth by the county treasurer in the tax certificate sale/purchase agreement. Such ~~fee~~ fees, if any, shall be added to the certificate purchase price ~~of the certificate~~ and shall be paid by the purchaser on the date of delivery of the tax certificate. The county treasurer shall deposit the ~~fee~~ fees in the county treasury to the credit of the tax certificate administration fund. 26007
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(K) After selling tax certificates under this section, the county treasurer shall send written notice by certified ~~or~~ registered mail to the last known tax-mailing address of the owner of the certificate parcel. The notice shall inform the owner that a tax certificate with respect to such owner's parcel was sold and shall describe the owner's options to redeem the parcel, including entering into a redemption payment plan under division (C)(2) of section 5721.38 of the Revised Code. However, the county treasurer is not required to send a notice under this division if the treasurer previously has attempted to send a notice to the owner of the parcel at the owner's last known tax-mailing address and the postal service has returned the notice as undeliverable.

Sec. 5721.34. (A) A county treasurer shall not sell any tax certificate respecting a parcel of delinquent land ~~upon which the full amount of delinquent taxes, assessments, penalties, interest, charges, and costs then due and payable have been paid, or with respect to which a valid delinquent tax contract under any of divisions (A)(1)(a) to (c) of section 323.31 5721.31 of the Revised Code to pay that amount has been entered into, prior to the sale of the certificate by the county treasurer apply.~~ A certificate sold in violation of this section is void.

(B) If the county treasurer discovers or determines that ~~the~~ a certificate is void ~~under division (A) of this section for any reason~~, the holder of the void certificate is entitled to a refund of the certificate purchase price, plus any applicable premium and less any applicable discount, and the fee charged by the treasurer under division (H) of section 5721.32 or division (J) of section 5721.33 of the Revised Code, if any, as applicable. If the county treasurer makes the discovery or determination more than ~~sixty~~ ninety days after the certificate's date of sale, the holder also is entitled to interest on the certificate purchase price at the rate of five per cent per year. The interest shall be calculated

from the first day of the month following the month in which the 26051
certificate was sold, to the first day of the month in which the 26052
county treasurer makes the discovery or determination. The county 26053
treasurer shall notify the certificate holder by ordinary first 26054
class or certified mail or by binary means that the certificate is 26055
void and shall issue the refund. The county auditor shall issue a 26056
warrant for the portion of the refund from the undivided tax fund, 26057
which portion consists of the certificate purchase price, plus any 26058
applicable premium and less any applicable discount; the portion 26059
of the refund consisting of interest and the treasurer's fee, if 26060
any, shall be paid from the tax certificate administration fund. 26061
26062

(C) With respect to a tax certificate ~~sold under section~~ 26063
~~5721.32 of the Revised Code and found to be void under division~~ 26064
~~(A) or (B) of this section, in addition to the remedies available~~ 26065
~~under division (B) of this section,~~ the county treasurer may, with 26066
the approval of the certificate holder, substitute for such tax 26067
certificate ~~or portion thereof~~ another tax certificate that has a 26068
~~value~~ certificate purchase price equivalent to the ~~value~~ 26069
certificate purchase price of the tax certificate found to be 26070
void. In addition, the substitute tax certificate shall be for a 26071
parcel concerning which the county treasurer has taken action 26072
under divisions (A), (B), and (C) of section 5721.31 of the 26073
Revised Code, but with respect to which a tax certificate has not 26074
been sold, and that has a true value, as determined by the county 26075
auditor, that is equivalent to the true value of the parcel for 26076
which the tax certificate has been found to be void. Whenever a 26077
tax certificate ~~of equivalent value~~ is to be substituted for a tax 26078
certificate that has been found to be void, the county treasurer 26079
shall provide ~~written~~ notice of the intention to substitute a tax 26080
certificate ~~of equivalent value~~ to any person required to be 26081
notified under division (I) of section 5721.32 or division (K) of 26082
section 5721.33 of the Revised Code. 26083

(D) If an application for the exemption from and remission of 26084
taxes made under section 3735.67 or 5715.27 of the Revised Code, 26085
or under any other section of the Revised Code under the 26086
jurisdiction of the director of environmental protection, is 26087
granted for a parcel for which a tax certificate has been sold, 26088
the county treasurer shall refund to the certificate holder, in 26089
the manner provided in this section, the amount of any taxes 26090
exempted or remitted that were included in the certificate 26091
purchase price. If the whole amount of the taxes included in the 26092
certificate purchase price are exempted or remitted, the tax 26093
certificate is void. If all of the taxes that were included in the 26094
certificate purchase price are not exempted or remitted, the 26095
county treasurer shall adjust the tax certificate register to 26096
reflect the remaining amount of taxes that were not exempted or 26097
remitted, and notify the certificate holder of the adjustment in 26098
writing. 26099

Sec. 5721.35. (A) Upon the sale and delivery of a tax 26100
certificate, the tax certificate vests in the certificate holder 26101
the first lien previously held by the state and its taxing 26102
districts under section 5721.10 of the Revised Code for the amount 26103
of taxes, assessments, interest, and penalty charged against a 26104
certificate parcel, superior to all other liens and encumbrances 26105
upon the parcel described in the tax certificate, in the amount of 26106
the certificate redemption price, except liens for delinquent 26107
taxes, ~~assessments, penalties, interest, charges, and costs~~ that 26108
attached to the certificate parcel prior to the attachment of the 26109
lien being conveyed by the sale of such tax certificate. With 26110
respect to the priority as among such first liens of the state and 26111
its taxing districts for different years, the priority shall be 26112
determined by the date such first liens of the state and its 26113
taxing districts attached pursuant to section 323.11 of the 26114
Revised Code, with first priority to the earliest attached lien 26115

and each immediately subsequent priority based upon the next 26116
earliest attached lien. 26117

(B)(1) A certificate holder or the county treasurer may 26118
record the tax certificate or memorandum thereof in the office of 26119
the county recorder of the county in which the certificate parcel 26120
is situated, as a mortgage of land under division (A)(2) of 26121
section 317.08 of the Revised Code. The county recorder shall 26122
index the certificate in the indexes provided for under section 26123
317.18 of the Revised Code. If the lien is subsequently canceled, 26124
the cancellation also shall be recorded by the county recorder. 26125

(2) Notwithstanding Chapter 1309., Title LIII, or any other 26126
provision of the Revised Code, a secured party holding a security 26127
interest in a tax certificate or memorandum thereof may perfect 26128
that security interest only by one of the following methods: 26129

(a) Possession; 26130

(b) Registering the tax certificate with the county treasurer 26131
in the name of the secured party, or its agent or custodian, as 26132
certificate holder; 26133

(c) Recording the name of the secured party in the tax 26134
certificate register in the office of the county treasurer of the 26135
county in which the certificate parcel is situated. 26136

Sec. 5721.36. (A)(1) Except as otherwise provided in division 26137
(A)(2) of this section, the purchaser of a tax certificate sold as 26138
part of a block sale pursuant to section 5721.32 of the Revised 26139
Code may transfer the certificate to any person, and any other 26140
purchaser of a tax certificate pursuant to section 5721.32 or 26141
5721.33 of the Revised Code may transfer the certificate to any 26142
person, except the owner of the certificate parcel or any 26143
corporation, partnership, or association in which such owner has 26144
an interest. The transferee of a tax certificate subsequently may 26145

transfer the certificate to any other person to whom the purchaser
could have transferred the certificate. The transferor of a tax
certificate shall endorse the certificate and shall swear to the
endorsement before a notary public or other officer empowered to
administer oaths. The transferee shall present the endorsed
certificate and a notarized copy of a valid form of identification
showing the transferee's taxpayer identification number to the
county treasurer of the county where the certificate is
registered, who shall, upon payment of a fee of twenty dollars to
cover the costs associated with the transfer of a tax certificate,
enter upon the register of certificate holders opposite the
certificate entry the name and address of the transferee, the date
of entry, and, upon presentation to the treasurer of instructions
signed by the transferee, the name and address of any secured
party of the transferee having an interest in the tax certificate.
The treasurer shall deposit the fee in the county treasury to the
credit of the tax certificate administration fund.

Except as otherwise provided in division (A)(2) of this
section, no request for foreclosure or notice of intent to
foreclose, as the case may be, shall be filed by any person other
than the person shown on the tax certificate register to be the
certificate holder or a private attorney for that person properly
authorized to act in that person's behalf.

(2) Upon registration of a security interest with the county
treasurer ~~as provided in section 5721.32 or 5721.33 of the Revised
Code,~~ both of the following apply:

(a) No purchaser or transferee of a tax certificate may
transfer that tax certificate except upon presentation to the
treasurer of instructions signed by the secured party authorizing
such action.

(b) Only the secured party may issue a request for

foreclosure or notice of intent to foreclose concerning that tax certificate. 26178
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(B)(1) Application may be made to the county treasurer for a duplicate certificate if a certificate is alleged by affidavit to have been lost or destroyed. The treasurer shall issue a duplicate certificate, upon payment of a fee of twenty dollars to cover the costs of issuing the duplicate certificate. The treasurer shall deposit the fee in the county treasury to the credit of the tax certificate administration fund. 26180
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(2) The duplicate certificate shall be plainly marked or stamped "duplicate." 26187
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(3) The treasurer shall enter the fact of the duplicate in the tax certificate register ~~of certificate holders~~. 26189
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Sec. 5721.37. (A)(1) With respect to a tax certificate purchased under section 5721.32 of the Revised Code, or under section 5721.42 of the Revised Code ~~in counties to which by the holder of a certificate issued under~~ section 5721.32 of the Revised Code ~~applies~~, at any time after one year from the date shown on the tax certificate as the date the tax certificate was sold, and not later than ~~three~~ six years after that date, the certificate holder may file with the county treasurer a request for foreclosure, or a private attorney on behalf of the certificate holder may file with the county treasurer a notice of intent to foreclose, on a form prescribed by the tax commissioner ~~and provided by the county treasurer~~, provided the certificate parcel has not ~~yet~~ been redeemed under division (A) or (C) of section 5721.38 of the Revised Code and at least one certificate respecting the certificate parcel, held by the certificate holder filing the request for foreclosure or notice of intent to foreclose and eligible to be enforced through a foreclosure proceeding, has not been voided under section 5721.381 of the 26191
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Revised Code. 26209

(2) With respect to a tax certificate purchased under section 26210
5721.33 of the Revised Code, or under section 5721.42 of the 26211
Revised Code ~~in counties to which~~ by the holder of a certificate 26212
issued under section 5721.33 of the Revised Code ~~applies~~, at any 26213
time after one year from the date shown on the tax certificate as 26214
the date the tax certificate was sold, and not later than six 26215
years after that date or any extension of that date pursuant to 26216
division (C)(2) of section 5721.38 of the Revised Code, or not 26217
earlier or later than the dates negotiated by the county treasurer 26218
and specified in the tax certificate sale/purchase agreement, the 26219
certificate holder may file with the county treasurer a request 26220
for foreclosure, or a private attorney on behalf of the 26221
certificate holder may file with the county treasurer a notice of 26222
intent to foreclose, on a form prescribed by the tax commissioner 26223
~~and provided by the county treasurer~~, provided the parcel has not 26224
~~yet~~ been redeemed under division (A) or (C) of section 5721.38 of 26225
the Revised Code and at least one certificate respecting the 26226
certificate parcel, held by the certificate holder filing the 26227
request for foreclosure or notice of intent to foreclose and 26228
eligible to be enforced through a foreclosure proceeding, has not 26229
been voided under section 5721.381 of the Revised Code. 26230

(3)(a) With respect to a tax certificate purchased under 26231
section 5721.32 of the Revised Code, or under section 5721.42 of 26232
the Revised Code ~~in counties to which~~ by the holder of a 26233
certificate issued under section 5721.32 of the Revised Code 26234
~~applies~~, if, before the expiration of ~~three~~ six years after the 26235
date a tax certificate was sold, the owner of the property for 26236
which the certificate was sold files a petition in bankruptcy, the 26237
county treasurer, upon being notified of the filing of the 26238
petition, shall notify the certificate holder by ordinary 26239
first-class or certified mail or by binary means of the filing of 26240

the petition. ~~If the owner of the property files a petition in~~ 26241
~~bankruptcy, the~~ It is the obligation of the certificate holder to 26242
file a proof of claim with the bankruptcy court to protect the 26243
holder's interest in the certificate parcel. The last day on which 26244
the certificate holder may file a request for foreclosure or the 26245
private attorney may file a notice of intent to foreclose is the 26246
later of ~~three~~ six years after the date the certificate was sold 26247
or one hundred eighty days after the ~~bankruptcy case is closed~~ 26248
certificate parcel is no longer property of the bankruptcy estate; 26249
however, the ~~three-year~~ six-year period ~~being~~ measured from the 26250
date ~~that~~ the certificate was sold is tolled while the ~~owner of~~ 26251
the ~~property's petition in bankruptcy is being heard and~~ property 26252
owner's bankruptcy case remains open. 26253
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(b) With respect to a tax certificate purchased under section 26255
5721.33 of the Revised Code, or under section 5721.42 of the 26256
Revised Code ~~in counties to which~~ by the holder of a certificate 26257
issued under section 5721.33 of the Revised Code ~~applies~~, if, 26258
before ~~the expiration of~~ six years after the date a tax 26259
certificate was sold or before the date negotiated by the county 26260
treasurer, the owner of the property files a petition in 26261
bankruptcy, the county treasurer, upon being notified of the 26262
filing of the petition, shall notify the certificate holder by 26263
ordinary first-class or certified mail or by binary means of the 26264
filing of the petition. ~~If the owner of the property files a~~ 26265
~~petition in bankruptcy, the~~ It is the obligation of the 26266
certificate holder to file a proof of claim with the bankruptcy 26267
court to protect the holder's interest in the certificate parcel. 26268
The last day on which the certificate holder may file a notice of 26269
intent to foreclose is the later of six years after the date ~~that~~ 26270
the tax certificate was sold or the date negotiated by the county 26271
treasurer, or one hundred eighty days after the ~~bankruptcy case is~~ 26272
~~closed~~ certificate parcel is no longer property of the bankruptcy 26273

estate; however, the six-year or negotiated period being measured 26274
after the date ~~that~~ the certificate was sold is tolled while the 26275
~~owner of the property's petition in bankruptcy is being heard and~~ 26276
property owner's bankruptcy case remains open. 26277

(c) Interest at the certificate rate of interest continues to 26278
accrue during any extension of time required by division (A)(3)(a) 26279
or (b) of this section unless otherwise provided under Title 11 of 26280
the United States Code. 26281

(4) If, before the expiration of three years from the date a 26282
tax certificate was sold, the owner of property for which the 26283
certificate was sold applies for an exemption under section 26284
3735.67 or 5715.27 of the Revised Code or under any other section 26285
of the Revised Code under the jurisdiction of the director of 26286
environmental protection, the county treasurer shall notify the 26287
certificate holder by ordinary first-class or certified mail or by 26288
binary means of the filing of the application. Once a 26289
determination has been made on the exemption application, the 26290
county treasurer shall notify the certificate holder of the 26291
determination by ordinary first-class or certified mail or by 26292
binary means. The last day on which the certificate holder may 26293
file a request for foreclosure shall be the later of three years 26294
from the date the certificate was sold or forty-five days after 26295
notice of the determination was ~~mailed~~ provided. 26296

(B) ~~Along with~~ When a request for foreclosure or a notice of 26297
intent to foreclose is filed under division (A)(1) or (2) of this 26298
section, ~~or a notice of intent to foreclose filed under division~~ 26299
~~(A)(2) of this section and prior to the transfer of title in~~ 26300
~~connection with foreclosure proceedings filed under division (F)~~ 26301
~~of this section~~, the certificate holder shall submit a payment to 26302
the county treasurer equal to the sum of the following: 26303

(1) The certificate redemption prices of all outstanding tax 26304
certificates that have been sold on the parcel, other than tax 26305

certificates held by the person requesting foreclosure; 26306

(2) Any ~~delinquent~~ taxes, assessments, penalties, interest, 26307
and charges ~~that are~~ appearing on the tax duplicate charged 26308
against the certificate parcel that is the subject of the 26309
foreclosure proceedings and that are not covered by a tax 26310
certificate; 26311

(3) If the foreclosure proceedings are filed by the county 26312
prosecuting attorney pursuant to section 323.25, 5721.14, or 26313
5721.18 of the Revised Code, a fee in the amount prescribed by the 26314
county prosecuting attorney to cover the prosecuting attorney's 26315
legal costs incurred in the foreclosure proceeding; 26316

~~(4) If the foreclosure proceedings are filed by a private 26317
attorney on behalf of the certificate holder pursuant to division 26318
(F) of this section, any other prior liens. 26319~~

(C)(1) With respect to a certificate purchased under section 26320
5721.32, 5721.33, or 5721.42 of the Revised Code, if the 26321
certificate parcel has not been redeemed and at least one 26322
certificate respecting the certificate parcel, held by the 26323
certificate holder filing the request for foreclosure and eligible 26324
to be enforced through a foreclosure proceeding, has not been 26325
voided under section 5721.381 of the Revised Code, the county 26326
treasurer, within five days after receiving a foreclosure request 26327
and the payment required under division (B) of this section, shall 26328
~~inform~~ certify notice to that effect to the county prosecuting 26329
attorney ~~that the parcel has not been redeemed~~ and shall provide a 26330
copy of the foreclosure request. The county treasurer also shall 26331
send notice by ordinary first class or certified mail to all 26332
certificate holders other than the certificate holder requesting 26333
foreclosure that foreclosure has been requested by a certificate 26334
holder and that payment for the tax certificates for the 26335
~~certificate parcel may be redeemed~~ is forthcoming. Within ninety 26336
days of receiving the copy of the foreclosure request, the 26337

prosecuting attorney shall commence a foreclosure proceeding in 26338
the name of the county treasurer in the manner provided under 26339
section 323.25, 5721.14, or 5721.18 of the Revised Code, to 26340
~~foreclose~~ enforce the lien vested in the certificate holder by the 26341
certificate. The prosecuting attorney shall attach to the 26342
complaint the foreclosure request and the county treasurer's 26343
written certification ~~that the parcel has not been redeemed.~~ 26344

(2) With respect to a certificate purchased under section 26346
5721.32, 5721.33, or 5721.42 of the Revised Code, if the 26347
certificate parcel has not been redeemed ~~and, at least one~~ 26348
certificate respecting the certificate parcel, held by the 26349
certificate holder filing the notice of intent to foreclose and 26350
eligible to be enforced through a foreclosure proceeding, has not 26351
been voided under section 5721.381 of the Revised Code, a notice 26352
of intent to foreclose has been filed, and the payment required 26353
under division (B) of this section has been made, the county 26354
treasurer shall ~~provide certification~~ certify notice to that 26355
effect to the private attorney ~~that the parcel has not been~~ 26356
~~redeemed.~~ The county treasurer also shall send notice by ordinary 26357
first class or certified mail or by binary means to all 26358
certificate holders other than the certificate holder represented 26359
by the attorney that a notice of intent to foreclose has been 26360
filed and that payment for the tax certificates for the 26361
~~certificate parcel may be redeemed~~ is forthcoming. After receipt 26362
of ~~that~~ the treasurer's certification and not later than one 26363
hundred twenty days after the filing of the intent to foreclose or 26364
the number of days specified under the terms of a negotiated sale 26365
under section 5721.33 of the Revised Code, the private attorney 26366
~~may~~ shall commence a foreclosure proceeding in the name of the 26367
certificate holder in the manner provided under division (F) of 26368
this section, to ~~foreclose~~ enforce the lien vested in the 26369
certificate holder by the certificate. The private attorney shall 26370

attach to the complaint the notice of intent to foreclose and the 26371
county treasurer's written certification ~~that the parcel has not~~ 26372
~~been redeemed.~~ 26373

(D) The county treasurer shall credit the amount received 26374
under division (B)(1) of this section to the tax certificate 26375
redemption fund. The tax certificates respecting the payment shall 26376
be ~~redeemed~~ paid as provided in division ~~(E)(D)~~ of section 5721.38 26377
of the Revised Code. The amount received under division (B)(2) of 26378
this section shall be distributed to the taxing districts to which 26379
the ~~delinquencies~~ delinquent and unpaid amounts are owed. The 26380
county treasurer shall deposit the fee received under division 26381
(B)(3) of this section in the county treasury to the credit of the 26382
delinquent tax and assessment collection fund. ~~The amount received~~ 26383
~~under division (B)(4) of this section shall be distributed to the~~ 26384
~~holder of the prior lien.~~ 26385

(E)(1) (a) If, in the case of a certificate purchased under 26386
section 5721.32 ~~or 5721.42~~ of the Revised Code, or under section 26387
5721.42 of the Revised Code by the holder of a certificate issued 26388
under section 5721.32 of the Revised Code, the certificate holder 26389
does not file with the county treasurer a request for foreclosure 26390
or a notice of intent to foreclose ~~along~~ with the required payment 26391
within ~~three~~ six years after the date shown on the tax certificate 26392
as the date the certificate was sold or within the period provided 26393
under division (A)(3)(a) of this section, and during that ~~period~~ 26394
time the certificate has not been voided under section 5721.381 of 26395
the Revised Code and the parcel is has not been redeemed or 26396
foreclosed upon, the certificate holder's lien against the parcel 26397
~~for the certificate redemption price is canceled, and the~~ 26398
certificate is voided, subject to division (E)(1)(b) of this 26399
section. 26400

(b) In the case of any tax certificate purchased under 26401
section 5721.32 of the Revised Code or under section 5721.42 of 26402

the Revised Code by the holder of a certificate issued under 26403
section 5721.32 of the Revised Code prior to the effective date of 26404
the amendment of this section by H.B. 562 of the 127th general 26405
assembly, the county treasurer, upon application by the 26406
certificate holder, may sell to the certificate holder a new 26407
certificate extending the three-year period prescribed by division 26408
(E)(1) of this section, as that division existed prior to that 26409
effective date, to six years after the date shown on the original 26410
certificate as the date it was sold or any extension of that date. 26411

26412

(2)(a) If, in the case of a certificate purchased under 26413
section 5721.33 of the Revised Code, or under section 5721.42 of 26414
the Revised Code by the holder of a certificate issued under 26415
section 5721.33 of the Revised Code, the certificate holder does 26416
not file with the county treasurer a request for foreclosure or a 26417
notice of intent to foreclose with respect to a certificate parcel 26418
with the required payment within six years after the date shown on 26419
the tax certificate as the date the certificate was sold or any 26420
extension of that date pursuant to division (C)(2) of section 26421
5721.38 of the Revised Code, or within the period provided under 26422
division (A)(3)(b) of this section or as specified under the terms 26423
of a negotiated sale under section 5721.33 of the Revised Code, 26424
and during that ~~period~~ time the ~~parcel is not redeemed~~ certificate 26425
has not been voided under section 5721.381 of the Revised Code and 26426
the certificate parcel has not been redeemed or foreclosed upon, 26427
the certificate holder's lien against the parcel ~~for the amount of~~ 26428
~~delinquent taxes, assessments, penalties, interest, and charges~~ 26429
~~that make up the certificate purchase price~~ is canceled and the 26430
certificate is voided, subject to division (E)(2)(b) of this 26431
section. 26432

(b) In the case of any tax certificate purchased under 26433
section 5721.33 of the Revised Code prior to October 10, 2000, the 26434

county treasurer, upon application by the certificate holder, may 26435
sell to the certificate holder a new certificate extending the 26436
three-year period prescribed by division (E)(2) of this section, 26437
as that division existed prior to October 10, 2000, to six years 26438
after the date shown on the original certificate as the date it 26439
was sold or any extension of that date. ~~The~~ 26440

(3) ~~The~~ county treasurer and the certificate holder shall 26441
negotiate the premium, in cash, to be paid for ~~the~~ a new 26442
certificate sold under division (E)(1)(b) or (2)(b) of this 26443
section. If the county treasurer and certificate holder do not 26444
negotiate a mutually acceptable premium, the county treasurer and 26445
certificate holder may agree to engage a person experienced in the 26446
valuation of financial assets to appraise a fair premium for the 26447
new certificate. The certificate holder has the option to purchase 26448
the new certificate for the fair premium so appraised. Not less 26449
than one-half of the fee of the person so engaged shall be paid by 26450
the certificate holder requesting the new certificate; the 26451
remainder of the fee shall be paid from the proceeds of the sale 26452
of the new certificate. If the certificate holder does not 26453
purchase the new certificate for the premium so appraised, the 26454
certificate holder shall pay the entire fee. The county treasurer 26455
shall credit the remaining proceeds from the sale to the items of 26456
taxes, assessments, penalties, interest, and charges in the order 26457
in which they became due. 26458

(4) A certificate issued under ~~this~~ division (E)(1)(b) or 26459
(2)(b) of this section vests in the certificate holder and its 26460
secured party, if any, the same rights, interests, privileges, and 26461
immunities as are vested by the original certificate under 26462
sections 5721.30 to 5721.43 of the Revised Code, ~~except that~~ 26463
~~interest payable under division (B) of section 5721.38 or division~~ 26464
~~(B) of section 5721.39 of the Revised Code shall be subject to the~~ 26465
~~amendments to those divisions by Sub. H.B. 533 of the 123rd~~ 26466

~~general assembly~~. The certificate shall be issued in the same form 26467
as the form prescribed for the original certificate issued except 26468
for any modifications necessary, in the county treasurer's 26469
discretion, to reflect the extension under this division of the 26470
certificate holder's lien to six years after the date shown on the 26471
original certificate as the date it was sold or any extension of 26472
that date. The certificate holder may record a certificate issued 26473
under division (E)(1)(b) or (2)(b) of this section or memorandum 26474
thereof as provided in division (B) of section 5721.35 of the 26475
Revised Code, and the county recorder shall index the certificate 26476
and record any subsequent cancellation of the lien as provided in 26477
that section. The sale of a certificate extending the lien under 26478
division (E)(1)(b) or(2)(b) of this section does not impair the 26479
right of redemption of the owner of record of the certificate 26480
parcel or of any other person entitled to redeem the property. 26481

26482

(5) If the holder of a certificate purchased under section 26483
5721.32, 5721.33, or 5721.42 of the Revised Code submits a notice 26484
of intent to foreclose to the county treasurer but fails to file a 26485
foreclosure action in a court of competent jurisdiction within the 26486
time specified in division (C)(2) of this section, the liens 26487
represented by all tax certificates respecting the certificate 26488
parcel held by that certificate holder, and for which the deadline 26489
for filing a notice of intent to foreclose has passed, are 26490
canceled and the certificates voided, and the certificate holder 26491
forfeits the payment of the amounts described in division (B)(2) 26492
of this section. 26493

(F) With respect to tax certificates purchased under section 26494
5721.32, 5721.33, or 5721.42 of the Revised Code, upon the 26495
delivery to the ~~certificate holder~~ private attorney by the county 26496
treasurer of the certification provided for under division (C)(2) 26497
of this section, a the private attorney ~~may~~ shall institute a 26498

foreclosure proceeding under this division in the name of the 26499
certificate holder to ~~foreclose such~~ enforce the holder's lien, in 26500
any court with jurisdiction, unless the certificate redemption 26501
price is paid prior to the time a complaint is filed. The attorney 26502
shall prosecute the proceeding to final judgment and satisfaction, 26503
whether through sale of the property or the vesting of title and 26504
possession in the certificate holder. 26505

The foreclosure proceedings under this division, except as 26506
otherwise provided in this division, shall be instituted and 26507
prosecuted in the same manner as is provided by law for the 26508
foreclosure of mortgages on land, except that, if service by 26509
publication is necessary, such publication shall be made once a 26510
week for three consecutive weeks and the service shall be complete 26511
at the expiration of three weeks after the date of the first 26512
publication. 26513

Any notice given under this division shall include the name 26514
of the owner of the parcel as last set forth in the records of the 26515
county recorder, the owner's last known mailing address, the 26516
address of the subject parcel if different from that of the owner, 26517
and a complete legal description of the subject parcel. In any 26518
county that has adopted a permanent parcel number system, such 26519
notice may include the permanent parcel number in addition to a 26520
complete legal description. 26521

It is sufficient, having been made a proper party to the 26522
foreclosure proceeding, for the certificate holder to allege in 26523
such holder's complaint that the tax certificate has been duly 26524
purchased by the certificate holder, that the certificate 26525
redemption price ~~appearing to be due and unpaid~~ is due and unpaid, 26526
and that there is a lien against the property described in the tax 26527
certificate, without setting forth in such holder's complaint any 26528
other special matter relating to the foreclosure proceeding. The 26529
~~prayer of the complaint shall be that the court issue an order~~ 26530

~~that the property be sold by the sheriff or, if the action is in~~ 26531
~~the municipal court, by the bailiff, complaint shall pray for an~~ 26532
~~order directing the sheriff, or the bailiff if the complaint is~~ 26533
~~filed in municipal court, to offer the property for sale in the~~ 26534
manner provided in section 5721.19 of the Revised Code, unless the 26535
complaint ~~includes an appraisal by an independent appraiser~~ 26536
~~acceptable to documents that the court county auditor has~~ 26537
~~determined that the true value of the certificate parcel is less~~ 26538
than the certificate purchase price. In that case, the prayer of 26539
the complaint shall ~~be~~ request that fee simple title to the 26540
property be transferred to and vested in the certificate holder 26541
free and clear of all subordinate liens. 26542

In the foreclosure proceeding, the certificate holder may 26543
join in one action any number of tax certificates relating to the 26544
same owner, ~~provided that all parties on each of the tax~~ 26545
~~certificates are identical as to name and priority of interest.~~ 26546
However, the decree for each tax certificate shall be rendered 26547
separately and any proceeding may be severed, in the discretion of 26548
the court, for the purpose of trial or appeal. ~~The~~ Upon 26549
confirmation of sale, the court shall order payment of all costs 26550
related directly or indirectly to ~~the redemption of the tax~~ 26551
certificate, including, without limitation, attorney's fees of the 26552
holder's attorney, ~~as is considered proper~~ in accordance with 26553
section 5721.371 of the Revised Code. The tax certificate 26554
purchased by the certificate holder is presumptive evidence in all 26555
courts and in all proceedings, including, without limitation, at 26556
the trial of the foreclosure action, of the amount and validity of 26557
the taxes, assessments, charges, penalties by the court and added 26558
to such principal amount, and interest appearing due and unpaid 26559
and of their nonpayment. 26560

(G) ~~For the purposes of this section, "prior liens" means~~ 26561
~~liens that are prior in right to the lien with respect to the tax~~ 26562

~~certificate that is the subject of the foreclosure proceedings.~~ 26563

(H) If a parcel is sold under this section, the officer who 26564
conducted the sale shall collect the recording fee from the 26565
purchaser at the time of the sale and, following confirmation of 26566
the sale, shall prepare and record the deed conveying the title to 26567
the parcel to the purchaser. 26568

Sec. 5721.371. Private attorney's fees payable with respect 26569
to an action under sections 5721.30 to 5721.46 of the Revised Code 26570
are subject to the following conditions: 26571

(A) The fees must be reasonable. 26572

(B) Fees exceeding two thousand five hundred dollars shall be 26573
paid only if authorized by a court order. 26574

(C) The terms of a sale negotiated under section 5721.33 of 26575
the Revised Code may include the amount to be paid in private 26576
attorney's fees, subject to division (B) of this section. 26577

Sec. 5721.38. (A) At any time prior to payment to the county 26578
treasurer by the certificate holder to initiate foreclosure 26579
proceedings under division (B) of section 5721.37 of the Revised 26580
Code, the owner of record of the certificate parcel, or any other 26581
person entitled to redeem that parcel, may redeem the parcel by 26582
paying to the county treasurer an amount equal to the total of the 26583
certificate redemption prices of all tax certificates respecting 26584
that parcel. 26585

(B) At any time after payment to the county treasurer by the 26586
certificate holder to initiate foreclosure proceedings under 26587
section 5721.37 of the Revised Code and prior to the filing of the 26588
entry of confirmation of sale of a certificate parcel under 26589
foreclosure proceedings filed by the county prosecuting attorney 26590
or prior to the decree conveying title to the certificate holder 26591
as provided for in division (F) of section 5721.37 of the Revised 26592

Code, the owner of record of the certificate parcel or any other 26593
person entitled to redeem that parcel may redeem the parcel by 26594
paying to the county treasurer the sum of the following amounts: 26595

(1) The amount described in division (A) of this section; 26596

(2) Interest on the certificate purchase price for each tax 26597
certificate sold respecting the parcel at the rate of eighteen per 26598
cent per year for the period beginning on the day on which the 26599
payment was submitted by the certificate holder and ending on the 26600
day the parcel is redeemed under this division, ~~except that such~~ 26601
~~interest shall not accrue for more than three years after the day~~ 26602
~~the certificate was purchased if the certificate holder did not~~ 26603
~~submit payment under division (B) of section 5721.37 of the~~ 26604
~~Revised Code before the end of that three year period;~~ 26605

(3) An amount equal to the sum of the county prosecuting 26606
attorney's fee under division (B)(3) of section 5721.37 of the 26607
Revised Code ~~if the tax certificate was purchased under section~~ 26608
~~5721.32 or 5721.42 of the Revised Code~~ plus interest on that 26609
amount at the rate of eighteen per cent per year beginning on the 26610
day on which the payment was submitted by the certificate holder 26611
and ending on the day the parcel is redeemed under this division. 26612
If the parcel is redeemed before the complaint has been filed, the 26613
prosecuting attorney shall adjust the fee to reflect services 26614
performed to the date of redemption, and the county treasurer 26615
shall calculate the interest based on the adjusted fee and refund 26616
any excess fee to the certificate holder. 26617

(4) Reasonable attorney's fees in accordance with section 26618
5721.371 of the Revised Code if the certificate holder retained a 26619
private attorney to foreclose the lien; 26620

(5) Any other costs and fees of the proceeding allocable to 26621
the certificate parcel as determined by the court. ~~Upon~~ 26622

The county treasurer may collect the total amount due under 26623

divisions (B)(1) to (5) of this section in the form of guaranteed 26624
funds acceptable to the treasurer. Immediately upon receipt of 26625
such payments, the county treasurer shall ~~refund the payment made~~ 26626
~~by~~ reimburse the certificate holder ~~to initiate~~ who initiated 26627
foreclosure proceedings as provided in division (D) of this 26628
section. The county treasurer shall pay the certificate holder 26629
interest at the rate of eighteen per cent per year on amounts paid 26630
under divisions (B)(2) and (3) of section 5721.37 of the Revised 26631
Code, beginning on the day the certificate holder paid the amounts 26632
under those divisions and ending on the day the parcel is redeemed 26633
under this section. 26634

(C)(1) During the period beginning on the date a tax 26635
certificate is sold under section 5721.32 of the Revised Code and 26636
ending one year from that date, the county treasurer may enter 26637
into a redemption payment plan with the owner of record of the 26638
certificate parcel or any other person entitled to redeem that 26639
parcel. The plan shall require the owner or other person to pay 26640
the certificate redemption price for the tax certificate in 26641
installments, with the final installment due no later than one 26642
year after the date the tax certificate is sold. The certificate 26643
holder may at any time, by written notice to the county treasurer, 26644
agree to accept installments collected to the date of notice as 26645
payment in full. Receipt of such notice by the treasurer shall 26646
constitute satisfaction of the payment plan and redemption of the 26647
tax certificate. 26648

(2) During the period beginning on the date a tax certificate 26649
is sold under section 5721.33 of the Revised Code and ending on 26650
the date the decree is rendered on the foreclosure proceeding 26651
under division (F) of section 5721.37 of the Revised Code, the 26652
owner of record of the certificate parcel, or any other person 26653
entitled to redeem that parcel, may enter into a redemption 26654
payment plan with the certificate holder and all secured parties 26655

of the certificate holder. The plan shall require the owner or 26656
other person to pay the certificate redemption price for the tax 26657
certificate, an administrative fee not to exceed one hundred 26658
dollars per year, and the actual fees and costs incurred, in 26659
installments, with the final installment due no later than ~~three~~ 26660
six years after the date the tax certificate is sold. The 26661
certificate holder shall give written notice of the plan to the 26662
applicable county treasurer within sixty days after entering into 26663
the plan and written notice of default under the plan within 26664
ninety days after the default. If such a plan is entered into, the 26665
time period for filing a request for foreclosure or a notice of 26666
intent to foreclose under section 5721.37 of the Revised Code is 26667
extended by the length of time the plan is in effect and not in 26668
default. 26669

(D)(1) Immediately upon receipt of full payment under 26670
division (A) or (B) of this section, the county treasurer shall 26671
make an entry to that effect in the tax certificate register, 26672
credit the payment to the tax certificate redemption fund created 26673
in the county treasury, and shall notify ~~each~~ the certificate 26674
holder or holders by ordinary first class or certified mail, 26675
~~return receipt requested,~~ or by binary means that the parcel has 26676
been redeemed and the lien or liens canceled, and that ~~the tax~~ 26677
~~certificates may be redeemed. The county treasurer shall deposit~~ 26678
~~into the tax certificate redemption fund created in the county~~ 26679
~~treasury an amount equal to the total of the certificate~~ 26680
~~redemption prices, together with interest on the certificate~~ 26681
~~purchase price for each tax certificate sold respecting the parcel~~ 26682
~~at the rate of eighteen per cent per year paid under division (B)~~ 26683
~~of this section for the period beginning when the payment was~~ 26684
~~submitted by the certificate holder under division (B) of section~~ 26685
~~5721.37 of the Revised Code and ending when the parcel was~~ 26686
~~redeemed. The~~ payment on the certificate or certificates is 26687
forthcoming. The treasurer shall pay the tax certificate holder or 26688

holders promptly. 26689

The county treasurer shall administer the tax certificate 26690
redemption fund for the purpose of redeeming tax certificates. 26691
Interest earned on the fund shall be credited to the county 26692
general fund. 26693

(2) If a redemption payment plan is entered into pursuant to 26694
division (C)(1) of this section, the county treasurer immediately 26695
shall notify each certificate holder by ordinary first class or 26696
~~certified mail, return receipt requested,~~ or by binary means of 26697
the terms of the plan. Installment payments made pursuant to the 26698
plan shall be deposited in the tax certificate redemption fund. 26699
Any overpayment of the installments shall be refunded to the 26700
person responsible for causing the overpayment if the person 26701
applies for a refund under this section. If the person responsible 26702
for causing the overpayment fails to apply for a refund under this 26703
section within five years from the date the plan is satisfied, an 26704
amount equal to the overpayment shall be deposited into the 26705
general fund of the county. 26706

Upon satisfaction of the plan, the county treasurer shall 26707
indicate in the tax certificate register that the plan has been 26708
satisfied, and shall notify each certificate holder by ordinary 26709
first class or certified mail, ~~return receipt requested,~~ or by 26710
binary means that the plan has been satisfied and that ~~tax~~ 26711
~~certificates may be redeemed~~ payment on the certificate or 26712
certificates is forthcoming. The treasurer shall pay each 26713
certificate holder promptly. 26714

If a redemption payment plan becomes void, the county 26715
treasurer ~~immediately~~ shall notify each certificate holder by 26716
ordinary first class or certified mail, ~~return receipt requested~~ 26717
or by binary means. If a certificate holder files a request for 26718
foreclosure under section 5721.37 of the Revised Code, upon the 26719
filing of the request for foreclosure, any money paid under the 26720

plan shall be refunded to the person that paid the money under the 26721
plan. 26722

~~(E) To redeem a tax certificate with respect to which payment 26723
has been made in full under division (A), (B), or (C)(1) of this 26724
section or division (B)(1) of section 5721.37 of the Revised Code, 26725
the certificate holder shall present the tax certificate to the 26726
county treasurer, who shall prepare the redemption information. 26727
Upon presentation, the county auditor shall draw a warrant on the 26728
tax certificate redemption fund in the amount of the certificate 26729
redemption price and any applicable interest payable at the rate 26730
of eighteen per cent annually on the certificate under division 26731
(B) of this section. For a parcel that was redeemed under division 26732
(B) of this section, the certificate holder who paid the amounts 26733
under division (B) of section 5721.37 of the Revised Code shall be 26734
reimbursed for those amounts, together with interest at the rate 26735
of eighteen per cent per year on the amount paid under division 26736
(B)(1) of that section for the period beginning when the payment 26737
was submitted by the certificate holder under division (B) of that 26738
section and ending when the parcel was redeemed. The treasurer 26739
shall mark all copies of the tax certificate "redeemed" and return 26740
the certificate to the certificate holder. The canceled 26741
certificate shall serve as a receipt evidencing redemption of the 26742
tax certificate. If a certificate holder fails to redeem a tax 26743
certificate within five years after notice is served under 26744
division (D) of this section that tax certificates may be 26745
redeemed, an amount equal to the certificate redemption price and 26746
any applicable interest payable at the rate of eighteen per cent 26747
annually on the certificate under division (B) of this section 26748
shall be deposited into the general fund of the county. 26749~~

(3) Upon receipt of the payment required under division 26751
(B)(1) of section 5721.37 of the Revised Code, the treasurer shall 26752

pay all other certificate holders and indicate in the tax 26753
certificate register that such certificates have been satisfied. 26754

Sec. 5721.381. (A) At any time prior to payment to the county 26755
treasurer by a certificate holder to initiate foreclosure 26756
proceedings under division (B) of section 5721.37 of the Revised 26757
Code, the owner of record of the certificate parcel or any other 26758
person entitled to redeem that parcel may pay the county treasurer 26759
the certificate redemption price for the tax certificate with the 26760
oldest lien against the parcel. Such a payment cancels that lien 26761
and voids the certificate. Upon receipt of the payment, the county 26762
treasurer shall make an entry to that effect in the tax 26763
certificate register, shall deposit the payment to the credit of 26764
the tax certificate redemption fund, and shall notify the 26765
certificate holder by ordinary first class or certified mail or by 26766
binary means that the lien has been canceled and that payment on 26767
the certificate is forthcoming. The treasurer shall pay the holder 26768
of that certificate promptly. 26769

(B) A person who makes a payment to the county treasurer 26770
under division (A) of this section for the tax certificate with 26771
the oldest lien may make additional payments under that division 26772
for other tax certificates related to the parcel, in priority 26773
order based on the earliest date of attachment of the liens. 26774

(C) A property owner or other person shall make, and the 26775
county treasurer shall accept and apply, payments under this 26776
section only in priority order based on the earliest date of 26777
attachment of the liens. 26778

Sec. 5721.39. (A) In its judgment of foreclosure rendered 26779
with respect to in actions filed pursuant to section 5721.37 of 26780
the Revised Code, the court shall enter a finding that includes 26781
all of the following with respect to the certificate parcel of 26782

the: 26783

(1) The amount of the sum of the certificate redemption 26784
prices ~~respecting for~~ all the tax certificates sold against the 26785
parcel; ~~interest~~ 26786

(2) Interest on the certificate purchase prices of ~~those~~ all 26787
certificates at the rate of eighteen per cent per year for the 26788
period beginning on the day on which the payment was submitted by 26789
the certificate holder under division (B) of section 5721.37 of 26790
the Revised Code; 26791

(3) The amount paid under division (B)(2) of section 5721.37 26792
of the Revised Code, plus interest at the rate of eighteen per 26793
cent per year for the period beginning on the day the certificate 26794
holder filed a request for foreclosure or a notice of intent to 26795
foreclose under division (A) of that section; ~~any~~ 26796

(4) Any delinquent taxes, assessments, penalties, interest, 26797
and charges on the parcel that are not covered by a ~~tax~~ 26798
certificate payment under division (B)(2) of section 5721.37 of 26799
the Revised Code; ~~and fees~~ 26800

(5) Fees and costs incurred in the foreclosure proceeding 26801
instituted against the parcel, including, without limitation, the 26802
fees and costs of the prosecuting attorney represented by the fee 26803
paid under division (B)(3) of section 5721.37 of the Revised Code, 26804
plus interest as provided in division (D)(2)(d) of this section, 26805
or the fees and costs of the private attorney representing the 26806
certificate holder, and charges paid or incurred in procuring 26807
title searches and abstracting services relative to the subject 26808
premises. ~~The~~ 26809

(B) The court may order the certificate parcel to be sold, 26810
without appraisal and as set forth in the prayer of the complaint, 26811
for not less than the amount of its finding, or, in the event ~~that~~ 26812
~~the court finds~~ that the true value of the certificate parcel as 26813

determined by the county auditor is less than the certificate 26814
purchase redemption price, the court may, as prayed for in the 26815
complaint, issue a decree transferring fee simple title free and 26816
clear of all subordinate liens to the certificate holder. A decree 26817
of the court transferring fee simple title to the certificate 26818
holder is forever a bar to all rights of redemption with respect 26819
to the certificate parcel. 26820

(C) Each certificate parcel shall be advertised and sold by 26821
the officer to whom the order of sale is directed in the manner 26822
provided by law for the sale of real property on execution. The 26823
advertisement for sale of certificate parcels shall be published 26824
once a week for three consecutive weeks and shall include the date 26825
on which a second sale will be conducted if no bid is accepted at 26826
the first sale. Any number of parcels may be included in one 26827
advertisement. 26828

Whenever the officer charged to conduct the sale offers a 26829
certificate parcel for sale and no bids are made equal to at least 26830
the amount of the court's finding, the officer shall adjourn the 26831
sale of the parcel to the second date that was specified in the 26832
advertisement of sale. The second sale shall be held at the same 26833
place and commence at the same time as set forth in the 26834
advertisement of sale. The officer shall offer any parcel not sold 26835
at the first sale. Upon the conclusion of any sale, or if any 26836
parcel remains unsold after being offered at two sales, the 26837
officer conducting the sale shall report the results to the court. 26838

(D) Upon the confirmation of a sale, the proceeds of the sale 26839
shall be applied as follows: 26840

~~(A)(1)~~ The fees and costs incurred in the proceeding filed 26841
against the parcel pursuant to section 5721.37 of the Revised Code 26842
~~, not including~~ shall be paid first, including attorney's fees of 26843
the certificate holder's attorney payable under division (F) of 26844
that section, or the county prosecutor's costs covered by the fee 26845

paid by the certificate holder under division (B)(3) of that 26846
section, ~~shall be paid first.~~ 26847

~~(B)(2)~~ Following the payment required by division ~~(A)(D)(1)~~ 26848
of this section, the certificate holder that ~~requested the~~ 26849
~~foreclosure~~ filed the notice of intent to foreclose or request for 26850
foreclosure with the county treasurer shall be paid the sum of the 26851
following amounts: 26852

~~(1)(a)~~ The sum of the amount found due for the certificate 26853
redemption prices of all the tax certificates, ~~other than those~~ 26854
~~certificates described in division (B)(1) of section 5721.37 of~~ 26855
~~the Revised Code,~~ that are sold against the parcel ~~to the~~ 26856
~~certificate holder requesting a notice of foreclosure;~~ 26857

~~(2)(b)~~ Any premium paid by the certificate holder at the time 26858
of purchase; 26859

~~(3)(c)~~ Interest on the amounts paid by the certificate holder 26860
under division (B)(1) of section 5721.37 of the Revised Code at 26861
the rate of eighteen per cent per year beginning on the day on 26862
which the payment was submitted by the certificate holder to the 26863
county treasurer and ending on the day immediately preceding the 26864
day on which the proceeds of the foreclosure sale are paid to the 26865
certificate holder; 26866

~~(4)(d)~~ Interest on the amounts paid by the certificate holder 26867
under divisions (B)(2) and (3) of section 5721.37 of the Revised 26868
Code at the rate of eighteen per cent per year beginning on the 26869
day on which the payment was submitted by the certificate holder 26870
under divisions (B)(2) and (3) of that section ~~5721.37 of the~~ 26871
~~Revised Code~~ and ending on the day immediately preceding the day 26872
on which the proceeds of the foreclosure sale are paid to the 26873
certificate holder pursuant to this section, except that such 26874
interest shall not accrue for more than three years if the 26875
certificate was sold under section 5721.32 of the Revised Code, or 26876

under section 5721.42 of the Revised Code by the holder of a 26877
certificate issued under section 5721.32 of the Revised Code, or 26878
more than six years if the certificate was sold under section 26879
5721.33 of the Revised Code, or under section 5721.42 of the 26880
Revised Code by the holder of a certificate issued under section 26881
5721.33 of the Revised Code, after the day the amounts were paid 26882
by the certificate holder under divisions (B)(2) and (3) of 26883
section 5721.37 of the Revised Code ~~if the certificate holder did~~ 26884
~~not submit that payment before the end of that six year period;~~ 26885

~~(5)~~(e) The amounts paid by the certificate holder under 26886
divisions (B)(1), (2), and (3) of section 5721.37 of the Revised 26887
Code. 26888

~~(C)~~(3) Following the payment required by division ~~(B)~~(D)(2) 26889
of this section, any amount due for taxes, assessments, charges, 26890
penalties, and interest not covered by the tax certificate 26891
holder's payment under division (B)(2) of section 5721.37 of the 26892
Revised Code shall be paid, including all taxes, assessments, 26893
charges, penalties, and interest payable subsequent to the entry 26894
of the finding and prior to the transfer of the deed of the parcel 26895
to the purchaser following confirmation of sale. If the proceeds 26896
available for distribution pursuant to this division are 26897
insufficient to pay the entire amount of those taxes, assessments, 26898
charges, penalties, and interest, the proceeds shall be paid to 26899
each claimant in proportion to the amount of those taxes, 26900
assessments, charges, penalties, and interest that each is due, 26901
and those taxes, assessments, charges, penalties, and interest are 26902
deemed satisfied and shall be removed from the tax list and 26903
duplicate. 26904

(4) Any residue of money from proceeds of the sale shall be 26905
disposed of as prescribed by section 5721.20 of the Revised Code. 26906

(E) Unless the parcel previously was redeemed pursuant to 26907
section 5721.25 or 5721.38 of the Revised Code, upon the filing of 26908

the entry of confirmation of sale, the title to the parcel is 26909
incontestable in the purchaser and is free and clear of all liens 26910
and encumbrances, except a federal tax lien, notice of which lien 26911
is properly filed in accordance with section 317.09 of the Revised 26912
Code prior to the date that a foreclosure proceeding is instituted 26913
pursuant to section 5721.37 of the Revised Code, and which lien 26914
was foreclosed in accordance with 28 U.S.C.A. 2410(c), and except 26915
for the easements and covenants of record running with the land or 26916
lots that were created prior to the time the taxes or assessments, 26917
for the nonpayment of which a tax certificate was issued and the 26918
parcel sold at foreclosure, became due and payable. 26919

The title shall not be invalid because of any irregularity, 26920
informality, or omission of any proceedings under this chapter or 26921
in any processes of taxation, if such irregularity, informality, 26922
or omission does not abrogate the provision for notice to holders 26923
of title, lien, or mortgage to, or other interests in, such 26924
foreclosed parcels, as prescribed in this chapter. 26925

Sec. 5721.40. If any tax certificate parcel is twice offered 26926
for sale pursuant to section 5721.39 of the Revised Code and 26927
remains unsold for want of bidders, the officer who conducted the 26928
sales shall certify to the court that the parcel remains unsold 26929
after two sales. The court, by entry, shall order the parcel 26930
forfeited to the certificate holder who filed the request for 26931
foreclosure or notice of intent to foreclose under section 5721.37 26932
of the Revised Code. The clerk of the court shall certify copies 26933
of the court's order to the county treasurer. The county treasurer 26934
shall notify the certificate holder by ordinary and certified 26935
mail, return receipt requested, that the parcel remains unsold, 26936
and shall instruct the certificate holder of the manner in which 26937
the holder shall obtain the deed to the parcel. The officer who 26938
conducted the sales shall prepare and record the deed conveying 26939
title to the parcel to the certificate holder. 26940

Upon transfer of the deed to the certificate holder under 26941
this section, all right, title, claim, and interest in the 26942
certificate parcel are transferred to and vested in the 26943
certificate holder. The title to the parcel is incontestable in 26944
the certificate holder and is free and clear of all liens and 26945
encumbrances, except the following: 26946

(A) A federal tax lien, notice of which was properly filed in 26947
accordance with section 317.09 of the Revised Code prior to the 26948
date that the foreclosure proceeding was instituted under section 26949
5721.37 of the Revised Code and which was foreclosed in accordance 26950
with 28 U.S.C. 2410(c); 26951

(B) Easements and covenants of record running with the land 26952
that were created prior to the time the taxes or assessments, for 26953
the nonpayment of which a tax certificate was issued, became due 26954
and payable. 26955

Sec. 5721.41. ~~Interest~~ All interest required under sections 26956
5721.30 to 5721.43 of the Revised Code is simple interest, to be 26957
calculated on a principal amount and not compounded on earned 26958
interest. The interest charged shall equal one-twelfth of the 26959
annual interest rate multiplied by the principal amount. Interest 26960
charges under those sections shall accrue on a monthly basis, on 26961
the first day of the month following the beginning of the period 26962
during which interest accrues and on the first day of each 26963
subsequent month. Notwithstanding the preceding sentence, the six 26964
per cent charge described in division (E)(1)(b) of section 5721.30 26965
of the Revised Code shall apply even if the tax certificate is 26966
redeemed before the first day of the month following the date that 26967
the certificate is purchased. 26968

Sec. 5721.42. ~~Not less than sixty nor more than ninety days~~ 26969
~~following the date set by~~ After the settlement required under 26970

division (C) of section 323.12 or 323.17 321.24 of the Revised 26971
Code for the payment of the second installment of current taxes, 26972
the county treasurer shall notify the certificate holder of the 26973
most recently issued tax certificate, by ordinary first class or 26974
certified mail or by binary means, that the certificate holder may 26975
pay purchase a subsequent tax certificate by paying all delinquent 26976
taxes, ~~assessments, penalties, interest, and charges~~ on the 26977
related certificate parcel, the lien against which has not been 26978
transferred by the sale of a tax certificate. During the thirty 26979
days after receiving the notice, the certificate holder possesses 26980
the exclusive right to purchase the subsequent tax certificate by 26981
paying those amounts to the county treasurer. The amount of the 26982
payment shall constitute a separate lien against the certificate 26983
parcel that shall be evidenced by the issuance by the treasurer to 26984
the certificate holder of an additional tax certificate with 26985
respect to the delinquent taxes, ~~assessments, penalties, interest,~~ 26986
~~and fees~~ so paid on the related certificate parcel. The amount of 26987
the payment as set forth in the tax certificate shall earn 26988
interest at the rate of eighteen per cent per year. 26989

26990

Sec. 5721.43. (A) ~~No~~ Without the prior written consent of the 26991
county treasurer, no person shall directly, through an agent, or 26992
otherwise, initiate contact with the owner of a parcel with 26993
respect to which the person holds a tax certificate to encourage 26994
or demand payment before one year has elapsed following the 26995
purchase of the certificate. 26996

(B) A county treasurer may bar any person who violates 26997
division (A) of this section from bidding at a tax certificate 26998
sale conducted by the treasurer. 26999

(C)(1) The attorney general or county prosecuting attorney, 27000
upon written request of a county treasurer, shall bring an action 27001

for an injunction against any person who has violated, is 27002
violating, or is threatening to violate division (A) of this 27003
section. 27004

(2) Any person who violates division (A) of this section 27005
shall be assessed a civil penalty of not more than five thousand 27006
dollars for each offense to be paid into the state treasury to the 27007
credit of the general revenue fund. Upon written request of a 27008
county treasurer, the attorney general or county prosecuting 27009
attorney shall commence an action against any such violator. Any 27010
action under this division is a civil action, governed by the 27011
Rules of Civil Procedure and other rules of practice and procedure 27012
applicable to civil actions. 27013

Sec. 5727.84. (A) As used in this section and sections 27014
5727.85, 5727.86, and 5727.87 of the Revised Code: 27015

(1) "School district" means a city, local, or exempted 27016
village school district. 27017

(2) "Joint vocational school district" means a joint 27018
vocational school district created under section 3311.16 of the 27019
Revised Code, and includes a cooperative education school district 27020
created under section 3311.52 or 3311.521 of the Revised Code and 27021
a county school financing district created under section 3311.50 27022
of the Revised Code. 27023

(3) "Local taxing unit" means a subdivision or taxing unit, 27024
as defined in section 5705.01 of the Revised Code, a park district 27025
created under Chapter 1545. of the Revised Code, or a township 27026
park district established under section 511.23 of the Revised 27027
Code, but excludes school districts and joint vocational school 27028
districts. 27029

(4) "State education aid," for a school district, means the 27030
sum of state aid amounts computed for the district under divisions 27031

(A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; 27032
divisions (B), (C), and (D) of section 3317.023; divisions (G), 27033
(L), and (N) of section 3317.024; and sections 3317.029, 27034
3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of 27035
the Revised Code; and the adjustments required by: division (C) of 27036
section 3310.08; division (C)(2) of section 3310.41; division (C) 27037
of section 3314.08; division (D)(2) of section 3314.091; division 27038
(D) of section 3314.13; divisions (E), (K), (L), (M), and (N), ~~and~~ 27039
~~(O)~~ of section 3317.023; division (C) of section 3317.20; and 27040
sections 3313.979 and 3313.981 of the Revised Code. However, when 27041
calculating state education aid for a school district for fiscal 27042
years 2008 and 2009, include the amount computed for the district 27043
under Section 269.20.80 of H.B. 119 of the 127th general assembly, 27044
as subsequently amended, instead of division (D) of section 27045
3317.022 of the Revised Code; include amounts calculated under 27046
Section 269.30.80 of this act, as subsequently amended; and 27047
account for adjustments under division (C)(2) of section 3310.41 27048
of the Revised Code. 27049

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(5) "State education aid," for a joint vocational school 27051
district, means the sum of the state aid amounts computed for the 27052
district under division (N) of section 3317.024 and section 27053
3317.16 of the Revised Code. However, when calculating state 27054
education aid for a joint vocational school district for fiscal 27055
years 2008 and 2009, include the amount computed for the district 27056
under Section 269.30.90 of H.B. 119 of the 127th general assembly, 27057
as subsequently amended. 27058

(6) "State education aid offset" means the amount determined 27059
for each school district or joint vocational school district under 27060
division (A)(1) of section 5727.85 of the Revised Code. 27061

(7) "Recognized valuation" has the same meaning as in section 27062
3317.02 of the Revised Code. 27063

(8) "Electric company tax value loss" means the amount determined under division (D) of this section.	27064 27065
(9) "Natural gas company tax value loss" means the amount determined under division (E) of this section.	27066 27067
(10) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss.	27068 27069
(11) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy.	27070 27071
(12) "Fixed-rate levy loss" means the amount determined under division (G) of this section.	27072 27073
(13) "Fixed-sum levy" means a tax levied on property at whatever rate is required to produce a specified amount of tax money or levied in excess of the ten-mill limitation to pay debt charges, and includes school district emergency levies imposed pursuant to section 5705.194 of the Revised Code.	27074 27075 27076 27077 27078
(14) "Fixed-sum levy loss" means the amount determined under division (H) of this section.	27079 27080
(15) "Consumer price index" means the consumer price index (all items, all urban consumers) prepared by the bureau of labor statistics of the United States department of labor.	27081 27082 27083
(B) The kilowatt-hour tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed by section 5727.81 of the Revised Code. All money in the kilowatt-hour tax receipts fund shall be credited as follows:	27084 27085 27086 27087
(1) Sixty-three per cent shall be credited to the general revenue fund.	27088 27089
(2) Twenty-five and four-tenths per cent shall be credited to the school district property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5727.85 of the Revised Code.	27090 27091 27092 27093

(3) Eleven and six-tenths per cent shall be credited to the 27094
local government property tax replacement fund, which is hereby 27095
created in the state treasury for the purpose of making the 27096
payments described in section 5727.86 of the Revised Code. 27097

(C) The natural gas tax receipts fund is hereby created in 27098
the state treasury and shall consist of money arising from the tax 27099
imposed by section 5727.811 of the Revised Code. All money in the 27100
fund shall be credited as follows: 27101

(1) Sixty-eight and seven-tenths per cent shall be credited 27102
to the school district property tax replacement fund for the 27103
purpose of making the payments described in section 5727.85 of the 27104
Revised Code. 27105

(2) Thirty-one and three-tenths per cent shall be credited to 27106
the local government property tax replacement fund for the purpose 27107
of making the payments described in section 5727.86 of the Revised 27108
Code. 27109

(D) Not later than January 1, 2002, the tax commissioner 27110
shall determine for each taxing district its electric company tax 27111
value loss, which is the sum of the applicable amounts described 27112
in divisions (D)(1) to (4) of this section: 27113

(1) The difference obtained by subtracting the amount 27114
described in division (D)(1)(b) from the amount described in 27115
division (D)(1)(a) of this section. 27116

(a) The value of electric company and rural electric company 27117
tangible personal property as assessed by the tax commissioner for 27118
tax year 1998 on a preliminary assessment, or an amended 27119
preliminary assessment if issued prior to March 1, 1999, and as 27120
apportioned to the taxing district for tax year 1998; 27121

(b) The value of electric company and rural electric company 27122
tangible personal property as assessed by the tax commissioner for 27123
tax year 1998 had the property been apportioned to the taxing 27124

district for tax year 2001, and assessed at the rates in effect	27125
for tax year 2001.	27126
(2) The difference obtained by subtracting the amount	27127
described in division (D)(2)(b) from the amount described in	27128
division (D)(2)(a) of this section.	27129
(a) The three-year average for tax years 1996, 1997, and 1998	27130
of the assessed value from nuclear fuel materials and assemblies	27131
assessed against a person under Chapter 5711. of the Revised Code	27132
from the leasing of them to an electric company for those	27133
respective tax years, as reflected in the preliminary assessments;	27134
(b) The three-year average assessed value from nuclear fuel	27135
materials and assemblies assessed under division (D)(2)(a) of this	27136
section for tax years 1996, 1997, and 1998, as reflected in the	27137
preliminary assessments, using an assessment rate of twenty-five	27138
per cent.	27139
(3) In the case of a taxing district having a nuclear power	27140
plant within its territory, any amount, resulting in an electric	27141
company tax value loss, obtained by subtracting the amount	27142
described in division (D)(1) of this section from the difference	27143
obtained by subtracting the amount described in division (D)(3)(b)	27144
of this section from the amount described in division (D)(3)(a) of	27145
this section.	27146
(a) The value of electric company tangible personal property	27147
as assessed by the tax commissioner for tax year 2000 on a	27148
preliminary assessment, or an amended preliminary assessment if	27149
issued prior to March 1, 2001, and as apportioned to the taxing	27150
district for tax year 2000;	27151
(b) The value of electric company tangible personal property	27152
as assessed by the tax commissioner for tax year 2001 on a	27153
preliminary assessment, or an amended preliminary assessment if	27154
issued prior to March 1, 2002, and as apportioned to the taxing	27155

district for tax year 2001. 27156

(4) In the case of a taxing district having a nuclear power 27157
plant within its territory, the difference obtained by subtracting 27158
the amount described in division (D)(4)(b) of this section from 27159
the amount described in division (D)(4)(a) of this section, 27160
provided that such difference is greater than ten per cent of the 27161
amount described in division (D)(4)(a) of this section. 27162

(a) The value of electric company tangible personal property 27163
as assessed by the tax commissioner for tax year 2005 on a 27164
preliminary assessment, or an amended preliminary assessment if 27165
issued prior to March 1, 2006, and as apportioned to the taxing 27166
district for tax year 2005; 27167

(b) The value of electric company tangible personal property 27168
as assessed by the tax commissioner for tax year 2006 on a 27169
preliminary assessment, or an amended preliminary assessment if 27170
issued prior to March 1, 2007, and as apportioned to the taxing 27171
district for tax year 2006. 27172

(E) Not later than January 1, 2002, the tax commissioner 27173
shall determine for each taxing district its natural gas company 27174
tax value loss, which is the sum of the amounts described in 27175
divisions (E)(1) and (2) of this section: 27176

(1) The difference obtained by subtracting the amount 27177
described in division (E)(1)(b) from the amount described in 27178
division (E)(1)(a) of this section. 27179

(a) The value of all natural gas company tangible personal 27180
property, other than property described in division (E)(2) of this 27181
section, as assessed by the tax commissioner for tax year 1999 on 27182
a preliminary assessment, or an amended preliminary assessment if 27183
issued prior to March 1, 2000, and apportioned to the taxing 27184
district for tax year 1999; 27185

(b) The value of all natural gas company tangible personal 27186

property, other than property described in division (E)(2) of this 27187
section, as assessed by the tax commissioner for tax year 1999 had 27188
the property been apportioned to the taxing district for tax year 27189
2001, and assessed at the rates in effect for tax year 2001. 27190

(2) The difference in the value of current gas obtained by 27191
subtracting the amount described in division (E)(2)(b) from the 27192
amount described in division (E)(2)(a) of this section. 27193

(a) The three-year average assessed value of current gas as 27194
assessed by the tax commissioner for tax years 1997, 1998, and 27195
1999 on a preliminary assessment, or an amended preliminary 27196
assessment if issued prior to March 1, 2001, and as apportioned in 27197
the taxing district for those respective years; 27198

(b) The three-year average assessed value from current gas 27199
under division (E)(2)(a) of this section for tax years 1997, 1998, 27200
and 1999, as reflected in the preliminary assessment, using an 27201
assessment rate of twenty-five per cent. 27202

(F) The tax commissioner may request that natural gas 27203
companies, electric companies, and rural electric companies file a 27204
report to help determine the tax value loss under divisions (D) 27205
and (E) of this section. The report shall be filed within thirty 27206
days of the commissioner's request. A company that fails to file 27207
the report or does not timely file the report is subject to the 27208
penalty in section 5727.60 of the Revised Code. 27209

(G) Not later than January 1, 2002, the tax commissioner 27210
shall determine for each school district, joint vocational school 27211
district, and local taxing unit its fixed-rate levy loss, which is 27212
the sum of its electric company tax value loss multiplied by the 27213
tax rate in effect in tax year 1998 for fixed-rate levies and its 27214
natural gas company tax value loss multiplied by the tax rate in 27215
effect in tax year 1999 for fixed-rate levies. 27216

(H) Not later than January 1, 2002, the tax commissioner 27217

shall determine for each school district, joint vocational school 27218
district, and local taxing unit its fixed-sum levy loss, which is 27219
the amount obtained by subtracting the amount described in 27220
division (H)(2) of this section from the amount described in 27221
division (H)(1) of this section: 27222

(1) The sum of the electric company tax value loss multiplied 27223
by the tax rate in effect in tax year 1998, and the natural gas 27224
company tax value loss multiplied by the tax rate in effect in tax 27225
year 1999, for fixed-sum levies for all taxing districts within 27226
each school district, joint vocational school district, and local 27227
taxing unit. For the years 2002 through 2006, this computation 27228
shall include school district emergency levies that existed in 27229
1998 in the case of the electric company tax value loss, and 1999 27230
in the case of the natural gas company tax value loss, and all 27231
other fixed-sum levies that existed in 1998 in the case of the 27232
electric company tax value loss and 1999 in the case of the 27233
natural gas company tax value loss and continue to be charged in 27234
the tax year preceding the distribution year. For the years 2007 27235
through 2016 in the case of school district emergency levies, and 27236
for all years after 2006 in the case of all other fixed-sum 27237
levies, this computation shall exclude all fixed-sum levies that 27238
existed in 1998 in the case of the electric company tax value loss 27239
and 1999 in the case of the natural gas company tax value loss, 27240
but are no longer in effect in the tax year preceding the 27241
distribution year. For the purposes of this section, an emergency 27242
levy that existed in 1998 in the case of the electric company tax 27243
value loss, and 1999 in the case of the natural gas company tax 27244
value loss, continues to exist in a year beginning on or after 27245
January 1, 2007, but before January 1, 2017, if, in that year, the 27246
board of education levies a school district emergency levy for an 27247
annual sum at least equal to the annual sum levied by the board in 27248
tax year 1998 or 1999, respectively, less the amount of the 27249
payment certified under this division for 2002. 27250

(2) The total taxable value in tax year 1999 less the tax value loss in each school district, joint vocational school district, and local taxing unit multiplied by one-fourth of one mill. 27251
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If the amount computed under division (H) of this section for any school district, joint vocational school district, or local taxing unit is greater than zero, that amount shall equal the fixed-sum levy loss reimbursed pursuant to division (E) of section 5727.85 of the Revised Code or division (A)(2) of section 5727.86 of the Revised Code, and the one-fourth of one mill that is subtracted under division (H)(2) of this section shall be apportioned among all contributing fixed-sum levies in the proportion of each levy to the sum of all fixed-sum levies within each school district, joint vocational school district, or local taxing unit. 27255
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(I) Notwithstanding divisions (D), (E), (G), and (H) of this section, in computing the tax value loss, fixed-rate levy loss, and fixed-sum levy loss, the tax commissioner shall use the greater of the 1998 tax rate or the 1999 tax rate in the case of levy losses associated with the electric company tax value loss, but the 1999 tax rate shall not include for this purpose any tax levy approved by the voters after June 30, 1999, and the tax commissioner shall use the greater of the 1999 or the 2000 tax rate in the case of levy losses associated with the natural gas company tax value loss. 27266
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(J) Not later than January 1, 2002, the tax commissioner shall certify to the department of education the tax value loss determined under divisions (D) and (E) of this section for each taxing district, the fixed-rate levy loss calculated under division (G) of this section, and the fixed-sum levy loss calculated under division (H) of this section. The calculations under divisions (G) and (H) of this section shall separately 27276
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display the levy loss for each levy eligible for reimbursement. 27283

(K) Not later than September 1, 2001, the tax commissioner 27284
shall certify the amount of the fixed-sum levy loss to the county 27285
auditor of each county in which a school district with a fixed-sum 27286
levy loss has territory. 27287

Sec. 5727.85. (A) By the thirty-first day of July of each 27288
year, beginning in 2002 and ending in 2016, the department of 27289
education shall determine the following for each school district 27290
and each joint vocational school district ~~eligible for payment~~ 27291
~~under division (C) or (D) of this section:~~ 27292

(1) The state education aid offset, which is the difference 27293
obtained by subtracting the amount described in division (A)(1)(b) 27294
of this section from the amount described in division (A)(1)(a) of 27295
this section: 27296

(a) The state education aid computed for the school district 27297
or joint vocational school district for the current fiscal year as 27298
of the thirty-first day of July; 27299

(b) The state education aid that would be computed for the 27300
school district or joint vocational school district for the 27301
current fiscal year as of the thirty-first day of July if the 27302
recognized valuation included the tax value loss for the school 27303
district or joint vocational school district. 27304

(2) The greater of zero or the difference obtained by 27305
subtracting the state education aid offset determined under 27306
division (A)(1) of this section from the fixed-rate levy loss 27307
certified under division (J) of section 5727.84 of the Revised 27308
Code for all taxing districts in each school district and joint 27309
vocational school district. 27310

By the fifth day of August of each such year, the department 27311
of education shall certify the amount so determined under division 27312

(A)(1) of this section to the director of budget and management. 27313

(B) Not later than the thirty-first day of October of the 27314
years 2006 through 2016, the department of education shall 27315
determine all of the following for each school district: 27316

(1) The amount obtained by subtracting the district's state 27317
education aid computed for fiscal year 2002 from the district's 27318
state education aid computed for the current fiscal year as of the 27319
fifteenth day of July, by including in the definition of 27320
recognized valuation the machinery and equipment, inventory, 27321
furniture and fixtures, and telephone property tax value losses, 27322
as defined in section 5751.20 of the Revised Code, for the school 27323
district or joint vocational school district for the preceding tax 27324
year; 27325

(2) The inflation-adjusted property tax loss. The 27326
inflation-adjusted property tax loss equals the fixed-rate levy 27327
loss, excluding the tax loss from levies within the ten-mill 27328
limitation to pay debt charges, determined under division (G) of 27329
section 5727.84 of the Revised Code for all taxing districts in 27330
each school district, plus the product obtained by multiplying 27331
that loss by the cumulative percentage increase in the consumer 27332
price index from January 1, 2002, to the thirtieth day of June of 27333
the current year. 27334

(3) The difference obtained by subtracting the amount 27335
computed under division (B)(1) from the amount of the 27336
inflation-adjusted property tax loss. If this difference is zero 27337
or a negative number, no further payments shall be made under 27338
division (C) of this section to the school district from the 27339
school district property tax replacement fund. 27340

(C) The department of education shall pay from the school 27341
district property tax replacement fund to each school district all 27342
of the following: 27343

(1) In February 2002, one-half of the fixed-rate levy loss 27344
certified under division (J) of section 5727.84 of the Revised 27345
Code between the twenty-first and twenty-eighth days of February. 27346

(2) From August 2002 through August 2017, one-half of the 27347
amount calculated for that fiscal year under division (A)(2) of 27348
this section between the twenty-first and twenty-eighth days of 27349
August and of February, provided the difference computed under 27350
division (B)(3) of this section is not less than or equal to zero. 27351

For taxes levied within the ten-mill limitation for debt 27352
purposes in tax year 1998 in the case of electric company tax 27353
value losses, and in tax year 1999 in the case of natural gas 27354
company tax value losses, payments shall be made equal to one 27355
hundred per cent of the loss computed as if the tax were a 27356
fixed-rate levy, but those payments shall extend from fiscal year 27357
2006 through fiscal year 2016. 27358

The department of education shall report to each school 27359
district the apportionment of the payments among the school 27360
district's funds based on the certifications under division (J) of 27361
section 5727.84 of the Revised Code. 27362

(D) Not later than January 1, 2002, for all taxing districts 27363
in each joint vocational school district, the tax commissioner 27364
shall certify to the department of education the fixed-rate levy 27365
loss determined under division (G) of section 5727.84 of the 27366
Revised Code. From February 2002 to August 2016, the department 27367
shall pay from the school district property tax replacement fund 27368
to the joint vocational school district one-half of the amount 27369
calculated for that fiscal year under division (A)(2) of this 27370
section between the twenty-first and twenty-eighth days of August 27371
and of February. 27372

(E)(1) Not later than January 1, 2002, for each fixed-sum 27373
levy levied by each school district or joint vocational school 27374

district and for each year for which a determination is made under 27375
division (H) of section 5727.84 of the Revised Code that a 27376
fixed-sum levy loss is to be reimbursed, the tax commissioner 27377
shall certify to the department of education the fixed-sum levy 27378
loss determined under that division. The certification shall cover 27379
a time period sufficient to include all fixed-sum levies for which 27380
the tax commissioner made such a determination. The department 27381
shall pay from the school district property tax replacement fund 27382
to the school district or joint vocational school district 27383
one-half of the fixed-sum levy loss so certified for each year 27384
between the twenty-first and twenty-eighth days of August and of 27385
February. 27386

(2) Beginning in 2003, by the thirty-first day of January of 27387
each year, the tax commissioner shall review the certification 27388
originally made under division (E)(1) of this section. If the 27389
commissioner determines that a debt levy that had been scheduled 27390
to be reimbursed in the current year has expired, a revised 27391
certification for that and all subsequent years shall be made to 27392
the department of education. 27393

(F) If the balance of the half-mill equalization fund created 27394
under section 3318.18 of the Revised Code is insufficient to make 27395
the full amount of payments required under division (D) of that 27396
section, the department of education, at the end of the third 27397
quarter of the fiscal year, shall certify to the director of 27398
budget and management the amount of the deficiency, and the 27399
director shall transfer an amount equal to the deficiency from the 27400
school district property tax replacement fund to the half-mill 27401
equalization fund. 27402

(G) Beginning in August 2002, and ending in May 2017, the 27403
director of budget and management shall transfer from the school 27404
district property tax replacement fund to the general revenue fund 27405
each of the following: 27406

(1) Between the twenty-eighth day of August and the fifth day of September, the lesser of one-half of the amount certified for that fiscal year under division (A)(2) of this section or the balance in the school district property tax replacement fund;

(2) Between the first and fifth days of May, the lesser of one-half of the amount certified for that fiscal year under division (A)(2) of this section or the balance in the school district property tax replacement fund.

(H) On the first day of June each year, the director of budget and management shall transfer any balance remaining in the school district property tax replacement fund after the payments have been made under divisions (C), (D), (E), (F), and (G) of this section to the half-mill equalization fund created under section 3318.18 of the Revised Code to the extent required to make any payments in the current fiscal year under that section, and shall transfer the remaining balance to the general revenue fund.

(I) From fiscal year 2002 through fiscal year 2016, if the total amount in the school district property tax replacement fund is insufficient to make all payments under divisions (C), (D), (E), and (F) of this section at the time the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the school district property tax replacement fund the difference between the total amount to be paid and the total amount in the school district property tax replacement fund, except that no transfer shall be made by reason of a deficiency to the extent that it results from the amendment of section 5727.84 of the Revised Code by Amended Substitute House Bill No. 95 of the 125th general assembly.

(J) If all of the territory of a school district or joint vocational school district is merged with an existing district, or if a part of the territory of a school district or joint vocational school district is transferred to an existing or new

district, the department of education, in consultation with the 27439
tax commissioner, shall adjust the payments made under this 27440
section as follows: 27441

(1) For the merger of all of the territory of two or more 27442
districts, the fixed-rate levy loss and the fixed-sum levy loss of 27443
the successor district shall be equal to the sum of the fixed-rate 27444
levy losses and the fixed-sum levy losses for each of the 27445
districts involved in the merger. 27446

(2) For the transfer of a part of one district's territory to 27447
an existing district, the amount of the fixed-rate levy loss that 27448
is transferred to the recipient district shall be an amount equal 27449
to the transferring district's total fixed-rate levy loss times a 27450
fraction, the numerator of which is the value of electric company 27451
tangible personal property located in the part of the territory 27452
that was transferred, and the denominator of which is the total 27453
value of electric company tangible personal property located in 27454
the entire district from which the territory was transferred. The 27455
value of electric company tangible personal property under this 27456
division shall be determined for the most recent year for which 27457
data is available. Fixed-sum levy losses for both districts shall 27458
be determined under division (J)(4) of this section. 27459

(3) For the transfer of a part of the territory of one or 27460
more districts to create a new district: 27461

(a) If the new district is created on or after January 1, 27462
2000, but before January 1, 2005, the new district shall be paid 27463
its current fixed-rate levy loss through August 2009. From 27464
February 2010 to August 2016, the new district shall be paid the 27465
lesser of: (i) the amount calculated under division (C)(2) of this 27466
section or (ii) an amount equal to the new district's fixed-rate 27467
levy loss multiplied by the percentage prescribed by the following 27468
schedule: 27469

YEAR	PERCENTAGE	
		27470
2010	70%	27471
2011	70%	27472
2012	60%	27473
2013	50%	27474
2014	40%	27475
2015	24%	27476
2016	11.5%	27477
2017 and thereafter	0%	27478

Fixed-sum levy losses for the districts shall be determined under division (J)(4) of this section. 27479
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(b) If the new district is created on or after January 1, 2005, the new district shall be deemed not to have any fixed-rate levy loss or, except as provided in division (J)(4) of this section, fixed-sum levy loss. The district or districts from which the territory was transferred shall have no reduction in their fixed-rate levy loss, or, except as provided in division (J)(4) of this section, their fixed-sum levy loss. 27481
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(4) If a recipient district under division (J)(2) of this section or a new district under division (J)(3)(a) or (b) of this section takes on debt from one or more of the districts from which territory was transferred, and any of the districts transferring the territory had fixed-sum levy losses, the department of education, in consultation with the tax commissioner, shall make an equitable division of the fixed-sum levy losses. 27488
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(K) There is hereby created the public utility property tax study committee, effective January 1, 2011. The committee shall consist of the following seven members: the tax commissioner, three members of the senate appointed by the president of the senate, and three members of the house of representatives appointed by the speaker of the house of representatives. The appointments shall be made not later than January 31, 2011. The 27495
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tax commissioner shall be the chairperson of the committee. 27502

The committee shall study the extent to which each school 27503
district or joint vocational school district has been compensated, 27504
under sections 5727.84 and 5727.85 of the Revised Code as enacted 27505
by Substitute Senate Bill No. 3 of the 123rd general assembly and 27506
any subsequent acts, for the property tax loss caused by the 27507
reduction in the assessment rates for natural gas, electric, and 27508
rural electric company tangible personal property. Not later than 27509
June 30, 2011, the committee shall issue a report of its findings, 27510
including any recommendations for providing additional 27511
compensation for the property tax loss or regarding remedial 27512
legislation, to the president of the senate and the speaker of the 27513
house of representatives, at which time the committee shall cease 27514
to exist. 27515

The department of taxation and department of education shall 27516
provide such information and assistance as is required for the 27517
committee to carry out its duties. 27518

Sec. 5739.01. As used in this chapter: 27519

(A) "Person" includes individuals, receivers, assignees, 27520
trustees in bankruptcy, estates, firms, partnerships, 27521
associations, joint-stock companies, joint ventures, clubs, 27522
societies, corporations, the state and its political subdivisions, 27523
and combinations of individuals of any form. 27524

(B) "Sale" and "selling" include all of the following 27525
transactions for a consideration in any manner, whether absolutely 27526
or conditionally, whether for a price or rental, in money or by 27527
exchange, and by any means whatsoever: 27528

(1) All transactions by which title or possession, or both, 27529
of tangible personal property, is or is to be transferred, or a 27530
license to use or consume tangible personal property is or is to 27531

be granted;	27532
(2) All transactions by which lodging by a hotel is or is to be furnished to transient guests;	27533 27534
(3) All transactions by which:	27535
(a) An item of tangible personal property is or is to be repaired, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code;	27536 27537 27538
(b) An item of tangible personal property is or is to be installed, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code or property that is or is to be incorporated into and will become a part of a production, transmission, transportation, or distribution system for the delivery of a public utility service;	27539 27540 27541 27542 27543 27544
(c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished;	27545 27546
(d) Until August 1, 2003, industrial laundry cleaning services are or are to be provided and, on and after August 1, 2003, laundry and dry cleaning services are or are to be provided;	27547 27548 27549
(e) Automatic data processing, computer services, or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic data processing, computer services, or electronic information services rather than the receipt of personal or professional services to which automatic data processing, computer services, or electronic information services are incidental or supplemental. Notwithstanding any other provision of this chapter, such transactions that occur between members of an affiliated group are not sales. An "affiliated group" means two or more persons related in such a way that one person owns or controls the business operation of another member of the group. In the case of corporations with stock, one	27550 27551 27552 27553 27554 27555 27556 27557 27558 27559 27560 27561 27562

corporation owns or controls another if it owns more than fifty	27563
per cent of the other corporation's common stock with voting	27564
rights.	27565
(f) Telecommunications service, including prepaid calling	27566
service, prepaid wireless calling service, or ancillary service,	27567
is or is to be provided, but not including coin-operated telephone	27568
service;	27569
(g) Landscaping and lawn care service is or is to be	27570
provided;	27571
(h) Private investigation and security service is or is to be	27572
provided;	27573
(i) Information services or tangible personal property is	27574
provided or ordered by means of a nine hundred telephone call;	27575
(j) Building maintenance and janitorial service is or is to	27576
be provided;	27577
(k) Employment service is or is to be provided;	27578
(l) Employment placement service is or is to be provided;	27579
(m) Exterminating service is or is to be provided;	27580
(n) Physical fitness facility service is or is to be	27581
provided;	27582
(o) Recreation and sports club service is or is to be	27583
provided;	27584
(p) On and after August 1, 2003, satellite broadcasting	27585
service is or is to be provided;	27586
(q) On and after August 1, 2003, personal care service is or	27587
is to be provided to an individual. As used in this division,	27588
"personal care service" includes skin care, the application of	27589
cosmetics, manicuring, pedicuring, hair removal, tattooing, body	27590
piercing, tanning, massage, and other similar services. "Personal	27591

care service" does not include a service provided by or on the 27592
order of a licensed physician or licensed chiropractor, or the 27593
cutting, coloring, or styling of an individual's hair. 27594

(r) On and after August 1, 2003, the transportation of 27595
persons by motor vehicle or aircraft is or is to be provided, when 27596
the transportation is entirely within this state, except for 27597
transportation provided by an ambulance service, by a transit bus, 27598
as defined in section 5735.01 of the Revised Code, and 27599
transportation provided by a citizen of the United States holding 27600
a certificate of public convenience and necessity issued under 49 27601
U.S.C. 41102; 27602

(s) On and after August 1, 2003, motor vehicle towing service 27603
is or is to be provided. As used in this division, "motor vehicle 27604
towing service" means the towing or conveyance of a wrecked, 27605
disabled, or illegally parked motor vehicle. 27606

(t) On and after August 1, 2003, snow removal service is or 27607
is to be provided. As used in this division, "snow removal 27608
service" means the removal of snow by any mechanized means, but 27609
does not include the providing of such service by a person that 27610
has less than five thousand dollars in sales of such service 27611
during the calendar year. 27612

(u) Electronic publishing service is or is to be provided to 27613
a consumer for use in business, except that such transactions 27614
occurring between members of an affiliated group, as defined in 27615
division (B)(3)(e) of this section, are not sales. 27616

(4) All transactions by which printed, imprinted, 27617
overprinted, lithographic, multilithic, blueprinted, photostatic, 27618
or other productions or reproductions of written or graphic matter 27619
are or are to be furnished or transferred; 27620

(5) The production or fabrication of tangible personal 27621
property for a consideration for consumers who furnish either 27622

directly or indirectly the materials used in the production of 27623
fabrication work; and include the furnishing, preparing, or 27624
serving for a consideration of any tangible personal property 27625
consumed on the premises of the person furnishing, preparing, or 27626
serving such tangible personal property. Except as provided in 27627
section 5739.03 of the Revised Code, a construction contract 27628
pursuant to which tangible personal property is or is to be 27629
incorporated into a structure or improvement on and becoming a 27630
part of real property is not a sale of such tangible personal 27631
property. The construction contractor is the consumer of such 27632
tangible personal property, provided that the sale and 27633
installation of carpeting, the sale and installation of 27634
agricultural land tile, the sale and erection or installation of 27635
portable grain bins, or the provision of landscaping and lawn care 27636
service and the transfer of property as part of such service is 27637
never a construction contract. 27638

As used in division (B)(5) of this section: 27639

(a) "Agricultural land tile" means fired clay or concrete 27640
tile, or flexible or rigid perforated plastic pipe or tubing, 27641
incorporated or to be incorporated into a subsurface drainage 27642
system appurtenant to land used or to be used directly in 27643
production by farming, agriculture, horticulture, or floriculture. 27644
The term does not include such materials when they are or are to 27645
be incorporated into a drainage system appurtenant to a building 27646
or structure even if the building or structure is used or to be 27647
used in such production. 27648

(b) "Portable grain bin" means a structure that is used or to 27649
be used by a person engaged in farming or agriculture to shelter 27650
the person's grain and that is designed to be disassembled without 27651
significant damage to its component parts. 27652

(6) All transactions in which all of the shares of stock of a 27653
closely held corporation are transferred, if the corporation is 27654

not engaging in business and its entire assets consist of boats, 27655
planes, motor vehicles, or other tangible personal property 27656
operated primarily for the use and enjoyment of the shareholders; 27657

(7) All transactions in which a warranty, maintenance or 27658
service contract, or similar agreement by which the vendor of the 27659
warranty, contract, or agreement agrees to repair or maintain the 27660
tangible personal property of the consumer is or is to be 27661
provided; 27662

(8) The transfer of copyrighted motion picture films used 27663
solely for advertising purposes, except that the transfer of such 27664
films for exhibition purposes is not a sale-*i* 27665

(9) On and after August 1, 2003, all transactions by which 27666
tangible personal property is or is to be stored, except such 27667
property that the consumer of the storage holds for sale in the 27668
regular course of business; 27669

(10) All transactions in which "guaranteed auto protection" 27670
is provided whereby a person promises to pay to the consumer the 27671
difference between the amount the consumer receives from motor 27672
vehicle insurance and the amount the consumer owes to a person 27673
holding title to or a lien on the consumer's motor vehicle in the 27674
event the consumer's motor vehicle suffers a total loss under the 27675
terms of the motor vehicle insurance policy or is stolen and not 27676
recovered, if the protection and its price are included in the 27677
purchase or lease agreement. 27678

Except as provided in this section, "sale" and "selling" do 27679
not include transfers of interest in leased property where the 27680
original lessee and the terms of the original lease agreement 27681
remain unchanged, or professional, insurance, or personal service 27682
transactions that involve the transfer of tangible personal 27683
property as an inconsequential element, for which no separate 27684
charges are made. 27685

(C) "Vendor" means the person providing the service or by whom the transfer effected or license given by a sale is or is to be made or given and, for sales described in division (B)(3)(i) of this section, the telecommunications service vendor that provides the nine hundred telephone service; if two or more persons are engaged in business at the same place of business under a single trade name in which all collections on account of sales by each are made, such persons shall constitute a single vendor.

Physicians, dentists, hospitals, and veterinarians who are engaged in selling tangible personal property as received from others, such as eyeglasses, mouthwashes, dentifrices, or similar articles, are vendors. Veterinarians who are engaged in transferring to others for a consideration drugs, the dispensing of which does not require an order of a licensed veterinarian or physician under federal law, are vendors.

(D)(1) "Consumer" means the person for whom the service is provided, to whom the transfer effected or license given by a sale is or is to be made or given, to whom the service described in division (B)(3)(f) or (i) of this section is charged, or to whom the admission is granted.

(2) Physicians, dentists, hospitals, and blood banks operated by nonprofit institutions and persons licensed to practice veterinary medicine, surgery, and dentistry are consumers of all tangible personal property and services purchased by them in connection with the practice of medicine, dentistry, the rendition of hospital or blood bank service, or the practice of veterinary medicine, surgery, and dentistry. In addition to being consumers of drugs administered by them or by their assistants according to their direction, veterinarians also are consumers of drugs that under federal law may be dispensed only by or upon the order of a licensed veterinarian or physician, when transferred by them to others for a consideration to provide treatment to animals as

directed by the veterinarian. 27718

(3) A person who performs a facility management, or similar 27719
service contract for a contractee is a consumer of all tangible 27720
personal property and services purchased for use in connection 27721
with the performance of such contract, regardless of whether title 27722
to any such property vests in the contractee. The purchase of such 27723
property and services is not subject to the exception for resale 27724
under division (E)(1) of this section. 27725

(4)(a) In the case of a person who purchases printed matter 27726
for the purpose of distributing it or having it distributed to the 27727
public or to a designated segment of the public, free of charge, 27728
that person is the consumer of that printed matter, and the 27729
purchase of that printed matter for that purpose is a sale. 27730

(b) In the case of a person who produces, rather than 27731
purchases, printed matter for the purpose of distributing it or 27732
having it distributed to the public or to a designated segment of 27733
the public, free of charge, that person is the consumer of all 27734
~~tangible~~ tangible personal property and services purchased for use 27735
or consumption in the production of that printed matter. That 27736
person is not entitled to claim exemption under division 27737
(B)(42)(f) of section 5739.02 of the Revised Code for any material 27738
incorporated into the printed matter or any equipment, supplies, 27739
or services primarily used to produce the printed matter. 27740

(c) The distribution of printed matter to the public or to a 27742
designated segment of the public, free of charge, is not a sale to 27743
the members of the public to whom the printed matter is 27744
distributed or to any persons who purchase space in the printed 27745
matter for advertising or other purposes. 27746

(5) A person who makes sales of any of the services listed in 27747
division (B)(3) of this section is the consumer of any tangible 27748

personal property used in performing the service. The purchase of 27749
that property is not subject to the resale exception under 27750
division (E)(1) of this section. 27751

(6) A person who engages in highway transportation for hire 27752
is the consumer of all packaging materials purchased by that 27753
person and used in performing the service, except for packaging 27754
materials sold by such person in a transaction separate from the 27755
service. 27756

(E) "Retail sale" and "sales at retail" include all sales, 27757
except those in which the purpose of the consumer is to resell the 27758
thing transferred or benefit of the service provided, by a person 27759
engaging in business, in the form in which the same is, or is to 27760
be, received by the person. 27761

(F) "Business" includes any activity engaged in by any person 27762
with the object of gain, benefit, or advantage, either direct or 27763
indirect. "Business" does not include the activity of a person in 27764
managing and investing the person's own funds. 27765

(G) "Engaging in business" means commencing, conducting, or 27766
continuing in business, and liquidating a business when the 27767
liquidator thereof holds itself out to the public as conducting 27768
such business. Making a casual sale is not engaging in business. 27769

(H)(1)(a) "Price," except as provided in divisions (H)(2) and 27770
(3) of this section, means the total amount of consideration, 27771
including cash, credit, property, and services, for which tangible 27772
personal property or services are sold, leased, or rented, valued 27773
in money, whether received in money or otherwise, without any 27774
deduction for any of the following: 27775

(i) The vendor's cost of the property sold; 27776

(ii) The cost of materials used, labor or service costs, 27777
interest, losses, all costs of transportation to the vendor, all 27778
taxes imposed on the vendor, including the tax imposed under 27779

Chapter 5751. of the Revised Code, and any other expense of the vendor;	27780 27781
(iii) Charges by the vendor for any services necessary to complete the sale;	27782 27783
(iv) On and after August 1, 2003, delivery charges. As used in this division, "delivery charges" means charges by the vendor for preparation and delivery to a location designated by the consumer of tangible personal property or a service, including transportation, shipping, postage, handling, crating, and packing.	27784 27785 27786 27787 27788
(v) Installation charges;	27789
(vi) Credit for any trade-in.	27790
(b) "Price" includes consideration received by the vendor from a third party, if the vendor actually receives the consideration from a party other than the consumer, and the consideration is directly related to a price reduction or discount on the sale; the vendor has an obligation to pass the price reduction or discount through to the consumer; the amount of the consideration attributable to the sale is fixed and determinable by the vendor at the time of the sale of the item to the consumer; and one of the following criteria is met:	27791 27792 27793 27794 27795 27796 27797 27798 27799
(i) The consumer presents a coupon, certificate, or other document to the vendor to claim a price reduction or discount where the coupon, certificate, or document is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any vendor to whom the coupon, certificate, or document is presented;	27800 27801 27802 27803 27804 27805
(ii) The consumer identifies the consumer's self to the seller as a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group or organization.	27806 27807 27808 27809 27810

(iii) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the consumer, or on a coupon, certificate, or other document presented by the consumer.

(c) "Price" does not include any of the following:

(i) Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a vendor and taken by a consumer on a sale;

(ii) Interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(iii) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated.

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, in which another motor vehicle is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the motor vehicle received in trade.

(3) In the case of a sale of any watercraft or outboard motor by a watercraft dealer licensed in accordance with section

1547.543 of the Revised Code, in which another watercraft, 27842
watercraft and trailer, or outboard motor is accepted by the 27843
dealer as part of the consideration received, "price" has the same 27844
meaning as in division (H)(1) of this section, reduced by the 27845
credit afforded the consumer by the dealer for the watercraft, 27846
watercraft and trailer, or outboard motor received in trade. As 27847
used in this division, "watercraft" includes an outdrive unit 27848
attached to the watercraft. 27849

(I) "Receipts" means the total amount of the prices of the 27850
sales of vendors, provided that cash discounts allowed and taken 27851
on sales at the time they are consummated are not included, minus 27852
any amount deducted as a bad debt pursuant to section 5739.121 of 27853
the Revised Code. "Receipts" does not include the sale price of 27854
property returned or services rejected by consumers when the full 27855
sale price and tax are refunded either in cash or by credit. 27856

(J) "Place of business" means any location at which a person 27857
engages in business. 27858

(K) "Premises" includes any real property or portion thereof 27859
upon which any person engages in selling tangible personal 27860
property at retail or making retail sales and also includes any 27861
real property or portion thereof designated for, or devoted to, 27862
use in conjunction with the business engaged in by such person. 27863

(L) "Casual sale" means a sale of an item of tangible 27864
personal property that was obtained by the person making the sale, 27865
through purchase or otherwise, for the person's own use and was 27866
previously subject to any state's taxing jurisdiction on its sale 27867
or use, and includes such items acquired for the seller's use that 27868
are sold by an auctioneer employed directly by the person for such 27869
purpose, provided the location of such sales is not the 27870
auctioneer's permanent place of business. As used in this 27871
division, "permanent place of business" includes any location 27872
where such auctioneer has conducted more than two auctions during 27873

the year. 27874

(M) "Hotel" means every establishment kept, used, maintained, 27875
advertised, or held out to the public to be a place where sleeping 27876
accommodations are offered to guests, in which five or more rooms 27877
are used for the accommodation of such guests, whether the rooms 27878
are in one or several structures. 27879

(N) "Transient guests" means persons occupying a room or 27880
rooms for sleeping accommodations for less than thirty consecutive 27881
days. 27882

(O) "Making retail sales" means the effecting of transactions 27883
wherein one party is obligated to pay the price and the other 27884
party is obligated to provide a service or to transfer title to or 27885
possession of the item sold. "Making retail sales" does not 27886
include the preliminary acts of promoting or soliciting the retail 27887
sales, other than the distribution of printed matter which 27888
displays or describes and prices the item offered for sale, nor 27889
does it include delivery of a predetermined quantity of tangible 27890
personal property or transportation of property or personnel to or 27891
from a place where a service is performed, regardless of whether 27892
the vendor is a delivery vendor. 27893

(P) "Used directly in the rendition of a public utility 27894
service" means that property that is to be incorporated into and 27895
will become a part of the consumer's production, transmission, 27896
transportation, or distribution system and that retains its 27897
classification as tangible personal property after such 27898
incorporation; fuel or power used in the production, transmission, 27899
transportation, or distribution system; and tangible personal 27900
property used in the repair and maintenance of the production, 27901
transmission, transportation, or distribution system, including 27902
only such motor vehicles as are specially designed and equipped 27903
for such use. Tangible personal property and services used 27904
primarily in providing highway transportation for hire are not 27905

used directly in the rendition of a public utility service. In 27906
this definition, "public utility" includes a citizen of the United 27907
States holding, and required to hold, a certificate of public 27908
convenience and necessity issued under 49 U.S.C. 41102. 27909

(Q) "Refining" means removing or separating a desirable 27910
product from raw or contaminated materials by distillation or 27911
physical, mechanical, or chemical processes. 27912

(R) "Assembly" and "assembling" mean attaching or fitting 27913
together parts to form a product, but do not include packaging a 27914
product. 27915

(S) "Manufacturing operation" means a process in which 27916
materials are changed, converted, or transformed into a different 27917
state or form from which they previously existed and includes 27918
refining materials, assembling parts, and preparing raw materials 27919
and parts by mixing, measuring, blending, or otherwise committing 27920
such materials or parts to the manufacturing process. 27921
"Manufacturing operation" does not include packaging. 27922

(T) "Fiscal officer" means, with respect to a regional 27923
transit authority, the secretary-treasurer thereof, and with 27924
respect to a county that is a transit authority, the fiscal 27925
officer of the county transit board if one is appointed pursuant 27926
to section 306.03 of the Revised Code or the county auditor if the 27927
board of county commissioners operates the county transit system. 27928

(U) "Transit authority" means a regional transit authority 27929
created pursuant to section 306.31 of the Revised Code or a county 27930
in which a county transit system is created pursuant to section 27931
306.01 of the Revised Code. For the purposes of this chapter, a 27932
transit authority must extend to at least the entire area of a 27933
single county. A transit authority that includes territory in more 27934
than one county must include all the area of the most populous 27935
county that is a part of such transit authority. County population 27936

shall be measured by the most recent census taken by the United States census bureau. 27937
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(V) "Legislative authority" means, with respect to a regional transit authority, the board of trustees thereof, and with respect to a county that is a transit authority, the board of county commissioners. 27939
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(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. 27943
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(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration. 27950
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(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. 27953
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(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. 27957
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(c) "Electronic information services" means providing access to computer equipment by means of telecommunications equipment for the purpose of either of the following: 27963
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(i) Examining or acquiring data stored in or accessible to the computer equipment; 27966
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(ii) Placing data into the computer equipment to be retrieved 27968
by designated recipients with access to the computer equipment. 27969

For transactions occurring on or after the effective date of 27970
the amendment of this section by H.B. 157 of the 127th general 27971
assembly, December 21, 2007, "electronic information services" 27972
does not include electronic publishing as defined in division 27973
(LLL) of this section. 27974

(d) "Automatic data processing, computer services, or 27975
electronic information services" shall not include personal or 27976
professional services. 27977

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 27978
section, "personal and professional services" means all services 27979
other than automatic data processing, computer services, or 27980
electronic information services, including but not limited to: 27981

(a) Accounting and legal services such as advice on tax 27982
matters, asset management, budgetary matters, quality control, 27983
information security, and auditing and any other situation where 27984
the service provider receives data or information and studies, 27985
alters, analyzes, interprets, or adjusts such material; 27986

(b) Analyzing business policies and procedures; 27987

(c) Identifying management information needs; 27988

(d) Feasibility studies, including economic and technical 27989
analysis of existing or potential computer hardware or software 27990
needs and alternatives; 27991

(e) Designing policies, procedures, and custom software for 27992
collecting business information, and determining how data should 27993
be summarized, sequenced, formatted, processed, controlled, and 27994
reported so that it will be meaningful to management; 27995

(f) Developing policies and procedures that document how 27996
business events and transactions are to be authorized, executed, 27997

and controlled;	27998
(g) Testing of business procedures;	27999
(h) Training personnel in business procedure applications;	28000
(i) Providing credit information to users of such information	28001
by a consumer reporting agency, as defined in the "Fair Credit	28002
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or	28003
as hereafter amended, including but not limited to gathering,	28004
organizing, analyzing, recording, and furnishing such information	28005
by any oral, written, graphic, or electronic medium;	28006
(j) Providing debt collection services by any oral, written,	28007
graphic, or electronic means.	28008
The services listed in divisions (Y)(2)(a) to (j) of this	28009
section are not automatic data processing or computer services.	28010
(Z) "Highway transportation for hire" means the	28011
transportation of personal property belonging to others for	28012
consideration by any of the following:	28013
(1) The holder of a permit or certificate issued by this	28014
state or the United States authorizing the holder to engage in	28015
transportation of personal property belonging to others for	28016
consideration over or on highways, roadways, streets, or any	28017
similar public thoroughfare;	28018
(2) A person who engages in the transportation of personal	28019
property belonging to others for consideration over or on	28020
highways, roadways, streets, or any similar public thoroughfare	28021
but who could not have engaged in such transportation on December	28022
11, 1985, unless the person was the holder of a permit or	28023
certificate of the types described in division (Z)(1) of this	28024
section;	28025
(3) A person who leases a motor vehicle to and operates it	28026
for a person described by division (Z)(1) or (2) of this section.	28027

(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

- (a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;
- (b) Installation or maintenance of wiring or equipment on a customer's premises;
- (c) Tangible personal property;
- (d) Advertising, including directory advertising;
- (e) Billing and collection services provided to third parties;
- (f) Internet access service;
- (g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service

providers, as defined in 47 C.F.R. 20.3; 28059

(h) Ancillary service; 28060

(i) Digital products delivered electronically, including 28061
software, music, video, reading materials, or ring tones. 28062

(2) "Ancillary service" means a service that is associated 28063
with or incidental to the provision of telecommunications service, 28064
including conference bridging service, detailed telecommunications 28065
billing service, directory assistance, vertical service, and voice 28066
mail service. As used in this division: 28067

(a) "Conference bridging service" means an ancillary service 28068
that links two or more participants of an audio or video 28069
conference call, including providing a telephone number. 28070
"Conference bridging service" does not include telecommunications 28071
services used to reach the conference bridge. 28072

(b) "Detailed telecommunications billing service" means an 28073
ancillary service of separately stating information pertaining to 28074
individual calls on a customer's billing statement. 28075

(c) "Directory assistance" means an ancillary service of 28076
providing telephone number or address information. 28077

(d) "Vertical service" means an ancillary service that is 28078
offered in connection with one or more telecommunications 28079
services, which offers advanced calling features that allow 28080
customers to identify callers and manage multiple calls and call 28081
connections, including conference bridging service. 28082

(e) "Voice mail service" means an ancillary service that 28083
enables the customer to store, send, or receive recorded messages. 28084
"Voice mail service" does not include any vertical services that 28085
the customer may be required to have in order to utilize the voice 28086
mail service. 28087

(3) "900 service" means an inbound toll telecommunications 28088

service purchased by a subscriber that allows the subscriber's 28089
customers to call in to the subscriber's prerecorded announcement 28090
or live service, and which is typically marketed under the name 28091
"900" service and any subsequent numbers designated by the federal 28092
communications commission. "900 service" does not include the 28093
charge for collection services provided by the seller of the 28094
telecommunications service to the subscriber, or services or 28095
products sold by the subscriber to the subscriber's customer. 28096

(4) "Prepaid calling service" means the right to access 28097
exclusively telecommunications services, which must be paid for in 28098
advance and which enables the origination of calls using an access 28099
number or authorization code, whether manually or electronically 28100
dialed, and that is sold in predetermined units of dollars of 28101
which the number declines with use in a known amount. 28102

(5) "Prepaid wireless calling service" means a 28103
telecommunications service that provides the right to utilize 28104
mobile telecommunications service as well as other 28105
non-telecommunications services, including the download of digital 28106
products delivered electronically, and content and ancillary 28107
services, that must be paid for in advance and that is sold in 28108
predetermined units of dollars of which the number declines with 28109
use in a known amount. 28110

(6) "Value-added non-voice data service" means a 28111
telecommunications service in which computer processing 28112
applications are used to act on the form, content, code, or 28113
protocol of the information or data primarily for a purpose other 28114
than transmission, conveyance, or routing. 28115

(7) "Coin-operated telephone service" means a 28116
telecommunications service paid for by inserting money into a 28117
telephone accepting direct deposits of money to operate. 28118

(8) "Customer" has the same meaning as in section 5739.034 of 28119

the Revised Code. 28120

(BB) "Laundry and dry cleaning services" means removing soil 28121
or dirt from towels, linens, articles of clothing, or other fabric 28122
items that belong to others and supplying towels, linens, articles 28123
of clothing, or other fabric items. "Laundry and dry cleaning 28124
services" does not include the provision of self-service 28125
facilities for use by consumers to remove soil or dirt from 28126
towels, linens, articles of clothing, or other fabric items. 28127

(CC) "Magazines distributed as controlled circulation 28128
publications" means magazines containing at least twenty-four 28129
pages, at least twenty-five per cent editorial content, issued at 28130
regular intervals four or more times a year, and circulated 28131
without charge to the recipient, provided that such magazines are 28132
not owned or controlled by individuals or business concerns which 28133
conduct such publications as an auxiliary to, and essentially for 28134
the advancement of the main business or calling of, those who own 28135
or control them. 28136

(DD) "Landscaping and lawn care service" means the services 28137
of planting, seeding, sodding, removing, cutting, trimming, 28138
pruning, mulching, aerating, applying chemicals, watering, 28139
fertilizing, and providing similar services to establish, promote, 28140
or control the growth of trees, shrubs, flowers, grass, ground 28141
cover, and other flora, or otherwise maintaining a lawn or 28142
landscape grown or maintained by the owner for ornamentation or 28143
other nonagricultural purpose. However, "landscaping and lawn care 28144
service" does not include the providing of such services by a 28145
person who has less than five thousand dollars in sales of such 28146
services during the calendar year. 28147

(EE) "Private investigation and security service" means the 28148
performance of any activity for which the provider of such service 28149
is required to be licensed pursuant to Chapter 4749. of the 28150
Revised Code, or would be required to be so licensed in performing 28151

such services in this state, and also includes the services of 28152
conducting polygraph examinations and of monitoring or overseeing 28153
the activities on or in, or the condition of, the consumer's home, 28154
business, or other facility by means of electronic or similar 28155
monitoring devices. "Private investigation and security service" 28156
does not include special duty services provided by off-duty police 28157
officers, deputy sheriffs, and other peace officers regularly 28158
employed by the state or a political subdivision. 28159

(FF) "Information services" means providing conversation, 28160
giving consultation or advice, playing or making a voice or other 28161
recording, making or keeping a record of the number of callers, 28162
and any other service provided to a consumer by means of a nine 28163
hundred telephone call, except when the nine hundred telephone 28164
call is the means by which the consumer makes a contribution to a 28165
recognized charity. 28166

(GG) "Research and development" means designing, creating, or 28167
formulating new or enhanced products, equipment, or manufacturing 28168
processes, and also means conducting scientific or technological 28169
inquiry and experimentation in the physical sciences with the goal 28170
of increasing scientific knowledge which may reveal the bases for 28171
new or enhanced products, equipment, or manufacturing processes. 28172

(HH) "Qualified research and development equipment" means 28173
capitalized tangible personal property, and leased personal 28174
property that would be capitalized if purchased, used by a person 28175
primarily to perform research and development. Tangible personal 28176
property primarily used in testing, as defined in division (A)(4) 28177
of section 5739.011 of the Revised Code, or used for recording or 28178
storing test results, is not qualified research and development 28179
equipment unless such property is primarily used by the consumer 28180
in testing the product, equipment, or manufacturing process being 28181
created, designed, or formulated by the consumer in the research 28182
and development activity or in recording or storing such test 28183

results. 28184

(II) "Building maintenance and janitorial service" means 28185
cleaning the interior or exterior of a building and any tangible 28186
personal property located therein or thereon, including any 28187
services incidental to such cleaning for which no separate charge 28188
is made. However, "building maintenance and janitorial service" 28189
does not include the providing of such service by a person who has 28190
less than five thousand dollars in sales of such service during 28191
the calendar year. 28192

(JJ) "Employment service" means providing or supplying 28193
personnel, on a temporary or long-term basis, to perform work or 28194
labor under the supervision or control of another, when the 28195
personnel so provided or supplied receive their wages, salary, or 28196
other compensation from the provider or supplier of the employment 28197
service or from a third party that provided or supplied the 28198
personnel to the provider or supplier. "Employment service" does 28199
not include: 28200

(1) Acting as a contractor or subcontractor, where the 28201
personnel performing the work are not under the direct control of 28202
the purchaser. 28203

(2) Medical and health care services. 28204

(3) Supplying personnel to a purchaser pursuant to a contract 28205
of at least one year between the service provider and the 28206
purchaser that specifies that each employee covered under the 28207
contract is assigned to the purchaser on a permanent basis. 28208

(4) Transactions between members of an affiliated group, as 28209
defined in division (B)(3)(e) of this section. 28210

(5) Transactions where the personnel so provided or supplied 28211
by a provider or supplier to a purchaser of an employment service 28212
are then provided or supplied by that purchaser to a third party 28213
as an employment service, except "employment service" does include 28214

the transaction between that purchaser and the third party. 28215

(KK) "Employment placement service" means locating or finding 28216
employment for a person or finding or locating an employee to fill 28217
an available position. 28218

(LL) "Exterminating service" means eradicating or attempting 28219
to eradicate vermin infestations from a building or structure, or 28220
the area surrounding a building or structure, and includes 28221
activities to inspect, detect, or prevent vermin infestation of a 28222
building or structure. 28223

(MM) "Physical fitness facility service" means all 28224
transactions by which a membership is granted, maintained, or 28225
renewed, including initiation fees, membership dues, renewal fees, 28226
monthly minimum fees, and other similar fees and dues, by a 28227
physical fitness facility such as an athletic club, health spa, or 28228
gymnasium, which entitles the member to use the facility for 28229
physical exercise. 28230

(NN) "Recreation and sports club service" means all 28231
transactions by which a membership is granted, maintained, or 28232
renewed, including initiation fees, membership dues, renewal fees, 28233
monthly minimum fees, and other similar fees and dues, by a 28234
recreation and sports club, which entitles the member to use the 28235
facilities of the organization. "Recreation and sports club" means 28236
an organization that has ownership of, or controls or leases on a 28237
continuing, long-term basis, the facilities used by its members 28238
and includes an aviation club, gun or shooting club, yacht club, 28239
card club, swimming club, tennis club, golf club, country club, 28240
riding club, amateur sports club, or similar organization. 28241

(OO) "Livestock" means farm animals commonly raised for food 28242
or food production, and includes but is not limited to cattle, 28243
sheep, goats, swine, and poultry. "Livestock" does not include 28244
invertebrates, fish, amphibians, reptiles, horses, domestic pets, 28245

animals for use in laboratories or for exhibition, or other 28246
animals not commonly raised for food or food production. 28247

(PP) "Livestock structure" means a building or structure used 28248
exclusively for the housing, raising, feeding, or sheltering of 28249
livestock, and includes feed storage or handling structures and 28250
structures for livestock waste handling. 28251

(QQ) "Horticulture" means the growing, cultivation, and 28252
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 28253
and nursery stock. As used in this division, "nursery stock" has 28254
the same meaning as in section 927.51 of the Revised Code. 28255

(RR) "Horticulture structure" means a building or structure 28256
used exclusively for the commercial growing, raising, or 28257
overwintering of horticultural products, and includes the area 28258
used for stocking, storing, and packing horticultural products 28259
when done in conjunction with the production of those products. 28260

(SS) "Newspaper" means an unbound publication bearing a title 28261
or name that is regularly published, at least as frequently as 28262
biweekly, and distributed from a fixed place of business to the 28263
public in a specific geographic area, and that contains a 28264
substantial amount of news matter of international, national, or 28265
local events of interest to the general public. 28266

(TT) "Professional racing team" means a person that employs 28267
at least twenty full-time employees for the purpose of conducting 28268
a motor vehicle racing business for profit. The person must 28269
conduct the business with the purpose of racing one or more motor 28270
racing vehicles in at least ten competitive professional racing 28271
events each year that comprise all or part of a motor racing 28272
series sanctioned by one or more motor racing sanctioning 28273
organizations. A "motor racing vehicle" means a vehicle for which 28274
the chassis, engine, and parts are designed exclusively for motor 28275
racing, and does not include a stock or production model vehicle 28276

that may be modified for use in racing. For the purposes of this 28277
division: 28278

(1) A "competitive professional racing event" is a motor 28279
vehicle racing event sanctioned by one or more motor racing 28280
sanctioning organizations, at which aggregate cash prizes in 28281
excess of eight hundred thousand dollars are awarded to the 28282
competitors. 28283

(2) "Full-time employee" means an individual who is employed 28284
for consideration for thirty-five or more hours a week, or who 28285
renders any other standard of service generally accepted by custom 28286
or specified by contract as full-time employment. 28287

(UU)(1) "Lease" or "rental" means any transfer of the 28288
possession or control of tangible personal property for a fixed or 28289
indefinite term, for consideration. "Lease" or "rental" includes 28290
future options to purchase or extend, and agreements described in 28291
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 28292
the amount of consideration may be increased or decreased by 28293
reference to the amount realized upon the sale or disposition of 28294
the property. "Lease" or "rental" does not include: 28295

(a) A transfer of possession or control of tangible personal 28296
property under a security agreement or a deferred payment plan 28297
that requires the transfer of title upon completion of the 28298
required payments; 28299

(b) A transfer of possession or control of tangible personal 28300
property under an agreement that requires the transfer of title 28301
upon completion of required payments and payment of an option 28302
price that does not exceed the greater of one hundred dollars or 28303
one per cent of the total required payments; 28304

(c) Providing tangible personal property along with an 28305
operator for a fixed or indefinite period of time, if the operator 28306
is necessary for the property to perform as designed. For purposes 28307

of this division, the operator must do more than maintain, 28308
inspect, or set-up the tangible personal property. 28309

(2) "Lease" and "rental," as defined in division (UU) of this 28310
section, shall not apply to leases or rentals that exist before 28311
June 26, 2003. 28312

(3) "Lease" and "rental" have the same meaning as in division 28313
(UU)(1) of this section regardless of whether a transaction is 28314
characterized as a lease or rental under generally accepted 28315
accounting principles, the Internal Revenue Code, Title XIII of 28316
the Revised Code, or other federal, state, or local laws. 28317

(VV) "Mobile telecommunications service" has the same meaning 28318
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 28319
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 28320
on and after August 1, 2003, includes related fees and ancillary 28321
services, including universal service fees, detailed billing 28322
service, directory assistance, service initiation, voice mail 28323
service, and vertical services, such as caller ID and three-way 28324
calling. 28325

(WW) "Certified service provider" has the same meaning as in 28326
section 5740.01 of the Revised Code. 28327

(XX) "Satellite broadcasting service" means the distribution 28328
or broadcasting of programming or services by satellite directly 28329
to the subscriber's receiving equipment without the use of ground 28330
receiving or distribution equipment, except the subscriber's 28331
receiving equipment or equipment used in the uplink process to the 28332
satellite, and includes all service and rental charges, premium 28333
channels or other special services, installation and repair 28334
service charges, and any other charges having any connection with 28335
the provision of the satellite broadcasting service. 28336

(YY) "Tangible personal property" means personal property 28337
that can be seen, weighed, measured, felt, or touched, or that is 28338

in any other manner perceptible to the senses. For purposes of 28339
this chapter and Chapter 5741. of the Revised Code, "tangible 28340
personal property" includes motor vehicles, electricity, water, 28341
gas, steam, and prewritten computer software. 28342

(ZZ) "Direct mail" means printed material delivered or 28343
distributed by United States mail or other delivery service to a 28344
mass audience or to addressees on a mailing list provided by the 28345
consumer or at the direction of the consumer when the cost of the 28346
items are not billed directly to the recipients. "Direct mail" 28347
includes tangible personal property supplied directly or 28348
indirectly by the consumer to the direct mail vendor for inclusion 28349
in the package containing the printed material. "Direct mail" does 28350
not include multiple items of printed material delivered to a 28351
single address. 28352

(AAA) "Computer" means an electronic device that accepts 28353
information in digital or similar form and manipulates it for a 28354
result based on a sequence of instructions. 28355

(BBB) "Computer software" means a set of coded instructions 28356
designed to cause a computer or automatic data processing 28357
equipment to perform a task. 28358

(CCC) "Delivered electronically" means delivery of computer 28359
software from the seller to the purchaser by means other than 28360
tangible storage media. 28361

(DDD) "Prewritten computer software" means computer software, 28362
including prewritten upgrades, that is not designed and developed 28363
by the author or other creator to the specifications of a specific 28364
purchaser. The combining of two or more prewritten computer 28365
software programs or prewritten portions thereof does not cause 28366
the combination to be other than prewritten computer software. 28367
"Prewritten computer software" includes software designed and 28368
developed by the author or other creator to the specifications of 28369

a specific purchaser when it is sold to a person other than the purchaser. If a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of such person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software; provided, however, that where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for the modification or enhancement, the modification or enhancement shall not constitute prewritten computer software.

(EEE)(1) "Food" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. "Food" does not include alcoholic beverages, dietary supplements, soft drinks, or tobacco.

(2) As used in division (EEE)(1) of this section:

(a) "Alcoholic beverages" means beverages that are suitable for human consumption and contain one-half of one per cent or more of alcohol by volume.

(b) "Dietary supplements" means any product, other than tobacco, that is intended to supplement the diet and that is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or, if not intended for ingestion in such a form, is not represented as conventional food for use as a sole item of a meal or of the diet; that is required to be labeled as a dietary supplement, identifiable by the "supplement facts" box found on the label, as required by 21 C.F.R. 101.36; and that contains one or more of the following dietary ingredients:

(i) A vitamin;	28401
(ii) A mineral;	28402
(iii) An herb or other botanical;	28403
(iv) An amino acid;	28404
(v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake;	28405 28406
(vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions (EEE)(2)(b)(i) to (v) of this section.	28407 28408 28409
(c) "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume.	28410 28411 28412 28413 28414
(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.	28415 28416
(FFF) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages that is recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, and supplements to them; is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or is intended to affect the structure or any function of the body.	28417 28418 28419 28420 28421 28422 28423 28424 28425
(GGG) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this state to issue a prescription.	28426 28427 28428 28429
(HHH) "Durable medical equipment" means equipment, including	28430

repair and replacement parts for such equipment, that can 28431
withstand repeated use, is primarily and customarily used to serve 28432
a medical purpose, generally is not useful to a person in the 28433
absence of illness or injury, and is not worn in or on the body. 28434
"Durable medical equipment" does not include mobility enhancing 28435
equipment. 28436

(III) "Mobility enhancing equipment" means equipment, 28437
including repair and replacement parts for such equipment, that is 28438
primarily and customarily used to provide or increase the ability 28439
to move from one place to another and is appropriate for use 28440
either in a home or a motor vehicle, that is not generally used by 28441
persons with normal mobility, and that does not include any motor 28442
vehicle or equipment on a motor vehicle normally provided by a 28443
motor vehicle manufacturer. "Mobility enhancing equipment" does 28444
not include durable medical equipment. 28445

(JJJ) "Prosthetic device" means a replacement, corrective, or 28446
supportive device, including repair and replacement parts for the 28447
device, worn on or in the human body to artificially replace a 28448
missing portion of the body, prevent or correct physical deformity 28449
or malfunction, or support a weak or deformed portion of the body. 28450
As used in this division, "prosthetic device" does not include 28451
corrective eyeglasses, contact lenses, or dental prosthesis. 28452

(KKK)(1) "Fractional aircraft ownership program" means a 28453
program in which persons within an affiliated group sell and 28454
manage fractional ownership program aircraft, provided that at 28455
least one hundred airworthy aircraft are operated in the program 28456
and the program meets all of the following criteria: 28457

(a) Management services are provided by at least one program 28458
manager within an affiliated group on behalf of the fractional 28459
owners. 28460

(b) Each program aircraft is owned or possessed by at least 28461

one fractional owner. 28462

(c) Each fractional owner owns or possesses at least a 28463
one-sixteenth interest in at least one fixed-wing program 28464
aircraft. 28465

(d) A dry-lease aircraft interchange arrangement is in effect 28466
among all of the fractional owners. 28467

(e) Multi-year program agreements are in effect regarding the 28468
fractional ownership, management services, and dry-lease aircraft 28469
interchange arrangement aspects of the program. 28470

(2) As used in division (KKK)(1) of this section: 28471

(a) "Affiliated group" has the same meaning as in division 28472
(B)(3)(e) of this section. 28473

(b) "Fractional owner" means a person that owns or possesses 28474
at least a one-sixteenth interest in a program aircraft and has 28475
entered into the agreements described in division (KKK)(1)(e) of 28476
this section. 28477

(c) "Fractional ownership program aircraft" or "program 28478
aircraft" means a turbojet aircraft that is owned or possessed by 28479
a fractional owner and that has been included in a dry-lease 28480
aircraft interchange arrangement and agreement under divisions 28481
(KKK)(1)(d) and (e) of this section, or an aircraft a program 28482
manager owns or possesses primarily for use in a fractional 28483
aircraft ownership program. 28484

(d) "Management services" means administrative and aviation 28485
support services furnished under a fractional aircraft ownership 28486
program in accordance with a management services agreement under 28487
division (KKK)(1)(e) of this section, and offered by the program 28488
manager to the fractional owners, including, at a minimum, the 28489
establishment and implementation of safety guidelines; the 28490
coordination of the scheduling of the program aircraft and crews; 28491

program aircraft maintenance; program aircraft insurance; crew 28492
training for crews employed, furnished, or contracted by the 28493
program manager or the fractional owner; the satisfaction of 28494
record-keeping requirements; and the development and use of an 28495
operations manual and a maintenance manual for the fractional 28496
aircraft ownership program. 28497

(e) "Program manager" means the person that offers management 28498
services to fractional owners pursuant to a management services 28499
agreement under division (KKK)(1)(e) of this section. 28500

(LLL) "Electronic publishing" means providing access to one 28501
or more of the following primarily for business customers, 28502
including the federal government or a state government or a 28503
political subdivision thereof, to conduct research: news; 28504
business, financial, legal, consumer, or credit materials; 28505
editorials, columns, reader commentary, or features; photos or 28506
images; archival or research material; legal notices, identity 28507
verification, or public records; scientific, educational, 28508
instructional, technical, professional, trade, or other literary 28509
materials; or other similar information which has been gathered 28510
and made available by the provider to the consumer in an 28511
electronic format. Providing electronic publishing includes the 28512
functions necessary for the acquisition, formatting, editing, 28513
storage, and dissemination of data or information that is the 28514
subject of a sale. 28515

Sec. 5739.02. For the purpose of providing revenue with which 28516
to meet the needs of the state, for the use of the general revenue 28517
fund of the state, for the purpose of securing a thorough and 28518
efficient system of common schools throughout the state, for the 28519
purpose of affording revenues, in addition to those from general 28520
property taxes, permitted under constitutional limitations, and 28521
from other sources, for the support of local governmental 28522

functions, and for the purpose of reimbursing the state for the 28523
expense of administering this chapter, an excise tax is hereby 28524
levied on each retail sale made in this state. 28525

(A)(1) The tax shall be collected as provided in section 28526
5739.025 of the Revised Code, ~~provided that on and after July 1,~~ 28527
~~2003, and on or before June 30, 2005, the rate of tax shall be six~~ 28528
~~per cent. On and after July 1, 2005, the~~ The rate of the tax 28529
shall be five and one-half per cent. The tax applies and is 28530
collectible when the sale is made, regardless of the time when the 28531
price is paid or delivered. 28532

(2) In the case of the lease or rental, with a fixed term of 28533
more than thirty days or an indefinite term with a minimum period 28534
of more than thirty days, of any motor vehicles designed by the 28535
manufacturer to carry a load of not more than one ton, watercraft, 28536
outboard motor, or aircraft, or of any tangible personal property, 28537
other than motor vehicles designed by the manufacturer to carry a 28538
load of more than one ton, to be used by the lessee or renter 28539
primarily for business purposes, the tax shall be collected by the 28540
vendor at the time the lease or rental is consummated and shall be 28541
calculated by the vendor on the basis of the total amount to be 28542
paid by the lessee or renter under the lease agreement. If the 28543
total amount of the consideration for the lease or rental includes 28544
amounts that are not calculated at the time the lease or rental is 28545
executed, the tax shall be calculated and collected by the vendor 28546
at the time such amounts are billed to the lessee or renter. In 28547
the case of an open-end lease or rental, the tax shall be 28548
calculated by the vendor on the basis of the total amount to be 28549
paid during the initial fixed term of the lease or rental, and for 28550
each subsequent renewal period as it comes due. As used in this 28551
division, "motor vehicle" has the same meaning as in section 28552
4501.01 of the Revised Code, and "watercraft" includes an outdrive 28553
unit attached to the watercraft. 28554

A lease with a renewal clause and a termination penalty or similar provision that applies if the renewal clause is not exercised is presumed to be a sham transaction. In such a case, the tax shall be calculated and paid on the basis of the entire length of the lease period, including any renewal periods, until the termination penalty or similar provision no longer applies. The taxpayer shall bear the burden, by a preponderance of the evidence, that the transaction or series of transactions is not a sham transaction.

(3) Except as provided in division (A)(2) of this section, in 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;	28586 28587 28588 28589
(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 the price of motor fuel when granting a refund of motor fuel tax pursuant to division (A) of section 5735.14 of the Revised Code and shall cause the amount deducted to be paid into the general revenue fund of this state;	28590 28591 28592 28593 28594 28595 28596 28597 28598 28599
(7) Sales of natural gas by a natural gas company, of water by a water-works company, or of steam by a heating company, if in each case the thing sold is delivered to consumers through pipes or conduits, and all sales of communications services by a telegraph company, all terms as defined in section 5727.01 of the Revised Code, and sales of electricity delivered through wires;	28600 28601 28602 28603 28604 28605
(8) Casual sales by a person, or auctioneer employed directly by the person to conduct such sales, except as to such sales of motor vehicles, watercraft or outboard motors required to be titled under section 1548.06 of the Revised Code, watercraft documented with the United States coast guard, snowmobiles, and all-purpose vehicles as defined in section 4519.01 of the Revised Code;	28606 28607 28608 28609 28610 28611 28612
(9)(a) Sales of services or tangible personal property, other than motor vehicles, mobile homes, and manufactured homes, by churches, organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, or nonprofit organizations operated exclusively for charitable purposes as	28613 28614 28615 28616 28617

defined in division (B)(12) of this section, provided that the number of days on which such tangible personal property or services, other than items never subject to the tax, are sold does not exceed six in any calendar year, except as otherwise provided in division (B)(9)(b) of this section. If the number of days on which such sales are made exceeds six in any calendar year, the church or organization shall be considered to be engaged in business and all subsequent sales by it shall be subject to the tax. In counting the number of days, all sales by groups within a church or within an organization shall be considered to be sales of that church or organization.

(b) The limitation on the number of days on which tax-exempt sales may be made by a church or organization under division (B)(9)(a) of this section does not apply to sales made by student clubs and other groups of students of a primary or secondary school, or a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school.

(c) Divisions (B)(9)(a) and (b) of this section do not apply to sales by a noncommercial educational radio or television broadcasting station.

(10) Sales not within the taxing power of this state under the Constitution of the United States;

(11) Except for transactions that are sales under division (B)(3)(r) of section 5739.01 of the Revised Code, the transportation of persons or property, unless the transportation is by a private investigation and security service;

(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable

purposes in this state, no part of the net income of which inures 28649
to the benefit of any private shareholder or individual, and no 28650
substantial part of the activities of which consists of carrying 28651
on propaganda or otherwise attempting to influence legislation; 28652
sales to offices administering one or more homes for the aged or 28653
one or more hospital facilities exempt under section 140.08 of the 28654
Revised Code; and sales to organizations described in division (D) 28655
of section 5709.12 of the Revised Code. 28656

"Charitable purposes" means the relief of poverty; the 28657
improvement of health through the alleviation of illness, disease, 28658
or injury; the operation of an organization exclusively for the 28659
provision of professional, laundry, printing, and purchasing 28660
services to hospitals or charitable institutions; the operation of 28661
a home for the aged, as defined in section 5701.13 of the Revised 28662
Code; the operation of a radio or television broadcasting station 28663
that is licensed by the federal communications commission as a 28664
noncommercial educational radio or television station; the 28665
operation of a nonprofit animal adoption service or a county 28666
humane society; the promotion of education by an institution of 28667
learning that maintains a faculty of qualified instructors, 28668
teaches regular continuous courses of study, and confers a 28669
recognized diploma upon completion of a specific curriculum; the 28670
operation of a parent-teacher association, booster group, or 28671
similar organization primarily engaged in the promotion and 28672
support of the curricular or extracurricular activities of a 28673
primary or secondary school; the operation of a community or area 28674
center in which presentations in music, dramatics, the arts, and 28675
related fields are made in order to foster public interest and 28676
education therein; the production of performances in music, 28677
dramatics, and the arts; or the promotion of education by an 28678
organization engaged in carrying on research in, or the 28679
dissemination of, scientific and technological knowledge and 28680
information primarily for the public. 28681

Nothing in this division shall be deemed to exempt sales to 28682
any organization for use in the operation or carrying on of a 28683
trade or business, or sales to a home for the aged for use in the 28684
operation of independent living facilities as defined in division 28685
(A) of section 5709.12 of the Revised Code. 28686

(13) Building and construction materials and services sold to 28687
construction contractors for incorporation into a structure or 28688
improvement to real property under a construction contract with 28689
this state or a political subdivision of this state, or with the 28690
United States government or any of its agencies; building and 28691
construction materials and services sold to construction 28692
contractors for incorporation into a structure or improvement to 28693
real property that are accepted for ownership by this state or any 28694
of its political subdivisions, or by the United States government 28695
or any of its agencies at the time of completion of the structures 28696
or improvements; building and construction materials sold to 28697
construction contractors for incorporation into a horticulture 28698
structure or livestock structure for a person engaged in the 28699
business of horticulture or producing livestock; building 28700
materials and services sold to a construction contractor for 28701
incorporation into a house of public worship or religious 28702
education, or a building used exclusively for charitable purposes 28703
under a construction contract with an organization whose purpose 28704
is as described in division (B)(12) of this section; building 28705
materials and services sold to a construction contractor for 28706
incorporation into a building under a construction contract with 28707
an organization exempt from taxation under section 501(c)(3) of 28708
the Internal Revenue Code of 1986 when the building is to be used 28709
exclusively for the organization's exempt purposes; building and 28710
construction materials sold for incorporation into the original 28711
construction of a sports facility under section 307.696 of the 28712
Revised Code; and building and construction materials and services 28713
sold to a construction contractor for incorporation into real 28714

property outside this state if such materials and services, when 28715
sold to a construction contractor in the state in which the real 28716
property is located for incorporation into real property in that 28717
state, would be exempt from a tax on sales levied by that state; 28718

(14) Sales of ships or vessels or rail rolling stock used or 28719
to be used principally in interstate or foreign commerce, and 28720
repairs, alterations, fuel, and lubricants for such ships or 28721
vessels or rail rolling stock; 28722

(15) Sales to persons primarily engaged in any of the 28723
activities mentioned in division (B)(42)(a) or (g) of this 28724
section, to persons engaged in making retail sales, or to persons 28725
who purchase for sale from a manufacturer tangible personal 28726
property that was produced by the manufacturer in accordance with 28727
specific designs provided by the purchaser, of packages, including 28728
material, labels, and parts for packages, and of machinery, 28729
equipment, and material for use primarily in packaging tangible 28730
personal property produced for sale, including any machinery, 28731
equipment, and supplies used to make labels or packages, to 28732
prepare packages or products for labeling, or to label packages or 28733
products, by or on the order of the person doing the packaging, or 28734
sold at retail. "Packages" includes bags, baskets, cartons, 28735
crates, boxes, cans, bottles, bindings, wrappings, and other 28736
similar devices and containers, but does not include motor 28737
vehicles or bulk tanks, trailers, or similar devices attached to 28738
motor vehicles. "Packaging" means placing in a package. Division 28739
(B)(15) of this section does not apply to persons engaged in 28740
highway transportation for hire. 28741

(16) Sales of food to persons using food stamp benefits to 28742
purchase the food. As used in this division, "food" has the same 28743
meaning as in the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 28744
2012, as amended, and federal regulations adopted pursuant to that 28745
act. 28746

(17) Sales to persons engaged in farming, agriculture, horticulture, or floriculture, of tangible personal property for use or consumption directly in the production by farming, agriculture, horticulture, or floriculture of other tangible personal property for use or consumption directly in the production of tangible personal property for sale by farming, agriculture, horticulture, or floriculture; or material and parts for incorporation into any such tangible personal property for use or consumption in production; and of tangible personal property for such use or consumption in the conditioning or holding of products produced by and for such use, consumption, or sale by persons engaged in farming, agriculture, horticulture, or floriculture, except where such property is incorporated into real property;

(18) Sales of drugs for a human being that may be dispensed only pursuant to a prescription; insulin as recognized in the official United States pharmacopoeia; urine and blood testing materials when used by diabetics or persons with hypoglycemia to test for glucose or acetone; hypodermic syringes and needles when used by diabetics for insulin injections; epoetin alfa when purchased for use in the treatment of persons with medical disease; hospital beds when purchased by hospitals, nursing homes, or other medical facilities; and medical oxygen and medical oxygen-dispensing equipment when purchased by hospitals, nursing homes, or other medical facilities;

(19) Sales of prosthetic devices, durable medical equipment for home use, or mobility enhancing equipment, when made pursuant to a prescription and when such devices or equipment are for use by a human being.

(20) Sales of emergency and fire protection vehicles and equipment to nonprofit organizations for use solely in providing fire protection and emergency services, including trauma care and

emergency medical services, for political subdivisions of the 28779
state; 28780

(21) Sales of tangible personal property manufactured in this 28781
state, if sold by the manufacturer in this state to a retailer for 28782
use in the retail business of the retailer outside of this state 28783
and if possession is taken from the manufacturer by the purchaser 28784
within this state for the sole purpose of immediately removing the 28785
same from this state in a vehicle owned by the purchaser; 28786

(22) Sales of services provided by the state or any of its 28787
political subdivisions, agencies, instrumentalities, institutions, 28788
or authorities, or by governmental entities of the state or any of 28789
its political subdivisions, agencies, instrumentalities, 28790
institutions, or authorities; 28791

(23) Sales of motor vehicles to nonresidents of this state 28792
under the circumstances described in division (B) of section 28793
5739.029 of the Revised Code; 28794

(24) Sales to persons engaged in the preparation of eggs for 28795
sale of tangible personal property used or consumed directly in 28796
such preparation, including such tangible personal property used 28797
for cleaning, sanitizing, preserving, grading, sorting, and 28798
classifying by size; packages, including material and parts for 28799
packages, and machinery, equipment, and material for use in 28800
packaging eggs for sale; and handling and transportation equipment 28801
and parts therefor, except motor vehicles licensed to operate on 28802
public highways, used in intraplant or interplant transfers or 28803
shipment of eggs in the process of preparation for sale, when the 28804
plant or plants within or between which such transfers or 28805
shipments occur are operated by the same person. "Packages" 28806
includes containers, cases, baskets, flats, fillers, filler flats, 28807
cartons, closure materials, labels, and labeling materials, and 28808
"packaging" means placing therein. 28809

(25)(a) Sales of water to a consumer for residential use,	28810
except the sale of bottled water, distilled water, mineral water,	28811
carbonated water, or ice;	28812
(b) Sales of water by a nonprofit corporation engaged	28813
exclusively in the treatment, distribution, and sale of water to	28814
consumers, if such water is delivered to consumers through pipes	28815
or tubing.	28816
(26) Fees charged for inspection or reinspection of motor	28817
vehicles under section 3704.14 of the Revised Code;	28818
(27) Sales to persons licensed to conduct a food service	28819
operation pursuant to section 3717.43 of the Revised Code, of	28820
tangible personal property primarily used directly for the	28821
following:	28822
(a) To prepare food for human consumption for sale;	28823
(b) To preserve food that has been or will be prepared for	28824
human consumption for sale by the food service operator, not	28825
including tangible personal property used to display food for	28826
selection by the consumer;	28827
(c) To clean tangible personal property used to prepare or	28828
serve food for human consumption for sale.	28829
(28) Sales of animals by nonprofit animal adoption services	28830
or county humane societies;	28831
(29) Sales of services to a corporation described in division	28832
(A) of section 5709.72 of the Revised Code, and sales of tangible	28833
personal property that qualifies for exemption from taxation under	28834
section 5709.72 of the Revised Code;	28835
(30) Sales and installation of agricultural land tile, as	28836
defined in division (B)(5)(a) of section 5739.01 of the Revised	28837
Code;	28838
(31) Sales and erection or installation of portable grain	28839

bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code; 28840
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(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; 28842
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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; 28848
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(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. 28853
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(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 28868
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describes tangible personal property offered for retail sale.	28872
(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 direct marketing retail sales.	28873 28874 28875 28876 28877 28878 28879 28880 28881
(c) Sales of automatic food vending machines that preserve food with a shelf life of forty-five days or less by refrigeration and dispense it to the consumer.	28882 28883 28884
For purposes of division (B)(35) of this section, "direct marketing" means the method of selling where consumers order tangible personal property by United States mail, delivery service, or telecommunication and the vendor delivers or ships the tangible personal property sold to the consumer from a warehouse, catalogue distribution center, or similar fulfillment facility by means of the United States mail, delivery service, or common carrier.	28885 28886 28887 28888 28889 28890 28891 28892
(36) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure;	28893 28894 28895
(37) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;	28896 28897 28898 28899 28900
(38) Sales to a professional racing team of any of the following:	28901 28902

(a) Motor racing vehicles;	28903
(b) Repair services for motor racing vehicles;	28904
(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication.	28905 28906 28907 28908 28909 28910 28911 28912
(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;	28913 28914 28915
(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exemptions in division (B)(42)(a) of this section to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity.	28916 28917 28918 28919 28920 28921 28922 28923 28924 28925 28926 28927 28928 28929 28930 28931 28932
(41) Sales to a person providing services under division	28933

(B)(3)(r) of section 5739.01 of the Revised Code of tangible 28934
personal property and services used directly and primarily in 28935
providing taxable services under that section. 28936

(42) Sales where the purpose of the purchaser is to do any of 28937
the following: 28938

(a) To incorporate the thing transferred as a material or a 28939
part into tangible personal property to be produced for sale by 28940
manufacturing, assembling, processing, or refining; or to use or 28941
consume the thing transferred directly in producing tangible 28942
personal property for sale by mining, including, without 28943
limitation, the extraction from the earth of all substances that 28944
are classed geologically as minerals, production of crude oil and 28945
natural gas, farming, agriculture, horticulture, or floriculture, 28946
or directly in the rendition of a public utility service, except 28947
that the sales tax levied by this section shall be collected upon 28948
all meals, drinks, and food for human consumption sold when 28949
transporting persons. Persons engaged in rendering farming, 28950
agricultural, horticultural, or floricultural services, and 28951
services in the exploration for, and production of, crude oil and 28952
natural gas, for others are deemed engaged directly in farming, 28953
agriculture, horticulture, and floriculture, or exploration for, 28954
and production of, crude oil and natural gas. This paragraph does 28955
not exempt from "retail sale" or "sales at retail" the sale of 28956
tangible personal property that is to be incorporated into a 28957
structure or improvement to real property. 28958

(b) To hold the thing transferred as security for the 28959
performance of an obligation of the vendor; 28960

(c) To resell, hold, use, or consume the thing transferred as 28961
evidence of a contract of insurance; 28962

(d) To use or consume the thing directly in commercial 28963
fishing; 28964

(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;

(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;

(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;

(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;

(i) To use the thing transferred as qualified research and development equipment;

(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or by means of direct marketing. This division does not apply to motor vehicles registered for operation on the public highways. As used in this division, "affiliated group" has the same meaning as in division (B)(3)(e) of section 5739.01 of the Revised Code and

"direct marketing" has the same meaning as in division (B)(35) of this section. 28996
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(k) To use or consume the thing transferred to fulfill a contractual obligation incurred by a warrantor pursuant to a warranty provided as a part of the price of the tangible personal property sold or by a vendor of a warranty, maintenance or service contract, or similar agreement the provision of which is defined as a sale under division (B)(7) of section 5739.01 of the Revised Code; 28998
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(l) To use or consume the thing transferred in the production of a newspaper for distribution to the public; 29005
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(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; 29007
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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. 29012
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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. 29015
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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. 29018
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(44) Sales of replacement and modification parts for engines, airframes, instruments, and interiors in, and paint for, aircraft 29025
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used primarily in a fractional aircraft ownership program, and 29027
sales of services for the repair, modification, and maintenance of 29028
such aircraft, and machinery, equipment, and supplies primarily 29029
used to provide those services. 29030

(45) Sales of telecommunications service that is used 29031
directly and primarily to perform the functions of a call center. 29032
As used in this division, "call center" means any physical 29033
location where telephone calls are placed or received in high 29034
volume for the purpose of making sales, marketing, customer 29035
service, technical support, or other specialized business 29036
activity, and that employs at least fifty individuals that engage 29037
in call center activities on a full-time basis, or sufficient 29038
individuals to fill fifty full-time equivalent positions. 29039

(46) Sales by a telecommunications service vendor of 900 29040
service to a subscriber. This division does not apply to 29041
information services, as defined in division (FF) of section 29042
5739.01 of the Revised Code. 29043

(47) Sales of value-added non-voice data service. This 29044
division does not apply to any similar service that is not 29045
otherwise a telecommunications service. 29046

(48)(a) Sales of machinery, equipment, and software to a 29047
qualified direct selling entity for use in a warehouse or 29048
distribution center primarily for storing, transporting, or 29049
otherwise handling inventory that is held for sale to independent 29050
salespersons who operate as direct sellers and that is held 29051
primarily for distribution outside this state; 29052

(b) As used in division (B)(48)(a) of this section: 29053

(i) "Direct seller" means a person selling consumer products 29054
to individuals for personal or household use and not from a fixed 29055
retail location, including selling such product at in-home product 29056
demonstrations, parties, and other one-on-one selling. 29057

(ii) "Qualified direct selling entity" means an entity 29058
selling to direct sellers at the time the entity enters into a tax 29059
credit agreement with the tax credit authority pursuant to section 29060
122.17 of the Revised Code, provided that the agreement was 29061
entered into on or after January 1, 2007. Neither contingencies 29062
relevant to the granting of, nor later developments with respect 29063
to, the tax credit shall impair the status of the qualified direct 29064
selling entity under division (B)(48) of this section after 29065
execution of the tax credit agreement by the tax credit authority. 29066

(c) Division (B)(48) of this section is limited to machinery, 29067
equipment, and software first stored, used, or consumed in this 29068
state within the period commencing with the effective date of the 29069
amendment of this section by the capital appropriations act of the 29070
127th general assembly and ending on the date that is five years 29071
after that effective date. 29072

(49) Sales of materials, parts, equipment, or engines used in 29073
the repair or maintenance of aircraft or avionics systems of such 29074
aircraft, and sales of repair, remodeling, replacement, or 29075
maintenance services at a federal aviation administration 29076
certified repair station in this state performed on aircraft or on 29077
an aircraft's avionics, engine, or component materials or parts. 29078
As used in division (B)(49) of this section, "aircraft" means 29079
aircraft of more than six thousand pounds maximum certified 29080
takeoff weight or used exclusively in general aviation. 29081

(50) Sales of full flight simulators that are used for pilot 29082
or flight-crew training, sales of repair or replacement parts or 29083
components, and sales of repair or maintenance services for such 29084
full flight simulators. "Full flight simulator" means a replica of 29085
a specific type, or make, model, and series of aircraft cockpit. 29086
It includes the assemblage of equipment and computer programs 29087
necessary to represent aircraft operations in ground and flight 29088
conditions, a visual system providing an out-of-the-cockpit view, 29089

and a system that provides cues at least equivalent to those of a 29090
three-degree-of-freedom motion system, and has the full range of 29091
capabilities of the systems installed in the device as described 29092
in appendices A and B of part 60 of chapter 1 of title 14 of the 29093
Code of Federal Regulations. 29094

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(C) For the purpose of the proper administration of this 29096
chapter, and to prevent the evasion of the tax, it is presumed 29097
that all sales made in this state are subject to the tax until the 29098
contrary is established. 29099

(D) The levy of this tax on retail sales of recreation and 29100
sports club service shall not prevent a municipal corporation from 29101
levying any tax on recreation and sports club dues or on any 29102
income generated by recreation and sports club dues. 29103

(E) The tax collected by the vendor from the consumer under 29104
this chapter is not part of the price, but is a tax collection for 29105
the benefit of the state, and of counties levying an additional 29106
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 29107
Code and of transit authorities levying an additional sales tax 29108
pursuant to section 5739.023 of the Revised Code. Except for the 29109
discount authorized under section 5739.12 of the Revised Code and 29110
the effects of any rounding pursuant to section 5703.055 of the 29111
Revised Code, no person other than the state or such a county or 29112
transit authority shall derive any benefit from the collection or 29113
payment of the tax levied by this section or section 5739.021, 29114
5739.023, or 5739.026 of the Revised Code. 29115

Sec. 5739.029. (A) Notwithstanding sections 5739.02, 29116
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 29117
5741.023 of the Revised Code, and except as otherwise provided in 29118
division (B) of this section, the tax due under this chapter on 29119
the sale of a motor vehicle required to be titled under Chapter 29120

4505. of the Revised Code by a motor vehicle dealer to a consumer 29121
that is a nonresident of this state shall be the lesser of the 29122
amount of tax that would be due under this chapter and Chapter 29123
5741. of the Revised Code if the total combined rate were six per 29124
cent, or the amount of tax that would be due⁷ to the state in 29125
which the consumer titles or registers the motor vehicle or to 29126
which the consumer removes the vehicle for use. 29127

(B) No tax is due under this section, any other section of 29128
this chapter, or Chapter 5741. of the Revised Code under any of 29129
the following circumstances: 29130

(1)(a) The consumer intends to immediately remove the motor 29131
vehicle from this state for use outside this state; 29132

(b) Upon removal of the motor vehicle from this state, the 29133
consumer intends to title or register the vehicle in another state 29134
if such titling or registration is required; 29135

(c) The consumer executes an affidavit as required under 29136
division (C) of this section affirming the consumer's intentions 29137
under divisions (B)(1)(a) and (b) of this section; and 29138

(d) The state in which the consumer titles or registers the 29139
motor vehicle or to which the consumer removes the vehicle for use 29140
provides an exemption under circumstances substantially similar to 29141
those described in division (B)(1) of this section. 29142

(2) The state in which the consumer titles or registers the 29143
motor vehicle or to which the consumer removes the vehicle for use 29144
does not provide a credit against its sales or use tax or similar 29145
excise tax for sales or use tax paid to this state. 29146

(3) The state in which the consumer titles or registers the 29147
motor vehicle or to which the consumer removes the vehicle for use 29148
does not impose a sales or use tax or similar excise tax on the 29149
ownership or use of motor vehicles. 29150

(C) Any nonresident consumer that purchases a motor vehicle 29151
from a motor vehicle dealer in this state under the circumstances 29152
described in divisions (B)(1)(a) and (b) of this section shall 29153
execute an affidavit affirming the intentions described in those 29154
divisions. The affidavit shall be executed in triplicate and in 29155
the form specified by the tax commissioner. The affidavit shall be 29156
given to the motor vehicle dealer. 29157

A motor vehicle dealer that accepts in good faith an 29158
affidavit presented under this division by a nonresident consumer 29159
may rely upon the representations made in the affidavit. 29160

(D) A motor vehicle dealer making a sale subject to the tax 29161
under division (A) of this section shall collect the tax due 29162
unless the sale is subject to the exception under division (B) of 29163
this section or unless the sale is not otherwise subject to taxes 29164
levied under sections 5739.02, 5739.021, 5739.023, 5739.026, 29165
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code. In 29166
the case of a sale under the circumstances described in division 29167
(B)(1) of this section, the dealer shall retain one copy of the 29168
affidavit and file the original and the other copy with the clerk 29169
of the court of common pleas. If tax is due under division (A) of 29170
this section, the dealer shall remit the tax collected to the 29171
clerk at the time the dealer obtains the Ohio certificate of title 29172
in the name of the consumer as required under section 4505.06 of 29173
the Revised Code. The clerk shall forward the original affidavit 29174
to the tax commissioner in the manner prescribed by the 29175
commissioner. 29176

Unless a sale is excepted from taxation under division (B) of 29177
this section, upon receipt of an application for certificate of 29178
title a clerk of the court of common pleas shall collect the sales 29179
tax due under division (A) of this section. The clerk shall remit 29180
the tax collected to the tax commissioner in the manner prescribed 29181
by the commissioner. 29182

(E) If a motor vehicle is purchased by a corporation 29183
described in division (B)(6) of section 5739.01 of the Revised 29184
Code, the state of residence of the consumer for the purposes of 29185
this section is the state of residence of the corporation's 29186
principal shareholder. 29187

(F) Any provision of this chapter or of Chapter 5741. of the 29188
Revised Code that is not inconsistent with this section applies to 29189
sales described in division (A) of this section. 29190

(G) As used in this section: 29191

(1) For the purposes of this section only, the sale or 29192
purchase of a motor vehicle does not include a lease or rental of 29193
a motor vehicle subject to division (A)(2) or (3) of section 29194
5739.02 or division (A)(2) or (3) of section 5741.02 of the 29195
Revised Code; 29196

(2) "State," except in reference to "this state," means any 29197
state, district, commonwealth, or territory of the United States 29198
and any province of Canada. 29199

Sec. 5739.09. (A)(1) A board of county commissioners may, by 29200
resolution adopted by a majority of the members of the board, levy 29201
an excise tax not to exceed three per cent on transactions by 29202
which lodging by a hotel is or is to be furnished to transient 29203
guests. The board shall establish all regulations necessary to 29204
provide for the administration and allocation of the tax. The 29205
regulations may prescribe the time for payment of the tax, and may 29206
provide for the imposition of a penalty or interest, or both, for 29207
late payments, provided that the penalty does not exceed ten per 29208
cent of the amount of tax due, and the rate at which interest 29209
accrues does not exceed the rate per annum prescribed pursuant to 29210
section 5703.47 of the Revised Code. Except as provided in 29211
divisions (A)(2), (3), (4), (5), (6), and (7) of this section, the 29212
regulations shall provide, after deducting the real and actual 29213

costs of administering the tax, for the return to each municipal 29214
corporation or township that does not levy an excise tax on the 29215
transactions, a uniform percentage of the tax collected in the 29216
municipal corporation or in the unincorporated portion of the 29217
township from each transaction, not to exceed thirty-three and 29218
one-third per cent. The remainder of the revenue arising from the 29219
tax shall be deposited in a separate fund and shall be spent 29220
solely to make contributions to the convention and visitors' 29221
bureau operating within the county, including a pledge and 29222
contribution of any portion of the remainder pursuant to an 29223
agreement authorized by section 307.695 of the Revised Code, 29224
provided that if the board of county commissioners of an eligible 29225
county as defined in section 307.695 of the Revised Code adopts a 29226
resolution amending a resolution levying a tax under this division 29227
to provide that the revenue from the tax shall be used by the 29228
board as described in division (H) of section 307.695 of the 29229
Revised Code, the remainder of the revenue shall be used as 29230
described in the resolution making that amendment. Except as 29231
provided in division (A)(2), (3), (4), (5), (6), or (7) or (H) of 29232
this section, on and after May 10, 1994, a board of county 29233
commissioners may not levy an excise tax pursuant to this division 29234
in any municipal corporation or township located wholly or partly 29235
within the county that has ineffect an ordinance or resolution 29236
levying an excise tax pursuant to division (B) of this section. 29237
The board of a county that has levied a tax under division (C) of 29238
this section may, by resolution adopted within ninety days after 29239
July 15, 1985, by a majority of the members of the board, amend 29240
the resolution levying a tax under this division to provide for a 29241
portion of that tax to be pledged and contributed in accordance 29242
with an agreement entered into under section 307.695 of the 29243
Revised Code. A tax, any revenue from which is pledged pursuant to 29244
such an agreement, shall remain in effect at the rate at which it 29245
is imposed for the duration of the period for which the revenue 29246

from the tax has been so pledged. 29247

The board of county commissioners of an eligible county as 29248
defined in section 307.695 of the Revised Code may, by resolution 29249
adopted by a majority of the members of the board, amend a 29250
resolution levying a tax under this division to provide that the 29251
revenue from the tax shall be used by the board as described in 29252
division (H) of section 307.695 of the Revised Code, in which case 29253
the tax shall remain in effect at the rate at which it was imposed 29254
for the duration of any agreement entered into by the board under 29255
section 307.695 of the Revised Code, the duration during which any 29256
securities issued by the board under that section are outstanding, 29257
or the duration of the period during which the board owns a 29258
project as defined in section 307.695 of the Revised Code, 29259
whichever duration is longest. 29260

(2) A board of county commissioners that levies an excise tax 29261
under division (A)(1) of this section on June 30, 1997, at a rate 29262
of three per cent, and that has pledged revenue from the tax to an 29263
agreement entered into under section 307.695 of the Revised Code 29264
or, in the case of the board of county commissioners of an 29265
eligible county as defined in section 307.695 of the Revised Code, 29266
has amended a resolution levying a tax under division (C) of this 29267
section to provide that proceeds from the tax shall be used by the 29268
board as described in division (H) of section 307.695 of the 29269
Revised Code, may, at any time by a resolution adopted by a 29270
majority of the members of the board, amend the resolution levying 29271
a tax under division (A)(1) of this section to provide for an 29272
increase in the rate of that tax up to seven per cent on each 29273
transaction; to provide that revenue from the increase in the rate 29274
shall be used as described in division (H) of section 307.695 of 29275
the Revised Code or be spent solely to make contributions to the 29276
convention and visitors' bureau operating within the county to be 29277
used specifically for promotion, advertising, and marketing of the 29278

region in which the county is located; and to provide that the 29279
rate in excess of the three per cent levied under division (A)(1) 29280
of this section shall remain in effect at the rate at which it is 29281
imposed for the duration of the period during which any agreement 29282
is in effect that was entered into under section 307.695 of the 29283
Revised Code by the board of county commissioners levying a tax 29284
under division (A)(1) of this section, the duration of the period 29285
during which any securities issued by the board under division (I) 29286
of section 307.695 of the Revised Code are outstanding, or the 29287
duration of the period during which the board owns a project as 29288
defined in section 307.695 of the Revised Code, whichever duration 29289
is longest. The amendment also shall provide that no portion of 29290
that revenue need be returned to townships or municipal 29291
corporations as would otherwise be required under division (A)(1) 29292
of this section. 29293

(3) A board of county commissioners that levies a tax under 29294
division (A)(1) of this section on March 18, 1999, at a rate of 29295
three per cent may, by resolution adopted not later than 29296
forty-five days after March 18, 1999, amend the resolution levying 29297
the tax to provide for all of the following: 29298

(a) That the rate of the tax shall be increased by not more 29299
than an additional four per cent on each transaction; 29300

(b) That all of the revenue from the increase in the rate 29301
shall be pledged and contributed to a convention facilities 29302
authority established by the board of county commissioners under 29303
Chapter 351. of the Revised Code on or before November 15, 1998, 29304
and used to pay costs of constructing, maintaining, operating, and 29305
promoting a facility in the county, including paying bonds, or 29306
notes issued in anticipation of bonds, as provided by that 29307
chapter; 29308

(c) That no portion of the revenue arising from the increase 29309
in rate need be returned to municipal corporations or townships as 29310

otherwise required under division (A)(1) of this section; 29311

(d) That the increase in rate shall not be subject to 29312
diminution by initiative or referendum or by law while any bonds, 29313
or notes in anticipation of bonds, issued by the authority under 29314
Chapter 351. of the Revised Code to which the revenue is pledged, 29315
remain outstanding in accordance with their terms, unless 29316
provision is made by law or by the board of county commissioners 29317
for an adequate substitute therefor that is satisfactory to the 29318
trustee if a trust agreement secures the bonds. 29319

Division (A)(3) of this section does not apply to the board 29320
of county commissioners of any county in which a convention center 29321
or facility exists or is being constructed on November 15, 1998, 29322
or of any county in which a convention facilities authority levies 29323
a tax pursuant to section 351.021 of the Revised Code on that 29324
date. 29325

As used in division (A)(3) of this section, "cost" and 29326
"facility" have the same meanings as in section 351.01 of the 29327
Revised Code, and "convention center" has the same meaning as in 29328
section 307.695 of the Revised Code. 29329

(4)(a) A board of county commissioners that levies a tax 29330
under division (A)(1) of this section on June 30, 2002, at a rate 29331
of three per cent may, by resolution adopted not later than 29332
September 30, 2002, amend the resolution levying the tax to 29333
provide for all of the following: 29334

~~(a)(i)~~ That the rate of the tax shall be increased by not 29335
more than an additional three and one-half per cent on each 29336
transaction; 29337

~~(b)(ii)~~ That all of the revenue from the increase in rate 29338
shall be pledged and contributed to a convention facilities 29339
authority established by the board of county commissioners under 29340
Chapter 351. of the Revised Code on or before May 15, 2002, and be 29341

used to pay costs of constructing, expanding, maintaining, 29342
operating, or promoting a convention center in the county, 29343
including paying bonds, or notes issued in anticipation of bonds, 29344
as provided by that chapter; 29345

~~(e)(iii)~~ That no portion of the revenue arising from the 29346
increase in rate need be returned to municipal corporations or 29347
townships as otherwise required under division (A)(1) of this 29348
section; 29349

~~(d)(iv)~~ That the increase in rate shall not be subject to 29350
diminution by initiative or referendum or by law while any bonds, 29351
or notes in anticipation of bonds, issued by the authority under 29352
Chapter 351. of the Revised Code to which the revenue is pledged, 29353
remain outstanding in accordance with their terms, unless 29354
provision is made by law or by the board of county commissioners 29355
for an adequate substitute therefor that is satisfactory to the 29356
trustee if a trust agreement secures the bonds. 29357

(b) Any board of county commissioners that, pursuant to 29358
division (A)(4)(a) of this section, has amended a resolution 29359
levying the tax authorized by division (A)(1) of this section may 29360
further amend the resolution to provide that the revenue referred 29361
to in division (A)(4)(a)(ii) of this section shall be pledged and 29362
contributed both to a convention facilities authority to pay the 29363
costs of constructing, expanding, maintaining, or operating one or 29364
more convention centers in the county, including paying bonds, or 29365
notes issued in anticipation of bonds, as provided in Chapter 351. 29366
of the Revised Code, and to a convention and visitors' bureau to 29367
pay the costs of promoting one or more convention centers in the 29368
county. 29369

As used in division (A)(4) of this section, "cost" has the 29370
same meaning as in section 351.01 of the Revised Code, and 29371
"convention center" has the same meaning as in section 307.695 of 29372
the Revised Code. 29373

(5)(a) As used in division (A)(5) of this section:	29374
(i) "Port authority" means a port authority created under Chapter 4582. of the Revised Code.	29375 29376
(ii) "Port authority military-use facility" means port authority facilities on which or adjacent to which is located an installation of the armed forces of the United States, a reserve component thereof, or the national guard and at least part of which is made available for use, for consideration, by the armed forces of the United States, a reserve component thereof, or the national guard.	29377 29378 29379 29380 29381 29382 29383
(b) For the purpose of contributing revenue to pay operating expenses of a port authority that operates a port authority military-use facility, the board of county commissioners of a county that created, participated in the creation of, or has joined such a port authority may do one or both of the following:	29384 29385 29386 29387 29388
(i) Amend a resolution previously adopted under division (A)(1) of this section to designate some or all of the revenue from the tax levied under the resolution to be used for that purpose, notwithstanding that division;	29389 29390 29391 29392
(ii) Amend a resolution previously adopted under division (A)(1) of this section to increase the rate of the tax by not more than an additional two per cent and use the revenue from the increase exclusively for that purpose.	29393 29394 29395 29396
(c) If a board of county commissioners amends a resolution to increase the rate of a tax as authorized in division (A)(5)(b)(ii) of this section, the board also may amend the resolution to specify that the increase in rate of the tax does not apply to "hotels," as otherwise defined in section 5739.01 of the Revised Code, having fewer rooms used for the accommodation of guests than a number of rooms specified by the board.	29397 29398 29399 29400 29401 29402 29403
(6) A board of county commissioners of a county organized	29404

under a county charter adopted pursuant to Article X, Section 3, 29405
Ohio Constitution, and that levies an excise tax under division 29406
(A)(1) of this section at a rate of three per cent and levies an 29407
additional excise tax under division (E) of this section at a rate 29408
of one and one-half per cent may, by resolution adopted not later 29409
than January 1, 2008, by a majority of the members of the board, 29410
amend the resolution levying a tax under division (A)(1) of this 29411
section to provide for an increase in the rate of that tax by not 29412
more than an additional one per cent on transactions by which 29413
lodging by a hotel is or is to be furnished to transient guests. 29414
Notwithstanding divisions (A)(1) and (E) of this section, the 29415
resolution shall provide that all of the revenue from the increase 29416
in rate, after deducting the real and actual costs of 29417
administering the tax, shall be used to pay the costs of 29418
improving, expanding, equipping, financing, or operating a 29419
convention center by a convention and visitors' bureau in the 29420
county. The increase in rate shall remain in effect for the period 29421
specified in the resolution, not to exceed ten years. The increase 29422
in rate shall be subject to the regulations adopted under division 29423
(A)(1) of this section, except that the resolution may provide 29424
that no portion of the revenue from the increase in the rate shall 29425
be returned to townships or municipal corporations as would 29426
otherwise be required under that division. 29427

(7) Division (A)(7) of this section applies only to a county 29428
with a population greater than sixty-five thousand and less than 29429
seventy thousand according to the most recent federal decennial 29430
census and in which, on December 31, 2006, an excise tax is levied 29431
under division (A)(1) of this section at a rate not less than and 29432
not greater than three per cent, and in which the most recent 29433
increase in the rate of that tax was enacted or took effect in 29434
November 1984. 29435

The board of county commissioners of a county to which this 29436

division applies, by resolution adopted by a majority of the 29437
members of the board, may increase the rate of the tax by not more 29438
than one per cent on transactions by which lodging by a hotel is 29439
or is to be furnished to transient guests. The increase in rate 29440
shall be for the purpose of paying expenses deemed necessary by 29441
the convention and visitors' bureau operating in the county to 29442
promote travel and tourism. The increase in rate shall remain in 29443
effect for the period specified in the resolution, not to exceed 29444
twenty years, provided that the increase in rate may not continue 29445
beyond the time when the purpose for which the increase is levied 29446
ceases to exist. If revenue from the increase in rate is pledged 29447
to the payment of debt charges on securities, the increase in rate 29448
is not subject to diminution by initiative or referendum or by law 29449
for so long as the securities are outstanding, unless provision is 29450
made by law or by the board of county commissioners for an 29451
adequate substitute for that revenue that is satisfactory to the 29452
trustee if a trust agreement secures payment of the debt charges. 29453
The increase in rate shall be subject to the regulations adopted 29454
under division (A)(1) of this section, except that the resolution 29455
may provide that no portion of the revenue from the increase in 29456
the rate shall be returned to townships or municipal corporations 29457
as would otherwise be required under division (A)(1) of this 29458
section. A resolution adopted under division (A)(7) of this 29459
section is subject to referendum under sections 305.31 to 305.99 29460
of the Revised Code. 29461

(B)(1) The legislative authority of a municipal corporation 29462
or the board of trustees of a township that is not wholly or 29463
partly located in a county that has in effect a resolution levying 29464
an excise tax pursuant to division (A)(1) of this section may, by 29465
ordinance or resolution, levy an excise tax not to exceed three 29466
per cent on transactions by which lodging by a hotel is or is to 29467
be furnished to transient guests. The legislative authority of the 29468
municipal corporation or the board of trustees of the township 29469

shall deposit at least fifty per cent of the revenue from the tax 29470
levied pursuant to this division into a separate fund, which shall 29471
be spent solely to make contributions to convention and visitors' 29472
bureaus operating within the county in which the municipal 29473
corporation or township is wholly or partly located, and the 29474
balance of that revenue shall be deposited in the general fund. 29475
The municipal corporation or township shall establish all 29476
regulations necessary to provide for the administration and 29477
allocation of the tax. The regulations may prescribe the time for 29478
payment of the tax, and may provide for the imposition of a 29479
penalty or interest, or both, for late payments, provided that the 29480
penalty does not exceed ten per cent of the amount of tax due, and 29481
the rate at which interest accrues does not exceed the rate per 29482
annum prescribed pursuant to section 5703.47 of the Revised Code. 29483
The levy of a tax under this division is in addition to any tax 29484
imposed on the same transaction by a municipal corporation or a 29485
township as authorized by division (A) of section 5739.08 of the 29486
Revised Code. 29487

(2)(a) The legislative authority of the most populous 29488
municipal corporation located wholly or partly in a county in 29489
which the board of county commissioners has levied a tax under 29490
division (A)(4) of this section may amend, on or before September 29491
30, 2002, that municipal corporation's ordinance or resolution 29492
that levies an excise tax on transactions by which lodging by a 29493
hotel is or is to be furnished to transient guests, to provide for 29494
all of the following: 29495

~~(a)~~(i) That the rate of the tax shall be increased by not 29496
more than an additional one per cent on each transaction; 29497

~~(b)~~(ii) That all of the revenue from the increase in rate 29498
shall be pledged and contributed to a convention facilities 29499
authority established by the board of county commissioners under 29500
Chapter 351. of the Revised Code on or before May 15, 2002, and be 29501

used to pay costs of constructing, expanding, maintaining, 29502
operating, or promoting a convention center in the county, 29503
including paying bonds, or notes issued in anticipation of bonds, 29504
as provided by that chapter; 29505

~~(e)(iii)~~ That the increase in rate shall not be subject to 29506
diminution by initiative or referendum or by law while any bonds, 29507
or notes in anticipation of bonds, issued by the authority under 29508
Chapter 351. of the Revised Code to which the revenue is pledged, 29509
remain outstanding in accordance with their terms, unless 29510
provision is made by law, by the board of county commissioners, or 29511
by the legislative authority, for an adequate substitute therefor 29512
that is satisfactory to the trustee if a trust agreement secures 29513
the bonds. 29514

(b) The legislative authority of a municipal corporation 29515
that, pursuant to division (B)(2)(a) of this section, has amended 29516
its ordinance or resolution to increase the rate of the tax 29517
authorized by division (B)(1) of this section may further amend 29518
the ordinance or resolution to provide that the revenue referred 29519
to in division (B)(2)(a)(ii) of this section shall be pledged and 29520
contributed both to a convention facilities authority to pay the 29521
costs of constructing, expanding, maintaining, or operating one or 29522
more convention centers in the county, including paying bonds, or 29523
notes issued in anticipation of bonds, as provided in Chapter 351. 29524
of the Revised Code, and to a convention and visitors' bureau to 29525
pay the costs of promoting one or more convention centers in the 29526
county. 29527

As used in division (B)(2) of this section, "cost" has the 29528
same meaning as in section 351.01 of the Revised Code, and 29529
"convention center" has the same meaning as in section 307.695 of 29530
the Revised Code. 29531

(C) For the purposes described in section 307.695 of the 29532
Revised Code and to cover the costs of administering the tax, a 29533

board of county commissioners of a county where a tax imposed 29534
under division (A)(1) of this section is in effect may, by 29535
resolution adopted within ninety days after July 15, 1985, by a 29536
majority of the members of the board, levy an additional excise 29537
tax not to exceed three per cent on transactions by which lodging 29538
by a hotel is or is to be furnished to transient guests. The tax 29539
authorized by this division shall be in addition to any tax that 29540
is levied pursuant to division (A) of this section, but it shall 29541
not apply to transactions subject to a tax levied by a municipal 29542
corporation or township pursuant to the authorization granted by 29543
division (A) of section 5739.08 of the Revised Code. The board 29544
shall establish all regulations necessary to provide for the 29545
administration and allocation of the tax. The regulations may 29546
prescribe the time for payment of the tax, and may provide for the 29547
imposition of a penalty or interest, or both, for late payments, 29548
provided that the penalty does not exceed ten per cent of the 29549
amount of tax due, and the rate at which interest accrues does not 29550
exceed the rate per annum prescribed pursuant to section 5703.47 29551
of the Revised Code. All revenues arising from the tax shall be 29552
expended in accordance with section 307.695 of the Revised Code. 29553
The board of county commissioners of an eligible county as defined 29554
in section 307.695 of the Revised Code may, by resolution adopted 29555
by a majority of the members of the board, amend the resolution 29556
levying a tax under this division to provide that the revenue from 29557
the tax shall be used by the board as described in division (H) of 29558
section 307.695 of the Revised Code. A tax imposed under this 29559
division shall remain in effect at the rate at which it is imposed 29560
for the duration of the period during which any agreement entered 29561
into by the board under section 307.695 of the Revised Code is in 29562
effect, the duration of the period during which any securities 29563
issued by the board under division (I) of section 307.695 of the 29564
Revised Code are outstanding, or the duration of the period during 29565
which the board owns a project as defined in section 307.695 of 29566

the Revised Code, whichever duration is longest. 29567

(D) For the purpose of providing contributions under division 29568
(B)(1) of section 307.671 of the Revised Code to enable the 29569
acquisition, construction, and equipping of a port authority 29570
educational and cultural facility in the county and, to the extent 29571
provided for in the cooperative agreement authorized by that 29572
section, for the purpose of paying debt service charges on bonds, 29573
or notes in anticipation of bonds, described in division (B)(1)(b) 29574
of that section, a board of county commissioners, by resolution 29575
adopted within ninety days after December 22, 1992, by a majority 29576
of the members of the board, may levy an additional excise tax not 29577
to exceed one and one-half per cent on transactions by which 29578
lodging by a hotel is or is to be furnished to transient guests. 29579
The excise tax authorized by this division shall be in addition to 29580
any tax that is levied pursuant to divisions (A), (B), and (C) of 29581
this section, to any excise tax levied pursuant to section 5739.08 29582
of the Revised Code, and to any excise tax levied pursuant to 29583
section 351.021 of the Revised Code. The board of county 29584
commissioners shall establish all regulations necessary to provide 29585
for the administration and allocation of the tax that are not 29586
inconsistent with this section or section 307.671 of the Revised 29587
Code. The regulations may prescribe the time for payment of the 29588
tax, and may provide for the imposition of a penalty or interest, 29589
or both, for late payments, provided that the penalty does not 29590
exceed ten per cent of the amount of tax due, and the rate at 29591
which interest accrues does not exceed the rate per annum 29592
prescribed pursuant to section 5703.47 of the Revised Code. All 29593
revenues arising from the tax shall be expended in accordance with 29594
section 307.671 of the Revised Code and division (D) of this 29595
section. The levy of a tax imposed under this division may not 29596
commence prior to the first day of the month next following the 29597
execution of the cooperative agreement authorized by section 29598
307.671 of the Revised Code by all parties to that agreement. The 29599

tax shall remain in effect at the rate at which it is imposed for 29600
the period of time described in division (C) of section 307.671 of 29601
the Revised Code for which the revenue from the tax has been 29602
pledged by the county to the corporation pursuant to that section, 29603
but, to any extent provided for in the cooperative agreement, for 29604
no lesser period than the period of time required for payment of 29605
the debt service charges on bonds, or notes in anticipation of 29606
bonds, described in division (B)(1)(b) of that section. 29607

(E) For the purpose of paying the costs of acquiring, 29608
constructing, equipping, and improving a municipal educational and 29609
cultural facility, including debt service charges on bonds 29610
provided for in division (B) of section 307.672 of the Revised 29611
Code, and for any additional purposes determined by the county in 29612
the resolution levying the tax or amendments to the resolution, 29613
including subsequent amendments providing for paying costs of 29614
acquiring, constructing, renovating, rehabilitating, equipping, 29615
and improving a port authority educational and cultural performing 29616
arts facility, as defined in section 307.674 of the Revised Code, 29617
and including debt service charges on bonds provided for in 29618
division (B) of section 307.674 of the Revised Code, the 29619
legislative authority of a county, by resolution adopted within 29620
ninety days after June 30, 1993, by a majority of the members of 29621
the legislative authority, may levy an additional excise tax not 29622
to exceed one and one-half per cent on transactions by which 29623
lodging by a hotel is or is to be furnished to transient guests. 29624
The excise tax authorized by this division shall be in addition to 29625
any tax that is levied pursuant to divisions (A), (B), (C), and 29626
(D) of this section, to any excise tax levied pursuant to section 29627
5739.08 of the Revised Code, and to any excise tax levied pursuant 29628
to section 351.021 of the Revised Code. The legislative authority 29629
of the county shall establish all regulations necessary to provide 29630
for the administration and allocation of the tax. The regulations 29631
may prescribe the time for payment of the tax, and may provide for 29632

the imposition of a penalty or interest, or both, for late 29633
payments, provided that the penalty does not exceed ten per cent 29634
of the amount of tax due, and the rate at which interest accrues 29635
does not exceed the rate per annum prescribed pursuant to section 29636
5703.47 of the Revised Code. All revenues arising from the tax 29637
shall be expended in accordance with section 307.672 of the 29638
Revised Code and this division. The levy of a tax imposed under 29639
this division shall not commence prior to the first day of the 29640
month next following the execution of the cooperative agreement 29641
authorized by section 307.672 of the Revised Code by all parties 29642
to that agreement. The tax shall remain in effect at the rate at 29643
which it is imposed for the period of time determined by the 29644
legislative authority of the county. That period of time shall not 29645
exceed fifteen years, except that the legislative authority of a 29646
county with a population of less than two hundred fifty thousand 29647
according to the most recent federal decennial census, by 29648
resolution adopted by a majority of its members before the 29649
original tax expires, may extend the duration of the tax for an 29650
additional period of time. The additional period of time by which 29651
a legislative authority extends a tax levied under this division 29652
shall not exceed fifteen years. 29653

(F) The legislative authority of a county that has levied a 29654
tax under division (E) of this section may, by resolution adopted 29655
within one hundred eighty days after January 4, 2001, by a 29656
majority of the members of the legislative authority, amend the 29657
resolution levying a tax under that division to provide for the 29658
use of the proceeds of that tax, to the extent that it is no 29659
longer needed for its original purpose as determined by the 29660
parties to a cooperative agreement amendment pursuant to division 29661
(D) of section 307.672 of the Revised Code, to pay costs of 29662
acquiring, constructing, renovating, rehabilitating, equipping, 29663
and improving a port authority educational and cultural performing 29664
arts facility, including debt service charges on bonds provided 29665

for in division (B) of section 307.674 of the Revised Code, and to 29666
pay all obligations under any guaranty agreements, reimbursement 29667
agreements, or other credit enhancement agreements described in 29668
division (C) of section 307.674 of the Revised Code. The 29669
resolution may also provide for the extension of the tax at the 29670
same rate for the longer of the period of time determined by the 29671
legislative authority of the county, but not to exceed an 29672
additional twenty-five years, or the period of time required to 29673
pay all debt service charges on bonds provided for in division (B) 29674
of section 307.672 of the Revised Code and on port authority 29675
revenue bonds provided for in division (B) of section 307.674 of 29676
the Revised Code. All revenues arising from the amendment and 29677
extension of the tax shall be expended in accordance with section 29678
307.674 of the Revised Code, this division, and division (E) of 29679
this section. 29680

(G) For purposes of a tax levied by a county, township, or 29681
municipal corporation under this section or section 5739.08 of the 29682
Revised Code, a board of county commissioners, board of township 29683
trustees, or the legislative authority of a municipal corporation 29684
may adopt a resolution or ordinance at any time specifying that 29685
"hotel," as otherwise defined in section 5739.01 of the Revised 29686
Code, includes establishments in which fewer than five rooms are 29687
used for the accommodation of guests. The resolution or ordinance 29688
may apply to a tax imposed pursuant to this section prior to the 29689
adoption of the resolution or ordinance if the resolution or 29690
ordinance so states, but the tax shall not apply to transactions 29691
by which lodging by such an establishment is provided to transient 29692
guests prior to the adoption of the resolution or ordinance. 29693

(H)(1) As used in this division: 29694

(a) "Convention facilities authority" has the same meaning as 29695
in section 351.01 of the Revised Code. 29696

(b) "Convention center" has the same meaning as in section 29697

307.695 of the Revised Code. 29698

(2) Notwithstanding any contrary provision of division (D) of 29699
this section, the legislative authority of a county with a 29700
population of one million or more according to the most recent 29701
federal decennial census that has levied a tax under division (D) 29702
of this section may, by resolution adopted by a majority of the 29703
members of the legislative authority, provide for the extension of 29704
such levy and may provide that the proceeds of that tax, to the 29705
extent that they are no longer needed for their original purpose 29706
as defined by a cooperative agreement entered into under section 29707
307.671 of the Revised Code, shall be deposited into the county 29708
general revenue fund. The resolution shall provide for the 29709
extension of the tax at a rate not to exceed the rate specified in 29710
division (D) of this section for a period of time determined by 29711
the legislative authority of the county, but not to exceed an 29712
additional forty years. 29713

(3) The legislative authority of a county with a population 29714
of one million or more that has levied a tax under division (A)(1) 29715
of this section may, by resolution adopted by a majority of the 29716
members of the legislative authority, increase the rate of the tax 29717
levied by such county under division (A)(1) of this section to a 29718
rate not to exceed five per cent on transactions by which lodging 29719
by a hotel is or is to be furnished to transient guests. 29720
Notwithstanding any contrary provision of division (A)(1) of this 29721
section, the resolution may provide that all collections resulting 29722
from the rate levied in excess of three per cent, after deducting 29723
the real and actual costs of administering the tax, shall be 29724
deposited in the county general fund. 29725

(4) The legislative authority of a county with a population 29726
of one million or more that has levied a tax under division (A)(1) 29727
of this section may, by resolution adopted on or before August 30, 29728
2004, by a majority of the members of the legislative authority, 29729

provide that all or a portion of the proceeds of the tax levied 29730
under division (A)(1) of this section, after deducting the real 29731
and actual costs of administering the tax and the amounts required 29732
to be returned to townships and municipal corporations with 29733
respect to the first three per cent levied under division (A)(1) 29734
of this section, shall be deposited in the county general fund, 29735
provided that such proceeds shall be used to satisfy any pledges 29736
made in connection with an agreement entered into under section 29737
307.695 of the Revised Code. 29738

(5) No amount collected from a tax levied, extended, or 29739
required to be deposited in the county general fund under division 29740
(H) of this section shall be contributed to a convention 29741
facilities authority, corporation, or other entity created after 29742
July 1, 2003, for the principal purpose of constructing, 29743
improving, expanding, equipping, financing, or operating a 29744
convention center unless the mayor of the municipal corporation in 29745
which the convention center is to be operated by that convention 29746
facilities authority, corporation, or other entity has consented 29747
to the creation of that convention facilities authority, 29748
corporation, or entity. Notwithstanding any contrary provision of 29749
section 351.04 of the Revised Code, if a tax is levied by a county 29750
under division (H) of this section, the board of county 29751
commissioners of that county may determine the manner of 29752
selection, the qualifications, the number, and terms of office of 29753
the members of the board of directors of any convention facilities 29754
authority, corporation, or other entity described in division 29755
(H)(5) of this section. 29756

(6)(a) No amount collected from a tax levied, extended, or 29757
required to be deposited in the county general fund under division 29758
(H) of this section may be used for any purpose other than paying 29759
the direct and indirect costs of constructing, improving, 29760
expanding, equipping, financing, or operating a convention center 29761

and for the real and actual costs of administering the tax, 29762
unless, prior to the adoption of the resolution of the legislative 29763
authority of the county authorizing the levy, extension, increase, 29764
or deposit, the county and the mayor of the most populous 29765
municipal corporation in that county have entered into an 29766
agreement as to the use of such amounts, provided that such 29767
agreement has been approved by a majority of the mayors of the 29768
other municipal corporations in that county. The agreement shall 29769
provide that the amounts to be used for purposes other than paying 29770
the convention center or administrative costs described in 29771
division (H)(6)(a) of this section be used only for the direct and 29772
indirect costs of capital improvements, including the financing of 29773
capital improvements. 29774

(b) If the county in which the tax is levied has an 29775
association of mayors and city managers, the approval of that 29776
association of an agreement described in division (H)(6)(a) of 29777
this section shall be considered to be the approval of the 29778
majority of the mayors of the other municipal corporations for 29779
purposes of that division. 29780

(7) Each year, the auditor of state shall conduct an audit of 29781
the uses of any amounts collected from taxes levied, extended, or 29782
deposited under division (H) of this section and shall prepare a 29783
report of the auditor of state's findings. The auditor of state 29784
shall submit the report to the legislative authority of the county 29785
that has levied, extended, or deposited the tax, the speaker of 29786
the house of representatives, the president of the senate, and the 29787
leaders of the minority parties of the house of representatives 29788
and the senate. 29789

(I)(1) As used in this division: 29790

(a) "Convention facilities authority" has the same meaning as 29791
in section 351.01 of the Revised Code. 29792

(b) "Convention center" has the same meaning as in section 29793
307.695 of the Revised Code. 29794

(2) Notwithstanding any contrary provision of division (D) of 29795
this section, the legislative authority of a county with a 29796
population of one million two hundred thousand or more according 29797
to the most recent federal decennial census or the most recent 29798
annual population estimate published or released by the United 29799
States census bureau at the time the resolution is adopted placing 29800
the levy on the ballot, that has levied a tax under division (D) 29801
of this section may, by resolution adopted by a majority of the 29802
members of the legislative authority, provide for the extension of 29803
such levy and may provide that the proceeds of that tax, to the 29804
extent that the proceeds are no longer needed for their original 29805
purpose as defined by a cooperative agreement entered into under 29806
section 307.671 of the Revised Code and after deducting the real 29807
and actual costs of administering the tax, shall be used for 29808
paying the direct and indirect costs of constructing, improving, 29809
expanding, equipping, financing, or operating a convention center. 29810
The resolution shall provide for the extension of the tax at a 29811
rate not to exceed the rate specified in division (D) of this 29812
section for a period of time determined by the legislative 29813
authority of the county, but not to exceed an additional forty 29814
years. 29815

(3) The legislative authority of a county with a population 29816
of one million two hundred thousand or more that has levied a tax 29817
under division (A)(1) of this section may, by resolution adopted 29818
by a majority of the members of the legislative authority, 29819
increase the rate of the tax levied by such county under division 29820
(A)(1) of this section to a rate not to exceed five per cent on 29821
transactions by which lodging by a hotel is or is to be furnished 29822
to transient guests. Notwithstanding any contrary provision of 29823
division (A)(1) of this section, the resolution shall provide that 29824

all collections resulting from the rate levied in excess of three 29825
per cent, after deducting the real and actual costs of 29826
administering the tax, shall be used for paying the direct and 29827
indirect costs of constructing, improving, expanding, equipping, 29828
financing, or operating a convention center. 29829

(4) The legislative authority of a county with a population 29830
of one million two hundred thousand or more that has levied a tax 29831
under division (A)(1) of this section may, by resolution adopted 29832
on or before July 1, 2008, by a majority of the members of the 29833
legislative authority, provide that all or a portion of the 29834
proceeds of the tax levied under division (A)(1) of this section, 29835
after deducting the real and actual costs of administering the tax 29836
and the amounts required to be returned to townships and municipal 29837
corporations with respect to the first three per cent levied under 29838
division (A)(1) of this section, shall be used to satisfy any 29839
pledges made in connection with an agreement entered into under 29840
section 307.695 of the Revised Code or shall otherwise be used for 29841
paying the direct and indirect costs of constructing, improving, 29842
expanding, equipping, financing, or operating a convention center. 29843

(5) Any amount collected from a tax levied or extended under 29844
division (I) of this section may be contributed to a convention 29845
facilities authority created before July 1, 2005, but no amount 29846
collected from a tax levied or extended under division (I) of this 29847
section may be contributed to a convention facilities authority, 29848
corporation, or other entity created after July 1, 2005, unless 29849
the mayor of the municipal corporation in which the convention 29850
center is to be operated by that convention facilities authority, 29851
corporation, or other entity has consented to the creation of that 29852
convention facilities authority, corporation, or entity. 29853

Sec. 5739.12. (A)(1) Each person who has or is required to 29854
have a vendor's license, on or before the twenty-third day of each 29855

month, shall make and file a return for the preceding month, ~~on~~ 29856
~~forms in the form~~ prescribed by the tax commissioner, and shall 29857
pay the tax shown on the return to be due. The return shall be 29858
filed electronically using the Ohio business gateway, as defined 29859
in section 718.051 of the Revised Code, the Ohio telefile system, 29860
or any other electronic means prescribed by the commissioner. 29861
Payment of the tax shown on the return to be due shall be made 29862
electronically in a manner approved by the commissioner. The 29863
commissioner may require a vendor that operates from multiple 29864
locations or has multiple vendor's licenses to report all tax 29865
liabilities on one consolidated return. The return shall show the 29866
amount of tax due from the vendor to the state for the period 29867
covered by the return and such other information as the 29868
commissioner deems necessary for the proper administration of this 29869
chapter. The commissioner may extend the time for making and 29870
filing returns and paying the tax, and may require that the return 29871
for the last month of any annual or semiannual period, as 29872
determined by the commissioner, be a reconciliation return 29873
detailing the vendor's sales activity for the preceding annual or 29874
semiannual period. The reconciliation return shall be filed by the 29875
last day of the month following the last month of the annual or 29876
semiannual period. The commissioner may remit all or any part of 29877
amounts or penalties that may become due under this chapter and 29878
may adopt rules relating thereto. Such return shall be filed 29879
electronically as directed by ~~mailing it to~~ the tax commissioner, 29880
~~together with~~ and payment of the amount of tax shown to be due 29881
thereon, after deduction of any discount provided for under this 29882
section. ~~Remittance,~~ shall be made ~~payable to the treasurer of~~ 29883
~~state. The return shall be considered filed when received by the~~ 29884
~~tax commissioner, and the payment shall be considered made when~~ 29885
~~received by the tax commissioner or when credited to an account~~ 29886
~~designated by the treasurer of state or~~ electronically in a manner 29887
approved by the tax commissioner. 29888

(2) Any person required to file returns and make payments electronically under division (A)(1) of this section may apply to the tax commissioner on a form prescribed by the commissioner to be excused from that requirement. For good cause shown, the commissioner may excuse the person from that requirement and may permit the person to file the returns and make the payments required by this section by nonelectronic means.

(B)(1) If the return is filed and the amount of tax shown thereon to be due is paid on or before the date such return is required to be filed, the vendor shall be entitled to a discount of:

~~(a) On and after July 1, 2005, and on and before June 30, 2007, nine tenths of one per cent of the amount shown to be due on the return;~~

~~(b) On and after July 1, 2007, three-fourths of one per cent of the amount shown to be due on the return.~~

(2) A vendor that has selected a certified service provider as its agent shall not be entitled to the discount if the certified service provider receives a monetary allowance pursuant to section 5739.06 of the Revised Code for performing the vendor's sales and use tax functions in this state. Amounts paid to the clerk of courts pursuant to section 4505.06 of the Revised Code shall be subject to the applicable discount. The discount shall be in consideration for prompt payment to the clerk of courts and for other services performed by the vendor in the collection of the tax.

(C)(1) Upon application to the tax commissioner, a vendor who is required to file monthly returns may be relieved of the requirement to report and pay the actual tax due, provided that the vendor agrees to remit to the ~~tax~~ commissioner payment of not less than an amount determined by the commissioner to be the

average monthly tax liability of the vendor, based upon a review 29920
of the returns or other information pertaining to such vendor for 29921
a period of not less than six months nor more than two years 29922
immediately preceding the filing of the application. Vendors who 29923
agree to the above conditions shall make and file an annual or 29924
semiannual reconciliation return, as prescribed by the 29925
commissioner. The reconciliation return shall be filed 29926
electronically as directed by ~~mailing or delivering it to~~ the tax 29927
commissioner, ~~together with~~ and payment of the amount of tax shown 29928
to be due thereon, after deduction of any discount provided in 29929
this section. ~~Remittance,~~ shall be made ~~payable to the treasurer~~ 29930
~~of state~~ electronically in a manner approved by the commissioner. 29931
Failure of a vendor to comply with any of the above conditions may 29932
result in immediate reinstatement of the requirement of reporting 29933
and paying the actual tax liability on each monthly return, and 29934
the commissioner may at the commissioner's discretion deny the 29935
vendor the right to report and pay based upon the average monthly 29936
liability for a period not to exceed two years. The amount 29937
ascertained by the commissioner to be the average monthly tax 29938
liability of a vendor may be adjusted, based upon a review of the 29939
returns or other information pertaining to the vendor for a period 29940
of not less than six months nor more than two years preceding such 29941
adjustment. 29942

(2) The commissioner may authorize vendors whose tax 29943
liability is not such as to merit monthly returns, as ascertained 29944
by the commissioner upon the basis of administrative costs to the 29945
state, to make and file returns at less frequent intervals. When 29946
returns are filed at less frequent intervals in accordance with 29947
such authorization, the vendor shall be allowed the discount 29948
provided in this section in consideration for prompt payment with 29949
the return, provided the return is filed ~~together with~~ and payment 29950
is made of the amount of tax shown to be due thereon, at the time 29951
specified by the commissioner, but a vendor that has selected a 29952

certified service provider as its agent shall not be entitled to 29953
the discount. 29954

(D) Any vendor who fails to file a return or to pay the full 29955
amount of the tax shown on the return to be due in the manner 29956
prescribed under this section and the rules of the commissioner 29957
may, for each such return ~~the vendor fails to file or each such~~ 29958
~~tax the vendor fails to pay in full as shown on the return within~~ 29959
~~the period prescribed by this section and the rules of the~~ 29960
~~commissioner~~, be required to forfeit and pay into the state 29961
treasury an additional charge not exceeding fifty dollars or ten 29962
per cent of the tax required to be paid for the reporting period, 29963
whichever is greater, as revenue arising from the tax imposed by 29964
this chapter, and such sum may be collected by assessment in the 29965
manner provided in section 5739.13 of the Revised Code. The 29966
commissioner may remit all or a portion of the additional charge 29967
and may adopt rules relating to the imposition and remission of 29968
the additional charge. 29969

(E) If the amount required to be collected by a vendor from 29970
consumers is in excess of the applicable percentage of the 29971
vendor's receipts from sales that are taxable under section 29972
5739.02 of the Revised Code, or in the case of sales subject to a 29973
tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of 29974
the Revised Code, in excess of the percentage equal to the 29975
aggregate rate of such taxes and the tax levied by section 5739.02 29976
of the Revised Code, such excess shall be remitted along with the 29977
remittance of the amount of tax due under section 5739.10 of the 29978
Revised Code. 29979

(F) The commissioner, if the commissioner deems it necessary 29980
in order to insure the payment of the tax imposed by this chapter, 29981
may require returns and payments to be made for other than monthly 29982
periods. ~~The returns shall be signed by the vendor or the vendor's~~ 29983
~~authorized agent.~~ 29984

(G) Any vendor required to file a return and pay the tax 29985
under this section, whose total payment for a year equals or 29986
exceeds the amount shown in division (A) of section 5739.122 of 29987
the Revised Code, ~~shall make each payment required by this section~~ 29988
~~in the second ensuing and each succeeding year by electronic funds~~ 29989
~~transfer as prescribed by, and on or before the dates specified~~ 29990
~~in, section 5739.122 of the Revised Code, except as otherwise~~ 29991
~~prescribed by~~ is subject to the accelerated tax payment 29992
requirements in divisions (B) and (C) of that section. For a 29993
vendor that operates from multiple locations or has multiple 29994
vendor's licenses, in determining whether the vendor's total 29995
payment equals or exceeds the amount shown in division (A) of that 29996
section, the vendor's total payment amount shall be the amount of 29997
the vendor's total tax liability for the previous calendar year 29998
for all of the vendor's locations or licenses. 29999

Sec. 5739.122. (A) If the total amount of tax required to be 30000
paid by a vendor under section 5739.12 of the Revised Code for any 30001
calendar year equals or exceeds seventy-five thousand dollars, the 30002
vendor shall remit each monthly tax payment in the second ensuing 30003
and each succeeding tax year ~~by electronic funds transfer on an~~ 30004
accelerated basis as prescribed by divisions (B) and (C) of this 30005
section. 30006

If a vendor's tax payment for each of two consecutive years 30007
is less than seventy-five thousand dollars, the vendor is relieved 30008
of the requirement to remit taxes ~~by electronic funds transfer in~~ 30009
the manner prescribed by this section for the year that next 30010
follows the second of the consecutive years in which the tax 30011
payment is less than that amount, and is relieved of that 30012
requirement for each succeeding year, unless the tax payment in a 30013
subsequent year equals or exceeds seventy-five thousand dollars. 30014

The tax commissioner shall notify each vendor required to 30015

~~remit taxes by electronic funds transfer~~ make accelerated tax 30016
payments of the vendor's obligation to do so, and shall maintain 30017
an updated list of those vendors, ~~and shall timely certify the~~ 30018
~~list and any additions thereto or deletions therefrom to the~~ 30019
~~treasurer of state.~~ Failure by the tax commissioner to notify a 30020
vendor subject to this section to remit taxes ~~by electronic funds~~ 30021
~~transfer~~ on an accelerated basis does not relieve the vendor of 30022
its obligation to remit taxes ~~by electronic funds transfer~~ as 30023
provided under division (B) of this section. 30024

(B) Vendors required by division (A) of this section to ~~remit~~ 30025
make accelerated tax payments ~~by electronic funds transfer~~ shall 30026
electronically remit such payments to the ~~treasurer of state~~ tax 30027
commissioner in the a manner ~~prescribed by this section and rules~~ 30028
~~adopted~~ approved by the ~~treasurer of state under section 113.061~~ 30029
~~of the Revised Code, and commissioner,~~ as follows: 30030

(1) On or before the twenty-third day of each month, a vendor 30031
shall remit an amount equal to seventy-five per cent of the 30032
anticipated tax liability for that month. 30033

(2) On or before the twenty-third day of each month, a vendor 30034
shall report the taxes collected for the previous month and shall 30035
remit that amount, less any amounts paid for that month as 30036
required by division (B)(1) of this section. 30037

The payment of taxes ~~by electronic funds transfer~~ on an 30038
accelerated basis under this section does not affect a vendor's 30039
obligation to file ~~the monthly return~~ returns and pay the tax 30040
shown on the returns to be due as required under section 5739.12 30041
of the Revised Code. 30042

(C) A vendor required by this section to remit taxes ~~by~~ 30043
~~electronic funds transfer~~ on an accelerated basis may apply to the 30044
~~treasurer of state~~ tax commissioner, in the manner prescribed by 30045
the ~~treasurer of state~~ commissioner, to be excused from that 30046

requirement. The ~~treasurer of state~~ commissioner may excuse the 30047
vendor from remittance ~~by electronic funds transfer on an~~ 30048
accelerated basis for good cause shown for the period of time 30049
requested by the vendor or for a portion of that period. ~~The~~ 30050
~~treasurer of state shall notify the tax commissioner and the~~ 30051
~~vendor of the treasurer of state's decision as soon as is~~ 30052
~~practicable.~~ 30053

(D)(1)(a) If a vendor that is required to remit payments 30054
under division (B) of this section fails to make a payment 30055
required under division (B)(1) of this section, or makes a payment 30056
under division (B)(1) of this section that is less than 30057
seventy-five per cent of the actual liability for that month, the 30058
commissioner may impose an additional charge not to exceed five 30059
per cent of that unpaid amount. 30060

(b) Division (D)(1)(a) of this section does not apply if the 30061
vendor's payment under division (B)(1) of this section is equal to 30062
or greater than seventy-five per cent of the vendor's reported 30063
liability for the same month in the immediately preceding calendar 30064
year. 30065

~~(2) If a vendor required by this section to remit taxes by~~ 30066
~~electronic funds transfer remits those taxes by some means other~~ 30067
~~than by electronic funds transfer as prescribed by this section~~ 30068
~~and the rules adopted by the treasurer of state, and the treasurer~~ 30069
~~of state determines that such failure was not due to reasonable~~ 30070
~~cause or was due to willful neglect, the treasurer of state shall~~ 30071
~~notify the tax commissioner of the failure to remit by electronic~~ 30072
~~funds transfer and shall provide the commissioner with any~~ 30073
~~information used in making that determination. The tax~~ 30074
~~commissioner may impose an additional charge not to exceed the~~ 30075
~~lesser of five per cent of the amount of the taxes required to be~~ 30076
~~paid by electronic funds transfer or five thousand dollars.~~ 30077

~~(3)~~ Any additional charge imposed under division (D)(1) ~~or~~ 30078

~~(2)~~ of this section is in addition to any other penalty or charge 30079
imposed under this chapter, and shall be considered as revenue 30080
arising from taxes imposed under this chapter. An additional 30081
charge may be collected by assessment in the manner prescribed by 30082
section 5739.13 of the Revised Code. The tax commissioner may 30083
waive all or a portion of such a charge and may adopt rules 30084
governing such waiver. 30085

~~No additional charge shall be imposed under division (D)(2) 30086
of this section against a vendor that has been notified of its 30087
obligation to remit taxes under this section and that remits its 30088
first two tax payments after such notification by some means other 30089
than electronic funds transfer. The additional charge may be 30090
imposed upon the remittance of any subsequent tax payment that the 30091
vendor remits by some means other than electronic funds transfer. 30092~~

Sec. 5739.124. (A) If required by the tax commissioner, a 30093
person permit holder required to make payments ~~by electronic funds~~ 30094
~~transfer~~ under section 5739.032 ~~or 5739.122~~ of the Revised Code 30095
shall file all returns and reports electronically. The 30096
commissioner may require the person permit holder to use the Ohio 30097
business gateway, as defined in section 718.051 of the Revised 30098
Code, or any other electronic means approved by the commissioner, 30099
to file the returns and reports, or to remit the tax, in lieu of 30100
the manner prescribed ~~by the treasurer of state under sections~~ 30101
section 5739.032 ~~and 5739.122~~ of the Revised Code. 30102

(B) A person required under this section to file reports and 30103
returns electronically may apply to the tax commissioner to be 30104
excused from that requirement. Applications shall be made on a 30105
form prescribed by the commissioner. The commissioner may approve 30106
the application for good cause. 30107

(C)(1) If a person required to file a report or return 30108
electronically under this section fails to do so, the tax 30109

commissioner may impose an additional charge not to exceed the 30110
following: 30111

(a) For each of the first two failures, five per cent of the 30112
amount required to be reported on the report or return; 30113

(b) For the third and any subsequent failure, ten per cent of 30114
the amount required to be reported on the report or return. 30115

(2) The charges authorized under division (C)(1) of this 30116
section are in addition to any other charge or penalty authorized 30117
under this chapter, and shall be considered as revenue arising 30118
from taxes imposed under this chapter. An additional charge may be 30119
collected by assessment in the manner prescribed by section 30120
5739.13 of the Revised Code. The commissioner may waive all or a 30121
portion of such a charge and may adopt rules governing such 30122
waiver. 30123

Sec. 5739.21. (A) One hundred per cent of all money deposited 30124
into the state treasury under sections 5739.01 to 5739.31 of the 30125
Revised Code ~~and that is~~ not required to be distributed as 30126
provided in section 5739.102 of the Revised Code or division (B) 30127
of this section shall be credited to the general revenue fund. 30128
30129

(B)(1) In any case where any county or transit authority has 30130
levied a tax or taxes pursuant to section 5739.021, 5739.023, or 30131
5739.026 of the Revised Code, the tax commissioner shall, within 30132
forty-five days after the end of each month, determine and certify 30133
to the director of budget and management the amount of the 30134
proceeds of such tax or taxes received during that month from 30135
billings and assessments, or associated with tax returns or 30136
reports filed during that month, to be returned to the county or 30137
transit authority levying the tax or taxes. The amount to be 30138
returned to each county and transit authority shall be a fraction 30139
of the aggregate amount of money collected with respect to each 30140

area in which one or more of such taxes are concurrently in effect 30141
with the tax levied by section 5739.02 of the Revised Code. The 30142
numerator of the fraction is the rate of the tax levied by the 30143
county or transit authority and the denominator of the fraction is 30144
the aggregate rate of such taxes applicable to such area. The 30145
amount to be returned to each county or transit authority shall be 30146
reduced by the amount of any refunds of county or transit 30147
authority tax paid pursuant to section 5739.07 of the Revised Code 30148
during the same month, or transfers made pursuant to division 30149
(B)(2) of section 5703.052 of the Revised Code. 30150

(2) On a periodic basis, using the best information 30151
available, the tax commissioner shall distribute any amount of a 30152
county or transit authority tax that cannot be distributed under 30153
division (B)(1) of this section. Through audit or other means, the 30154
commissioner shall attempt to obtain the information necessary to 30155
make the distribution as provided under that division and, on 30156
receipt of that information, shall make adjustments to 30157
distributions previously made under this division. 30158

(3) Beginning July 1, 2008, eight and thirty-three 30159
one-hundredths of one per cent of the revenue collected from the 30160
tax due under division (A) of section 5739.029 of the Revised Code 30161
shall be distributed to the county where the sale of the motor 30162
vehicle is situated under section 5739.035 of the Revised Code. The 30163
amount to be so distributed to the county shall be apportioned on 30164
the basis of the rates of taxes the county levies pursuant to 30165
sections 5739.021 and 5739.026 of the Revised Code, as applicable, 30166
and shall be credited to the funds of the county as provided in 30167
divisions (A) and (B) of section 5739.211 of the Revised Code. 30168

(C) The aggregate amount to be returned to any county or 30169
transit authority shall be reduced by one per cent, which shall be 30170
certified directly to the credit of the local sales tax 30171
administrative fund, which is hereby created in the state 30172

treasury. For the purpose of determining the amount to be returned 30173
to a county and transit authority in which the rate of tax imposed 30174
by the transit authority has been reduced under section 5739.028 30175
of the Revised Code, the tax commissioner shall use the respective 30176
rates of tax imposed by the county or transit authority that 30177
results from the change in the rates authorized under that 30178
section. 30179

(D) The director of budget and management shall transfer, 30180
from the same funds and in the same proportions specified in 30181
division (A) of this section, to the permissive tax distribution 30182
fund created by division (B)(1) of section 4301.423 of the Revised 30183
Code and to the local sales tax administrative fund, the amounts 30184
certified by the tax commissioner. The tax commissioner shall 30185
then, on or before the twentieth day of the month in which such 30186
certification is made, provide for payment of such respective 30187
amounts to the county treasurer and to the fiscal officer of the 30188
transit authority levying the tax or taxes. The amount transferred 30189
to the local sales tax administrative fund is for use by the tax 30190
commissioner in defraying costs incurred in administering such 30191
taxes levied by a county or transit authority. 30192

Sec. 5741.04. Every seller required to register with the tax 30193
commissioner pursuant to section 5741.17 of the Revised Code who 30194
is engaged in the business of selling tangible personal property 30195
in this state for storage, use, or other consumption in this 30196
state, to which section 5741.02 of the Revised Code applies, or 30197
which is subject to a tax levied pursuant to section 5741.021, 30198
5741.022, or 5741.023 of the Revised Code, shall, and any other 30199
seller who is authorized by rule of the tax commissioner to do so 30200
may, collect from the consumer the full and exact amount of the 30201
tax payable on each such storage, use, or consumption, in the 30202
manner and at the times provided as follows: 30203

(A) If the price is, at or prior to the delivery of 30204
possession of the thing sold to the consumer, paid in currency 30205
passed from hand to hand by the consumer, or ~~his~~ the consumer's 30206
agent, to the seller, or ~~his~~ the seller's agent, the seller or ~~his~~ 30207
the seller's agent shall collect the tax with and at the same time 30208
as the price. 30209

(B) If the price is otherwise paid or to be paid, the seller 30210
or ~~his~~ the seller's agent shall, at or prior to the delivery of 30211
possession of the thing sold to the consumer, charge the tax 30212
imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 30213
5741.023 of the Revised Code to the account of the consumer, which 30214
amount shall be collected by the seller from the consumer in 30215
addition to the price. Such transaction shall be reported on the 30216
return for the period in which the transaction occurred, and the 30217
amount of tax applicable to the transaction shall be remitted with 30218
the return or, if the consumer is subject to section 5741.121 of 30219
the Revised Code, ~~by electronic funds transfer as~~ in the manner 30220
prescribed by that section. The amount of the tax shall become a 30221
legal charge in favor of the seller and against the consumer. 30222

(C) It shall be the obligation of each consumer, as required 30223
by section 5741.12 of the Revised Code, to report and pay the 30224
taxes levied by sections 5741.021, 5741.022, and 5741.023 of the 30225
Revised Code, if applicable, on any storage, use, or other 30226
consumption of tangible personal property purchased in this state 30227
from a vendor required to be licensed pursuant to section 5739.17 30228
of the Revised Code. 30229

Sec. 5741.12. (A) Each seller required by section 5741.17 of 30230
the Revised Code to register with the tax commissioner, and any 30231
seller authorized by the commissioner to collect the tax imposed 30232
by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 30233
of the Revised Code is subject to the same requirements and 30234

entitled to the same deductions and discount for prompt payments 30235
as are vendors under section 5739.12 of the Revised Code, and the 30236
same monetary allowances as are vendors under section 5739.06 of 30237
the Revised Code. The powers and duties of the commissioner ~~and~~ 30238
~~the treasurer of state~~ with respect to returns and tax remittances 30239
under this section shall be identical with those prescribed in 30240
section 5739.12 of the Revised Code. 30241

(B) Every person storing, using, or consuming tangible 30242
personal property or receiving the benefit of a service, the 30243
storage, use, consumption, or receipt of which is subject to the 30244
tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, 30245
or 5741.023 of the Revised Code, when such tax was not paid to a 30246
seller, shall, on or before the twenty-third day of each month, 30247
file with the tax commissioner a return for the preceding month in 30248
such form as is prescribed by the commissioner, showing such 30249
information as the commissioner deems necessary, and shall pay the 30250
tax shown on the return to be due. Remittance shall be made 30251
payable to the treasurer of state. The commissioner may require 30252
consumers to file returns and pay the tax at other than monthly 30253
intervals, if the commissioner determines that such filing is 30254
necessary for the efficient administration of the tax. If the 30255
commissioner determines that a consumer's tax liability is not 30256
such as to merit monthly filing, the commissioner may authorize 30257
the consumer to file returns and pay tax at less frequent 30258
intervals. 30259

Any consumer required to file a return and pay the tax under 30260
this section whose payment for any year ~~indicated in~~ equals or 30261
exceeds the amount shown in division (A) of section 5741.121 of 30262
the Revised Code ~~equals or exceeds the amount shown in that~~ 30263
~~section shall make each payment required by this section in the~~ 30264
~~second ensuing and each succeeding year by means of electronic~~ 30265
~~funds transfer as prescribed by, and on or before the dates~~ 30266

~~specified in, section 5741.121 of the Revised Code, except as~~ 30267
~~otherwise prescribed by~~ is subject to the accelerated tax payment 30268
~~requirements in divisions (B) and (C) of that section.~~ 30269

(C) Every person storing, using, or consuming a motor 30270
vehicle, watercraft, or outboard motor, the ownership of which 30271
must be evidenced by certificate of title, shall file the return 30272
required by this section and pay the tax due at or prior to the 30273
time of filing an application for certificate of title. 30274

Sec. 5741.121. (A) If the total amount of tax required to be 30275
paid by a seller or consumer under section 5741.12 of the Revised 30276
Code for any year equals or exceeds seventy-five thousand dollars, 30277
the seller or consumer shall remit each monthly tax payment in the 30278
second ensuing and each succeeding year ~~by electronic funds~~ 30279
~~transfer~~ on an accelerated basis as prescribed by division (B) of 30280
this section. 30281

If a seller's or consumer's tax payment for each of two 30282
consecutive years is less than seventy-five thousand dollars, the 30283
seller or consumer is relieved of the requirement to remit taxes 30284
~~by electronic funds transfer~~ on an accelerated basis for the year 30285
that next follows the second of the consecutive years in which the 30286
tax payment is less than that amount, and is relieved of that 30287
requirement for each succeeding year, unless the tax payment in a 30288
subsequent year equals or exceeds seventy-five thousand dollars. 30289

The tax commissioner shall notify each seller or consumer 30290
required to ~~remit taxes by electronic funds transfer~~ make 30291
accelerated tax payments of the seller's or consumer's obligation 30292
to do so, and shall maintain an updated list of those sellers and 30293
consumers, ~~and shall timely certify the list and any additions~~ 30294
~~thereto or deletions therefrom to the treasurer of state.~~ Failure 30295
by the tax commissioner to notify a seller or consumer subject to 30296
this section to remit taxes ~~by electronic funds transfer~~ on an 30297

accelerated basis does not relieve the seller or consumer of the 30298
obligation to remit taxes ~~by electronic funds transfer as provided~~ 30299
under division (B) of this section. 30300

(B) Sellers and consumers required by division (A) of this 30301
section to ~~remit~~ make accelerated tax payments ~~by electronic funds~~ 30302
~~transfer~~ shall electronically remit such payments to the ~~treasurer~~ 30303
~~of state tax commissioner,~~ in the a manner ~~prescribed by this~~ 30304
~~section and rules adopted approved~~ by the ~~treasurer of state under~~ 30305
~~section 113.061 of the Revised Code, and~~ commissioner, as follows: 30306
30307

(1) On or before the twenty-third day of each month, a seller 30308
or consumer shall remit an amount equal to seventy-five per cent 30309
of the anticipated tax liability for that month. 30310

(2) On or before the twenty-third day of each month, a seller 30311
shall report the taxes collected and a consumer shall report the 30312
taxes due for the previous month and shall remit that amount, less 30313
any amounts paid for that month as required by division (B)(1) of 30314
this section. 30315

The payment of taxes ~~by electronic funds transfer on an~~ 30316
accelerated basis under this section does not affect a seller's or 30317
consumer's obligation to file ~~the monthly return~~ returns and pay 30318
the tax shown on the returns to be due as required under section 30319
5741.12 of the Revised Code. 30320

(C) A seller or consumer required by this section to remit 30321
taxes ~~by electronic funds transfer on an accelerated basis~~ may 30322
apply to the ~~treasurer of state~~ tax commissioner in the manner 30323
prescribed by the ~~treasurer of state~~ commissioner to be excused 30324
from that requirement. The ~~treasurer of state~~ commissioner may 30325
excuse the seller or consumer from remittance ~~by electronic funds~~ 30326
~~transfer~~ on an accelerated basis for good cause shown for the 30327
period of time requested by the seller or consumer or for a 30328

~~portion of that period. The treasurer of state shall notify the 30329
tax commissioner and the seller or consumer of the treasurer of 30330
state's decision as soon as is practicable. 30331~~

(D)(1)(a) If a seller or consumer that is required to remit 30332
payments under division (B) of this section fails to make a 30333
payment required under division (B)(1) of this section, or makes a 30334
payment under division (B)(1) of this section that is less than 30335
seventy-five per cent of the actual liability for that month, the 30336
commissioner may impose an additional charge not to exceed five 30337
per cent of that unpaid amount. 30338

(b) Division (D)(1)(a) of this section does not apply if the 30339
seller's or consumer's payment under division (B)(1) of this 30340
section is equal to or greater than seventy-five per cent of the 30341
seller's or consumer's reported liability for the same month in 30342
the immediately preceding calendar year. 30343

~~(2) If a seller or consumer required by this section to remit 30344
taxes by electronic funds transfer remits those taxes by some 30345
means other than by electronic funds transfer as prescribed by the 30346
rules adopted by the treasurer of state, and the treasurer of 30347
state determines that such failure was not due to reasonable cause 30348
or was due to willful neglect, the treasurer of state shall notify 30349
the tax commissioner of the failure to remit by electronic funds 30350
transfer and shall provide the commissioner with any information 30351
used in making that determination. The tax commissioner may impose 30352
an additional charge not to exceed the lesser of five per cent of 30353
the amount of the taxes required to be paid by electronic funds 30354
transfer or five thousand dollars. 30355~~

~~(3)~~ Any additional charge imposed under division (D)(1) of 30356
this section is in addition to any other penalty or charge imposed 30357
under this chapter, and shall be considered as revenue arising 30358
from taxes imposed under this chapter. An additional charge may be 30359
collected by assessment in the manner prescribed by section 30360

5741.13 of the Revised Code. The tax commissioner may waive all or a portion of such a charge and may adopt rules governing such waiver.

~~No additional charge shall be imposed under division (D)(2) of this section against a seller or consumer that has been notified of the 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 seller or consumer remits by some means other than electronic funds transfer.~~

Sec. 5741.122. (A) If required by the tax commissioner, a person required to make payments ~~by electronic funds transfer~~ under section ~~5739.032~~ or 5741.121 of the Revised Code shall file all returns and reports electronically. The commissioner may require the person to use the Ohio business gateway, as defined in section 718.051 of the Revised Code, or any other electronic means approved by the commissioner, to file the returns and reports, or to remit the tax, in lieu of the manner prescribed ~~by the treasurer of state~~ under ~~sections 5739.032 and~~ section 5741.121 of the Revised Code.

(B) A person required under this section to file reports and returns electronically may apply to the tax commissioner to be excused from that requirement. Applications shall be made on a form prescribed by the commissioner. The commissioner may approve the application for good cause.

(C)(1) If a person required to file a report or return electronically under this section fails to do so, the tax commissioner may impose an additional charge not to exceed the following:

(a) For each of the first two failures, five per cent of the

amount required to be reported on the report or return; 30392

(b) For the third and any subsequent failure, ten per cent of 30393
the amount required to be reported on the report or return. 30394

(2) The charges authorized under division (C)(1) of this 30395
section are in addition to any other charge or penalty authorized 30396
under this chapter, and shall be considered as revenue arising 30397
from taxes imposed under this chapter. An additional charge may be 30398
collected by assessment in the manner prescribed by section 30399
5741.13 of the Revised Code. The commissioner may waive all or a 30400
portion of such a charge and may adopt rules governing such 30401
waiver. 30402

Sec. 5743.024. (A) For the purposes of section 307.696 of the 30403
Revised Code, to pay the expenses of administering the tax, and to 30404
pay any or all of the charge the board of elections makes against 30405
the county to hold the election on the question of levying the 30406
tax, or for such purposes and to provide revenues to the county 30407
for permanent improvements, the board of county commissioners may 30408
levy a tax on sales of cigarettes sold for resale at retail in the 30409
county. The tax shall not exceed two and twenty-five hundredths of 30410
a mill per cigarette, and shall be computed on each cigarette 30411
sold. The tax may be levied for any number of years not exceeding 30412
twenty. Only one sale of the same article shall be used in 30413
computing the amount of tax due. 30414

The tax shall be levied pursuant to a resolution of the 30415
county commissioners approved by a majority of the electors in the 30416
county voting on the question of levying the tax. The resolution 30417
shall specify the rate of the tax, the number of years the tax 30418
will be levied, and the purposes for which the tax is levied. Such 30419
election may be held on the date of a general or special election 30420
held not sooner than seventy-five days after the date the board 30421
certifies its resolution to the board of elections. If approved by 30422

the electors, the tax shall take effect on the first day of the 30423
month specified in the resolution but not sooner than the first 30424
day of the month that is at least sixty days after the 30425
certification of the election results by the board of elections. A 30426
copy of the resolution levying the tax shall be certified to the 30427
tax commissioner at least sixty days prior to the date on which 30428
the tax is to become effective. 30429

A resolution under this section may be joined on the ballot 30430
as a single question with a resolution adopted under section 30431
307.697 or 4301.421 of the Revised Code to levy a tax for the same 30432
purposes and for the purpose of paying the expenses of 30433
administering the tax. The form of the ballot in an election held 30434
pursuant to this section shall be as prescribed in section 307.697 30435
of the Revised Code. 30436

(B) The treasurer of state shall credit all moneys arising 30437
from each county's taxes levied under this section and section 30438
5743.323 of the Revised Code as follows: 30439

(1) To the tax refund fund created by section 5703.052 of the 30440
Revised Code, amounts equal to the refunds from each tax levied 30441
under this section certified by the tax commissioner pursuant to 30442
section 5743.05 of the Revised Code; 30443

(2) Following the crediting of amounts pursuant to division 30444
(B)(1) of this section: 30445

(a) To the permissive tax distribution fund created by 30446
division (B)(1) of section 4301.423 of the Revised Code, an amount 30447
equal to ninety-eight per cent of the remainder collected; 30448

(b) To the local excise tax administrative fund, which is 30449
hereby created in the state treasury, an amount equal to two per 30450
cent of such remainder, for use by the tax commissioner in 30451
defraying costs incurred in administering the tax. 30452

On or before the second working day of each month, the 30453

treasurer of state shall certify to the tax commissioner the 30454
amount of each county's taxes levied under sections 5743.024 and 30455
5743.323 and paid to the treasurer of state during the preceding 30456
month. 30457

On or before the tenth day of each month, the tax 30458
commissioner shall distribute the amount credited to the 30459
permissive tax distribution fund during the preceding month by 30460
providing for payment of the appropriate amount to the county 30461
treasurer of each county levying the tax. 30462

(C) The board of county commissioners of a county in which a 30463
tax is imposed under this section on ~~the effective date of this~~ 30464
~~amendment~~ July 19, 1995, may levy a tax for the purpose of section 30465
307.673 of the Revised Code regardless of whether or not the 30466
cooperative agreement authorized under that section has been 30467
entered into prior to the day the resolution adopted under 30468
division (C)(1) or (2) of this section is adopted, and for the 30469
purpose of reimbursing a county for costs incurred in the 30470
construction of a sports facility pursuant to an agreement entered 30471
into by the county under section 307.696 of the Revised Code. The 30472
tax shall be levied and approved in one of the manners prescribed 30473
by division (C)(1) or (2) of this section. 30474

(1) The tax may be levied pursuant to a resolution adopted by 30475
a majority of the members of the board of county commissioners not 30476
later than forty-five days after ~~the effective date of this~~ 30477
~~amendment~~ July 19, 1995. A board of county commissioners approving 30478
a tax under division (C)(1) of this section may approve a tax 30479
under division (D)(1) of section 307.697 or division (B)(1) of 30480
section 4301.421 of the Revised Code at the same time. Subject to 30481
the resolution being submitted to a referendum under sections 30482
305.31 to 305.41 of the Revised Code, the resolution shall take 30483
effect immediately, but the tax levied pursuant to the resolution 30484
shall not be levied prior to the day following the last day taxes 30485

levied pursuant to division (A) of this section may be levied. 30486

(2) The tax may be levied pursuant to a resolution adopted by 30487
a majority of the members of the board of county commissioners not 30488
later than forty-five days after ~~the effective date of this~~ 30489
~~amendment~~ July 19, 1995, and approved by a majority of the 30490
electors of the county voting on the question of levying the tax 30491
at the next succeeding general election following ~~the effective~~ 30492
~~date of this amendment~~ July 19, 1995. The board of county 30493
commissioners shall certify a copy of the resolution to the board 30494
of elections immediately upon adopting a resolution under division 30495
(C)(2) of this section, and the board of elections shall place the 30496
question of levying the tax on the ballot at that election. The 30497
form of the ballot shall be as prescribed by division (C) of 30498
section 307.697 of the Revised Code, except that the phrase 30499
"paying not more than one-half of the costs of providing a sports 30500
facility together with related redevelopment and economic 30501
development projects" shall be replaced by the phrase "paying the 30502
costs of constructing or renovating a sports facility and 30503
reimbursing a county for costs incurred by the county in the 30504
construction of a sports facility," and the phrase ", beginning 30505
..... (here insert the earliest date the tax would take 30506
effect)" shall be appended after "years." A board of county 30507
commissioners submitting the question of a tax under division 30508
(C)(2) of this section may submit the question of a tax under 30509
division (D)(2) of section 307.697 or division (B)(2) of section 30510
4301.421 of the Revised Code as a single question, and the form of 30511
the ballot shall include each of the proposed taxes. 30512

If approved by a majority of electors voting on the question, 30513
the tax shall take effect on the day specified on the ballot, 30514
which shall not be earlier than the day following the last day the 30515
tax levied pursuant to division (A) of this section may be levied. 30516

The rate of a tax levied pursuant to division (C)(1) or (2) 30517

of this section shall not exceed the rate specified in division 30518
(A) of this section. A tax levied pursuant to division (C)(1) or 30519
(2) of this section may be levied for any number of years not 30520
exceeding twenty. 30521

A board of county commissioners adopting a resolution under 30522
this division shall certify a copy of the resolution to the tax 30523
commissioner immediately upon adoption of the resolution. 30524

(E) No tax shall be levied under this section on or after the 30525
effective date of the amendment of this section by H.B. 562 of the 30526
127th general assembly. This division does not prevent the 30527
collection of any tax levied under this section before that date 30528
so long as that tax remains effective. 30529

Sec. 5743.323. For the purposes of section 307.696 of the 30530
Revised Code and to pay the expenses of levying the tax or for 30531
such purposes and to provide revenues to the county for permanent 30532
improvements, the board of county commissioners of a county that 30533
levies a tax under division (A) or (C) of section 5743.024 of the 30534
Revised Code shall by resolution adopted by a majority of the 30535
board levy a tax at the same rate on the use, consumption, or 30536
storage for consumption of cigarettes by consumers in the county, 30537
provided that the tax shall not apply if the tax levied by 30538
division (A) or (C) of section 5743.024 of the Revised Code has 30539
been paid. The tax shall take effect on the date that a tax levied 30540
under division (A) or (C) of section 5743.024 of the Revised Code 30541
takes effect, and shall remain in effect as long as the tax levied 30542
under such division remains effective. 30543

No tax shall be levied under this section on or after the 30544
effective date of the amendment of this section by H.B. 562 of the 30545
127th general assembly. This paragraph does not prevent the 30546
collection of any tax levied under this section before that date 30547
so long as that tax remains effective. 30548

Sec. 5745.05. (A) Prior to the first day of March, June, 30549
September, and December, the tax commissioner shall certify to the 30550
director of budget and management the amount to be paid to each 30551
municipal corporation, as indicated on the declaration of 30552
estimated tax reports and annual reports received under sections 30553
5745.03 and 5745.04 of the Revised Code, less any amounts 30554
previously distributed and net of any audit adjustments made by 30555
the tax commissioner. Not later than the first day of March, June, 30556
September, and December, the director of budget and management 30557
shall provide for payment of the amount certified to each 30558
municipal corporation from the municipal income tax fund, plus a 30559
pro rata share of any investment earnings accruing to the fund 30560
since the previous payment under this section apportioned among 30561
municipal corporations entitled to such payments in proportion to 30562
the amount certified by the tax commissioner. All investment 30563
earnings on money in the municipal income tax fund shall be 30564
credited to that fund. 30565

(B) If the tax commissioner determines that the amount of tax 30566
paid by a taxpayer and distributed to a municipal corporation 30567
under this section for a taxable year exceeds the amount payable 30568
to that municipal corporation under this chapter after accounting 30569
for amounts remitted with the annual report and as estimated 30570
taxes, the tax commissioner shall permit the taxpayer to credit 30571
the excess against the taxpayer's payments to the municipal 30572
corporation of estimated taxes remitted for an ensuing taxable 30573
year under section 5745.04 of the Revised Code. If, upon the 30574
written request of the taxpayer, the tax commissioner determines 30575
that the excess to be so credited is likely to exceed the amount 30576
of estimated taxes payable by the taxpayer to the municipal 30577
corporation during the ensuing twelve months, the tax commissioner 30578
shall so notify the municipal corporation and the municipal 30579
corporation shall issue a refund of the excess to the taxpayer 30580

within ninety days after receiving such a notice. Interest shall 30581
accrue on the amount to be refunded and is payable to the taxpayer 30582
at the rate per annum prescribed by section 5703.47 of the Revised 30583
Code from the ninety-first day after the notice is received by the 30584
municipal corporation until the day the refund is paid. 30585
Immediately after notifying a municipal corporation under this 30586
division of an excess to be refunded, the commissioner also shall 30587
notify the director of budget and management of the amount of the 30588
excess, and the director shall transfer from the municipal income 30589
tax administrative fund to the municipal income tax fund one and 30590
one-half per cent of the amount of the excess. The commissioner 30591
shall include the transferred amount in the computation of the 30592
amount due the municipal corporation in the next certification to 30593
the director under division (A) of this section. 30594

Sec. 5747.01. Except as otherwise expressly provided or 30595
clearly appearing from the context, any term used in this chapter 30596
that is not otherwise defined in this section has the same meaning 30597
as when used in a comparable context in the laws of the United 30598
States relating to federal income taxes or if not used in a 30599
comparable context in those laws, has the same meaning as in 30600
section 5733.40 of the Revised Code. Any reference in this chapter 30601
to the Internal Revenue Code includes other laws of the United 30602
States relating to federal income taxes. 30603

As used in this chapter: 30604

(A) "Adjusted gross income" or "Ohio adjusted gross income" 30605
means federal adjusted gross income, as defined and used in the 30606
Internal Revenue Code, adjusted as provided in this section: 30607

(1) Add interest or dividends on obligations or securities of 30608
any state or of any political subdivision or authority of any 30609
state, other than this state and its subdivisions and authorities. 30610

(2) Add interest or dividends on obligations of any 30611

authority, commission, instrumentality, territory, or possession 30612
of the United States to the extent that the interest or dividends 30613
are exempt from federal income taxes but not from state income 30614
taxes. 30615

(3) Deduct interest or dividends on obligations of the United 30616
States and its territories and possessions or of any authority, 30617
commission, or instrumentality of the United States to the extent 30618
that the interest or dividends are included in federal adjusted 30619
gross income but exempt from state income taxes under the laws of 30620
the United States. 30621

(4) Deduct disability and survivor's benefits to the extent 30622
included in federal adjusted gross income. 30623

(5) Deduct benefits under Title II of the Social Security Act 30624
and tier 1 railroad retirement benefits to the extent included in 30625
federal adjusted gross income under section 86 of the Internal 30626
Revenue Code. 30627

(6) In the case of a taxpayer who is a beneficiary of a trust 30628
that makes an accumulation distribution as defined in section 665 30629
of the Internal Revenue Code, add, for the beneficiary's taxable 30630
years beginning before 2002, the portion, if any, of such 30631
distribution that does not exceed the undistributed net income of 30632
the trust for the three taxable years preceding the taxable year 30633
in which the distribution is made to the extent that the portion 30634
was not included in the trust's taxable income for any of the 30635
trust's taxable years beginning in 2002 or thereafter. 30636

"Undistributed net income of a trust" means the taxable income of 30637
the trust increased by (a)(i) the additions to adjusted gross 30638
income required under division (A) of this section and (ii) the 30639
personal exemptions allowed to the trust pursuant to section 30640
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 30641
deductions to adjusted gross income required under division (A) of 30642
this section, (ii) the amount of federal income taxes attributable 30643

to such income, and (iii) the amount of taxable income that has 30644
been included in the adjusted gross income of a beneficiary by 30645
reason of a prior accumulation distribution. Any undistributed net 30646
income included in the adjusted gross income of a beneficiary 30647
shall reduce the undistributed net income of the trust commencing 30648
with the earliest years of the accumulation period. 30649

(7) Deduct the amount of wages and salaries, if any, not 30650
otherwise allowable as a deduction but that would have been 30651
allowable as a deduction in computing federal adjusted gross 30652
income for the taxable year, had the targeted jobs credit allowed 30653
and determined under sections 38, 51, and 52 of the Internal 30654
Revenue Code not been in effect. 30655

(8) Deduct any interest or interest equivalent on public 30656
obligations and purchase obligations to the extent that the 30657
interest or interest equivalent is included in federal adjusted 30658
gross income. 30659

(9) Add any loss or deduct any gain resulting from the sale, 30660
exchange, or other disposition of public obligations to the extent 30661
that the loss has been deducted or the gain has been included in 30662
computing federal adjusted gross income. 30663

(10) Deduct or add amounts, as provided under section 5747.70 30664
of the Revised Code, related to contributions to variable college 30665
savings program accounts made or tuition units purchased pursuant 30666
to Chapter 3334. of the Revised Code. 30667

(11)(a) Deduct, to the extent not otherwise allowable as a 30668
deduction or exclusion in computing federal or Ohio adjusted gross 30669
income for the taxable year, the amount the taxpayer paid during 30670
the taxable year for medical care insurance and qualified 30671
long-term care insurance for the taxpayer, the taxpayer's spouse, 30672
and dependents. No deduction for medical care insurance under 30673
division (A)(11) of this section shall be allowed either to any 30674

taxpayer who is eligible to participate in any subsidized health 30675
plan maintained by any employer of the taxpayer or of the 30676
taxpayer's spouse, or to any taxpayer who is entitled to, or on 30677
application would be entitled to, benefits under part A of Title 30678
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 30679
301, as amended. For the purposes of division (A)(11)(a) of this 30680
section, "subsidized health plan" means a health plan for which 30681
the employer pays any portion of the plan's cost. The deduction 30682
allowed under division (A)(11)(a) of this section shall be the net 30683
of any related premium refunds, related premium reimbursements, or 30684
related insurance premium dividends received during the taxable 30685
year. 30686

(b) Deduct, to the extent not otherwise deducted or excluded 30687
in computing federal or Ohio adjusted gross income during the 30688
taxable year, the amount the taxpayer paid during the taxable 30689
year, not compensated for by any insurance or otherwise, for 30690
medical care of the taxpayer, the taxpayer's spouse, and 30691
dependents, to the extent the expenses exceed seven and one-half 30692
per cent of the taxpayer's federal adjusted gross income. 30693

(c) For purposes of division (A)(11) of this section, 30694
"medical care" has the meaning given in section 213 of the 30695
Internal Revenue Code, subject to the special rules, limitations, 30696
and exclusions set forth therein, and "qualified long-term care" 30697
has the same meaning given in section 7702B(c) of the Internal 30698
Revenue Code. 30699

(12)(a) Deduct any amount included in federal adjusted gross 30700
income solely because the amount represents a reimbursement or 30701
refund of expenses that in any year the taxpayer had deducted as 30702
an itemized deduction pursuant to section 63 of the Internal 30703
Revenue Code and applicable United States department of the 30704
treasury regulations. The deduction otherwise allowed under 30705
division (A)(12)(a) of this section shall be reduced to the extent 30706

the reimbursement is attributable to an amount the taxpayer 30707
deducted under this section in any taxable year. 30708

(b) Add any amount not otherwise included in Ohio adjusted 30709
gross income for any taxable year to the extent that the amount is 30710
attributable to the recovery during the taxable year of any amount 30711
deducted or excluded in computing federal or Ohio adjusted gross 30712
income in any taxable year. 30713

(13) Deduct any portion of the deduction described in section 30714
1341(a)(2) of the Internal Revenue Code, for repaying previously 30715
reported income received under a claim of right, that meets both 30716
of the following requirements: 30717

(a) It is allowable for repayment of an item that was 30718
included in the taxpayer's adjusted gross income for a prior 30719
taxable year and did not qualify for a credit under division (A) 30720
or (B) of section 5747.05 of the Revised Code for that year; 30721

(b) It does not otherwise reduce the taxpayer's adjusted 30722
gross income for the current or any other taxable year. 30723

(14) Deduct an amount equal to the deposits made to, and net 30724
investment earnings of, a medical savings account during the 30725
taxable year, in accordance with section 3924.66 of the Revised 30726
Code. The deduction allowed by division (A)(14) of this section 30727
does not apply to medical savings account deposits and earnings 30728
otherwise deducted or excluded for the current or any other 30729
taxable year from the taxpayer's federal adjusted gross income. 30730

(15)(a) Add an amount equal to the funds withdrawn from a 30731
medical savings account during the taxable year, and the net 30732
investment earnings on those funds, when the funds withdrawn were 30733
used for any purpose other than to reimburse an account holder 30734
for, or to pay, eligible medical expenses, in accordance with 30735
section 3924.66 of the Revised Code; 30736

(b) Add the amounts distributed from a medical savings 30737

account under division (A)(2) of section 3924.68 of the Revised Code during the taxable year. 30738
30739

(16) Add any amount claimed as a credit under section 30740
5747.059 of the Revised Code to the extent that such amount 30741
satisfies either of the following: 30742

(a) The amount was deducted or excluded from the computation 30743
of the taxpayer's federal adjusted gross income as required to be 30744
reported for the taxpayer's taxable year under the Internal 30745
Revenue Code; 30746

(b) The amount resulted in a reduction of the taxpayer's 30747
federal adjusted gross income as required to be reported for any 30748
of the taxpayer's taxable years under the Internal Revenue Code. 30749

(17) Deduct the amount contributed by the taxpayer to an 30750
individual development account program established by a county 30751
department of job and family services pursuant to sections 329.11 30752
to 329.14 of the Revised Code for the purpose of matching funds 30753
deposited by program participants. On request of the tax 30754
commissioner, the taxpayer shall provide any information that, in 30755
the tax commissioner's opinion, is necessary to establish the 30756
amount deducted under division (A)(17) of this section. 30757

(18) Beginning in taxable year 2001 but not for any taxable 30758
year beginning after December 31, 2005, if the taxpayer is married 30759
and files a joint return and the combined federal adjusted gross 30760
income of the taxpayer and the taxpayer's spouse for the taxable 30761
year does not exceed one hundred thousand dollars, or if the 30762
taxpayer is single and has a federal adjusted gross income for the 30763
taxable year not exceeding fifty thousand dollars, deduct amounts 30764
paid during the taxable year for qualified tuition and fees paid 30765
to an eligible institution for the taxpayer, the taxpayer's 30766
spouse, or any dependent of the taxpayer, who is a resident of 30767
this state and is enrolled in or attending a program that 30768

culminates in a degree or diploma at an eligible institution. The 30769
deduction may be claimed only to the extent that qualified tuition 30770
and fees are not otherwise deducted or excluded for any taxable 30771
year from federal or Ohio adjusted gross income. The deduction may 30772
not be claimed for educational expenses for which the taxpayer 30773
claims a credit under section 5747.27 of the Revised Code. 30774

(19) Add any reimbursement received during the taxable year 30775
of any amount the taxpayer deducted under division (A)(18) of this 30776
section in any previous taxable year to the extent the amount is 30777
not otherwise included in Ohio adjusted gross income. 30778

(20)(a)(i) Add five-sixths of the amount of depreciation 30779
expense allowed by subsection (k) of section 168 of the Internal 30780
Revenue Code, including the taxpayer's proportionate or 30781
distributive share of the amount of depreciation expense allowed 30782
by that subsection to a pass-through entity in which the taxpayer 30783
has a direct or indirect ownership interest. 30784

(ii) Add five-sixths of the amount of qualifying section 179 30785
depreciation expense, including a person's proportionate or 30786
distributive share of the amount of qualifying section 179 30787
depreciation expense allowed to any pass-through entity in which 30788
the person has a direct or indirect ownership. For the purposes of 30789
this division, "qualifying section 179 depreciation expense" means 30790
the difference between (I) the amount of depreciation expense 30791
directly or indirectly allowed to the taxpayer under section 179 30792
of the Internal Revenue Code, and (II) the amount of depreciation 30793
expense directly or indirectly allowed to the taxpayer under 30794
section 179 of the Internal Revenue Code as that section existed 30795
on December 31, 2002. 30796

The tax commissioner, under procedures established by the 30797
commissioner, may waive the add-backs related to a pass-through 30798
entity if the taxpayer owns, directly or indirectly, less than 30799
five per cent of the pass-through entity. 30800

(b) Nothing in division (A)(20) of this section shall be 30801
construed to adjust or modify the adjusted basis of any asset. 30802

(c) To the extent the add-back required under division 30803
(A)(20)(a) of this section is attributable to property generating 30804
nonbusiness income or loss allocated under section 5747.20 of the 30805
Revised Code, the add-back shall be situated to the same location 30806
as the nonbusiness income or loss generated by the property for 30807
the purpose of determining the credit under division (A) of 30808
section 5747.05 of the Revised Code. Otherwise, the add-back shall 30809
be apportioned, subject to one or more of the four alternative 30810
methods of apportionment enumerated in section 5747.21 of the 30811
Revised Code. 30812

(d) For the purposes of division (A) of this section, net 30813
operating loss carryback and carryforward shall not include 30814
five-sixths of the allowance of any net operating loss deduction 30815
carryback or carryforward to the taxable year to the extent such 30816
loss resulted from depreciation allowed by section 168(k) of the 30817
Internal Revenue Code and by the qualifying section 179 30818
depreciation expense amount. 30819

(21)(a) If the taxpayer was required to add an amount under 30820
division (A)(20)(a) of this section for a taxable year, deduct 30821
one-fifth of the amount so added for each of the five succeeding 30822
taxable years. 30823

(b) If the amount deducted under division (A)(21)(a) of this 30824
section is attributable to an add-back allocated under division 30825
(A)(20)(c) of this section, the amount deducted shall be situated 30826
to the same location. Otherwise, the add-back shall be apportioned 30827
using the apportionment factors for the taxable year in which the 30828
deduction is taken, subject to one or more of the four alternative 30829
methods of apportionment enumerated in section 5747.21 of the 30830
Revised Code. 30831

(c) No deduction is available under division (A)(21)(a) of 30832
this section with regard to any depreciation allowed by section 30833
168(k) of the Internal Revenue Code and by the qualifying section 30834
179 depreciation expense amount to the extent that such 30835
depreciation resulted in or increased a federal net operating loss 30836
carryback or carryforward to a taxable year to which division 30837
(A)(20)(d) of this section does not apply. 30838

(22) Deduct, to the extent not otherwise deducted or excluded 30839
in computing federal or Ohio adjusted gross income for the taxable 30840
year, the amount the taxpayer received during the taxable year as 30841
reimbursement for life insurance premiums under section 5919.31 of 30842
the Revised Code. 30843

(23) Deduct, to the extent not otherwise deducted or excluded 30844
in computing federal or Ohio adjusted gross income for the taxable 30845
year, the amount the taxpayer received during the taxable year as 30846
a death benefit paid by the adjutant general under section 5919.33 30847
of the Revised Code. 30848

(24) Deduct, to the extent included in federal adjusted gross 30849
income and not otherwise allowable as a deduction or exclusion in 30850
computing federal or Ohio adjusted gross income for the taxable 30851
year, military pay and allowances received by the taxpayer during 30852
the taxable year for active duty service in the United States 30853
army, air force, navy, marine corps, or coast guard or reserve 30854
components thereof or the national guard. The deduction may not be 30855
claimed for military pay and allowances received by the taxpayer 30856
while the taxpayer is stationed in this state. 30857

(25) Deduct, to the extent not otherwise allowable as a 30858
deduction or exclusion in computing federal or Ohio adjusted gross 30859
income for the taxable year and not otherwise compensated for by 30860
any other source, the amount of qualified organ donation expenses 30861
incurred by the taxpayer during the taxable year, not to exceed 30862
ten thousand dollars. A taxpayer may deduct qualified organ 30863

donation expenses only once for all taxable years beginning with 30864
taxable years beginning in 2007. 30865

For the purposes of division (A)(25) of this section: 30866

(a) "Human organ" means all or any portion of a human liver, 30867
pancreas, kidney, intestine, or lung, and any portion of human 30868
bone marrow. 30869

(b) "Qualified organ donation expenses" means travel 30870
expenses, lodging expenses, and wages and salary forgone by a 30871
taxpayer in connection with the taxpayer's donation, while living, 30872
of one or more of the taxpayer's human organs to another human 30873
being. 30874

(26) Deduct, to the extent not otherwise deducted or excluded 30875
in computing federal or Ohio adjusted gross income for the taxable 30876
year, amounts received by the taxpayer as retired military 30877
personnel pay for service in the United States army, navy, air 30878
force, coast guard, or marine corps or reserve components thereof, 30879
or the national guard, or received by the surviving spouse or 30880
former spouse of such a taxpayer under the survivor benefit plan 30881
on account of such a taxpayer's death. If the taxpayer receives 30882
income on account of retirement paid under the federal civil 30883
service retirement system or federal employees retirement system, 30884
or under any successor retirement program enacted by the congress 30885
of the United States that is established and maintained for 30886
retired employees of the United States government, and such 30887
retirement income is based, in whole or in part, on credit for the 30888
taxpayer's military service, the deduction allowed under this 30889
division shall include only that portion of such retirement income 30890
that is attributable to the taxpayer's military service, to the 30891
extent that portion of such retirement income is otherwise 30892
included in federal adjusted gross income and is not otherwise 30893
deducted under this section. Any amount deducted under division 30894
(A)(26) of this section is not included in ~~the~~ a taxpayer's 30895

adjusted gross income for the purposes of section 5747.055 of the Revised Code. No amount may be deducted under division (A)(26) of this section on the basis of which a credit was claimed under section 5747.055 of the Revised Code.

(27) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer received during the taxable year from the military injury relief fund created in section 5101.98 of the Revised Code.

(B) "Business income" means income, including gain or loss, arising from transactions, activities, and sources in the regular course of a trade or business and includes income, gain, or loss from real property, tangible property, and intangible property if the acquisition, rental, management, and disposition of the property constitute integral parts of the regular course of a trade or business operation. "Business income" includes income, including gain or loss, from a partial or complete liquidation of a business, including, but not limited to, gain or loss from the sale or other disposition of goodwill.

(C) "Nonbusiness income" means all income other than business income and may include, but is not limited to, compensation, rents and royalties from real or tangible personal property, capital gains, interest, dividends and distributions, patent or copyright royalties, or lottery winnings, prizes, and awards.

(D) "Compensation" means any form of remuneration paid to an employee for personal services.

(E) "Fiduciary" means a guardian, trustee, executor, administrator, receiver, conservator, or any other person acting in any fiduciary capacity for any individual, trust, or estate.

(F) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.

(G) "Individual" means any natural person.	30927
(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.	30928 30929
(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:	30930 30931 30932
(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;	30933 30934
(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.	30935 30936 30937 30938
(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.	30939 30940 30941
For the purposes of division (I)(3) of this section:	30942
(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:	30943 30944 30945 30946 30947 30948
(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;	30949 30950 30951 30952
(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this	30953 30954 30955 30956

state for the purposes of this chapter during all or some portion 30957
of the trust's current taxable year; 30958

(iii) A person who was domiciled in this state for the 30959
purposes of this chapter when the trust document or instrument or 30960
part of the trust document or instrument became irrevocable, but 30961
only if at least one of the trust's qualifying beneficiaries is a 30962
resident domiciled in this state for the purposes of this chapter 30963
during all or some portion of the trust's current taxable year. If 30964
a trust document or instrument became irrevocable upon the death 30965
of a person who at the time of death was domiciled in this state 30966
for purposes of this chapter, that person is a person described in 30967
division (I)(3)(a)(iii) of this section. 30968

(b) A trust is irrevocable to the extent that the transferor 30969
is not considered to be the owner of the net assets of the trust 30970
under sections 671 to 678 of the Internal Revenue Code. 30971

(c) With respect to a trust other than a charitable lead 30972
trust, "qualifying beneficiary" has the same meaning as "potential 30973
current beneficiary" as defined in section 1361(e)(2) of the 30974
Internal Revenue Code, and with respect to a charitable lead trust 30975
"qualifying beneficiary" is any current, future, or contingent 30976
beneficiary, but with respect to any trust "qualifying 30977
beneficiary" excludes a person or a governmental entity or 30978
instrumentality to any of which a contribution would qualify for 30979
the charitable deduction under section 170 of the Internal Revenue 30980
Code. 30981

(d) For the purposes of division (I)(3)(a) of this section, 30982
the extent to which a trust consists directly or indirectly, in 30983
whole or in part, of assets, net of any related liabilities, that 30984
were transferred directly or indirectly, in whole or part, to the 30985
trust by any of the sources enumerated in that division shall be 30986
ascertained by multiplying the fair market value of the trust's 30987
assets, net of related liabilities, by the qualifying ratio, which 30988

shall be computed as follows: 30989

(i) The first time the trust receives assets, the numerator 30990
of the qualifying ratio is the fair market value of those assets 30991
at that time, net of any related liabilities, from sources 30992
enumerated in division (I)(3)(a) of this section. The denominator 30993
of the qualifying ratio is the fair market value of all the 30994
trust's assets at that time, net of any related liabilities. 30995

(ii) Each subsequent time the trust receives assets, a 30996
revised qualifying ratio shall be computed. The numerator of the 30997
revised qualifying ratio is the sum of (1) the fair market value 30998
of the trust's assets immediately prior to the subsequent 30999
transfer, net of any related liabilities, multiplied by the 31000
qualifying ratio last computed without regard to the subsequent 31001
transfer, and (2) the fair market value of the subsequently 31002
transferred assets at the time transferred, net of any related 31003
liabilities, from sources enumerated in division (I)(3)(a) of this 31004
section. The denominator of the revised qualifying ratio is the 31005
fair market value of all the trust's assets immediately after the 31006
subsequent transfer, net of any related liabilities. 31007

(iii) Whether a transfer to the trust is by or from any of 31008
the sources enumerated in division (I)(3)(a) of this section shall 31009
be ascertained without regard to the domicile of the trust's 31010
beneficiaries. 31011

(e) For the purposes of division (I)(3)(a)(i) of this 31012
section: 31013

(i) A trust is described in division (I)(3)(e)(i) of this 31014
section if the trust is a testamentary trust and the testator of 31015
that testamentary trust was domiciled in this state at the time of 31016
the testator's death for purposes of the taxes levied under 31017
Chapter 5731. of the Revised Code. 31018

(ii) A trust is described in division (I)(3)(e)(ii) of this 31019

section if the transfer is a qualifying transfer described in any 31020
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 31021
irrevocable inter vivos trust, and at least one of the trust's 31022
qualifying beneficiaries is domiciled in this state for purposes 31023
of this chapter during all or some portion of the trust's current 31024
taxable year. 31025

(f) For the purposes of division (I)(3)(e)(ii) of this 31026
section, a "qualifying transfer" is a transfer of assets, net of 31027
any related liabilities, directly or indirectly to a trust, if the 31028
transfer is described in any of the following: 31029

(i) The transfer is made to a trust, created by the decedent 31030
before the decedent's death and while the decedent was domiciled 31031
in this state for the purposes of this chapter, and, prior to the 31032
death of the decedent, the trust became irrevocable while the 31033
decedent was domiciled in this state for the purposes of this 31034
chapter. 31035

(ii) The transfer is made to a trust to which the decedent, 31036
prior to the decedent's death, had directly or indirectly 31037
transferred assets, net of any related liabilities, while the 31038
decedent was domiciled in this state for the purposes of this 31039
chapter, and prior to the death of the decedent the trust became 31040
irrevocable while the decedent was domiciled in this state for the 31041
purposes of this chapter. 31042

(iii) The transfer is made on account of a contractual 31043
relationship existing directly or indirectly between the 31044
transferor and either the decedent or the estate of the decedent 31045
at any time prior to the date of the decedent's death, and the 31046
decedent was domiciled in this state at the time of death for 31047
purposes of the taxes levied under Chapter 5731. of the Revised 31048
Code. 31049

(iv) The transfer is made to a trust on account of a 31050

contractual relationship existing directly or indirectly between 31051
the transferor and another person who at the time of the 31052
decedent's death was domiciled in this state for purposes of this 31053
chapter. 31054

(v) The transfer is made to a trust on account of the will of 31055
a testator. 31056

(vi) The transfer is made to a trust created by or caused to 31057
be created by a court, and the trust was directly or indirectly 31058
created in connection with or as a result of the death of an 31059
individual who, for purposes of the taxes levied under Chapter 31060
5731. of the Revised Code, was domiciled in this state at the time 31061
of the individual's death. 31062

(g) The tax commissioner may adopt rules to ascertain the 31063
part of a trust residing in this state. 31064

(J) "Nonresident" means an individual or estate that is not a 31065
resident. An individual who is a resident for only part of a 31066
taxable year is a nonresident for the remainder of that taxable 31067
year. 31068

(K) "Pass-through entity" has the same meaning as in section 31069
5733.04 of the Revised Code. 31070

(L) "Return" means the notifications and reports required to 31071
be filed pursuant to this chapter for the purpose of reporting the 31072
tax due and includes declarations of estimated tax when so 31073
required. 31074

(M) "Taxable year" means the calendar year or the taxpayer's 31075
fiscal year ending during the calendar year, or fractional part 31076
thereof, upon which the adjusted gross income is calculated 31077
pursuant to this chapter. 31078

(N) "Taxpayer" means any person subject to the tax imposed by 31079
section 5747.02 of the Revised Code or any pass-through entity 31080

that makes the election under division (D) of section 5747.08 of 31081
the Revised Code. 31082

(O) "Dependents" means dependents as defined in the Internal 31083
Revenue Code and as claimed in the taxpayer's federal income tax 31084
return for the taxable year or which the taxpayer would have been 31085
permitted to claim had the taxpayer filed a federal income tax 31086
return. 31087

(P) "Principal county of employment" means, in the case of a 31088
nonresident, the county within the state in which a taxpayer 31089
performs services for an employer or, if those services are 31090
performed in more than one county, the county in which the major 31091
portion of the services are performed. 31092

(Q) As used in sections 5747.50 to 5747.55 of the Revised 31093
Code: 31094

(1) "Subdivision" means any county, municipal corporation, 31095
park district, or township. 31096

(2) "Essential local government purposes" includes all 31097
functions that any subdivision is required by general law to 31098
exercise, including like functions that are exercised under a 31099
charter adopted pursuant to the Ohio Constitution. 31100

(R) "Overpayment" means any amount already paid that exceeds 31101
the figure determined to be the correct amount of the tax. 31102

(S) "Taxable income" or "Ohio taxable income" applies only to 31103
estates and trusts, and means federal taxable income, as defined 31104
and used in the Internal Revenue Code, adjusted as follows: 31105

(1) Add interest or dividends, net of ordinary, necessary, 31106
and reasonable expenses not deducted in computing federal taxable 31107
income, on obligations or securities of any state or of any 31108
political subdivision or authority of any state, other than this 31109
state and its subdivisions and authorities, but only to the extent 31110

that such net amount is not otherwise includible in Ohio taxable 31111
income and is described in either division (S)(1)(a) or (b) of 31112
this section: 31113

(a) The net amount is not attributable to the S portion of an 31114
electing small business trust and has not been distributed to 31115
beneficiaries for the taxable year; 31116

(b) The net amount is attributable to the S portion of an 31117
electing small business trust for the taxable year. 31118

(2) Add interest or dividends, net of ordinary, necessary, 31119
and reasonable expenses not deducted in computing federal taxable 31120
income, on obligations of any authority, commission, 31121
instrumentality, territory, or possession of the United States to 31122
the extent that the interest or dividends are exempt from federal 31123
income taxes but not from state income taxes, but only to the 31124
extent that such net amount is not otherwise includible in Ohio 31125
taxable income and is described in either division (S)(1)(a) or 31126
(b) of this section; 31127

(3) Add the amount of personal exemption allowed to the 31128
estate pursuant to section 642(b) of the Internal Revenue Code; 31129

(4) Deduct interest or dividends, net of related expenses 31130
deducted in computing federal taxable income, on obligations of 31131
the United States and its territories and possessions or of any 31132
authority, commission, or instrumentality of the United States to 31133
the extent that the interest or dividends are exempt from state 31134
taxes under the laws of the United States, but only to the extent 31135
that such amount is included in federal taxable income and is 31136
described in either division (S)(1)(a) or (b) of this section; 31137

(5) Deduct the amount of wages and salaries, if any, not 31138
otherwise allowable as a deduction but that would have been 31139
allowable as a deduction in computing federal taxable income for 31140
the taxable year, had the targeted jobs credit allowed under 31141

sections 38, 51, and 52 of the Internal Revenue Code not been in 31142
effect, but only to the extent such amount relates either to 31143
income included in federal taxable income for the taxable year or 31144
to income of the S portion of an electing small business trust for 31145
the taxable year; 31146

(6) Deduct any interest or interest equivalent, net of 31147
related expenses deducted in computing federal taxable income, on 31148
public obligations and purchase obligations, but only to the 31149
extent that such net amount relates either to income included in 31150
federal taxable income for the taxable year or to income of the S 31151
portion of an electing small business trust for the taxable year; 31152

(7) Add any loss or deduct any gain resulting from sale, 31153
exchange, or other disposition of public obligations to the extent 31154
that such loss has been deducted or such gain has been included in 31155
computing either federal taxable income or income of the S portion 31156
of an electing small business trust for the taxable year; 31157

(8) Except in the case of the final return of an estate, add 31158
any amount deducted by the taxpayer on both its Ohio estate tax 31159
return pursuant to section 5731.14 of the Revised Code, and on its 31160
federal income tax return in determining federal taxable income; 31161

(9)(a) Deduct any amount included in federal taxable income 31162
solely because the amount represents a reimbursement or refund of 31163
expenses that in a previous year the decedent had deducted as an 31164
itemized deduction pursuant to section 63 of the Internal Revenue 31165
Code and applicable treasury regulations. The deduction otherwise 31166
allowed under division (S)(9)(a) of this section shall be reduced 31167
to the extent the reimbursement is attributable to an amount the 31168
taxpayer or decedent deducted under this section in any taxable 31169
year. 31170

(b) Add any amount not otherwise included in Ohio taxable 31171
income for any taxable year to the extent that the amount is 31172

attributable to the recovery during the taxable year of any amount 31173
deducted or excluded in computing federal or Ohio taxable income 31174
in any taxable year, but only to the extent such amount has not 31175
been distributed to beneficiaries for the taxable year. 31176

(10) Deduct any portion of the deduction described in section 31177
1341(a)(2) of the Internal Revenue Code, for repaying previously 31178
reported income received under a claim of right, that meets both 31179
of the following requirements: 31180

(a) It is allowable for repayment of an item that was 31181
included in the taxpayer's taxable income or the decedent's 31182
adjusted gross income for a prior taxable year and did not qualify 31183
for a credit under division (A) or (B) of section 5747.05 of the 31184
Revised Code for that year. 31185

(b) It does not otherwise reduce the taxpayer's taxable 31186
income or the decedent's adjusted gross income for the current or 31187
any other taxable year. 31188

(11) Add any amount claimed as a credit under section 31189
5747.059 of the Revised Code to the extent that the amount 31190
satisfies either of the following: 31191

(a) The amount was deducted or excluded from the computation 31192
of the taxpayer's federal taxable income as required to be 31193
reported for the taxpayer's taxable year under the Internal 31194
Revenue Code; 31195

(b) The amount resulted in a reduction in the taxpayer's 31196
federal taxable income as required to be reported for any of the 31197
taxpayer's taxable years under the Internal Revenue Code. 31198

(12) Deduct any amount, net of related expenses deducted in 31199
computing federal taxable income, that a trust is required to 31200
report as farm income on its federal income tax return, but only 31201
if the assets of the trust include at least ten acres of land 31202
satisfying the definition of "land devoted exclusively to 31203

agricultural use" under section 5713.30 of the Revised Code, 31204
regardless of whether the land is valued for tax purposes as such 31205
land under sections 5713.30 to 5713.38 of the Revised Code. If the 31206
trust is a pass-through entity investor, section 5747.231 of the 31207
Revised Code applies in ascertaining if the trust is eligible to 31208
claim the deduction provided by division (S)(12) of this section 31209
in connection with the pass-through entity's farm income. 31210

Except for farm income attributable to the S portion of an 31211
electing small business trust, the deduction provided by division 31212
(S)(12) of this section is allowed only to the extent that the 31213
trust has not distributed such farm income. Division (S)(12) of 31214
this section applies only to taxable years of a trust beginning in 31215
2002 or thereafter. 31216

(13) Add the net amount of income described in section 641(c) 31217
of the Internal Revenue Code to the extent that amount is not 31218
included in federal taxable income. 31219

(14) Add or deduct the amount the taxpayer would be required 31220
to add or deduct under division (A)(20) or (21) of this section if 31221
the taxpayer's Ohio taxable income were computed in the same 31222
manner as an individual's Ohio adjusted gross income is computed 31223
under this section. In the case of a trust, division (S)(14) of 31224
this section applies only to any of the trust's taxable years 31225
beginning in 2002 or thereafter. 31226

(T) "School district income" and "school district income tax" 31227
have the same meanings as in section 5748.01 of the Revised Code. 31228

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 31229
of this section, "public obligations," "purchase obligations," and 31230
"interest or interest equivalent" have the same meanings as in 31231
section 5709.76 of the Revised Code. 31232

(V) "Limited liability company" means any limited liability 31233
company formed under Chapter 1705. of the Revised Code or under 31234

the laws of any other state. 31235

(W) "Pass-through entity investor" means any person who, 31236
during any portion of a taxable year of a pass-through entity, is 31237
a partner, member, shareholder, or equity investor in that 31238
pass-through entity. 31239

(X) "Banking day" has the same meaning as in section 1304.01 31240
of the Revised Code. 31241

(Y) "Month" means a calendar month. 31242

(Z) "Quarter" means the first three months, the second three 31243
months, the third three months, or the last three months of the 31244
taxpayer's taxable year. 31245

(AA)(1) "Eligible institution" means a state university or 31246
state institution of higher education as defined in section 31247
3345.011 of the Revised Code, or a private, nonprofit college, 31248
university, or other post-secondary institution located in this 31249
state that possesses a certificate of authorization issued by the 31250
Ohio board of regents pursuant to Chapter 1713. of the Revised 31251
Code or a certificate of registration issued by the state board of 31252
career colleges and schools under Chapter 3332. of the Revised 31253
Code. 31254

(2) "Qualified tuition and fees" means tuition and fees 31255
imposed by an eligible institution as a condition of enrollment or 31256
attendance, not exceeding two thousand five hundred dollars in 31257
each of the individual's first two years of post-secondary 31258
education. If the individual is a part-time student, "qualified 31259
tuition and fees" includes tuition and fees paid for the academic 31260
equivalent of the first two years of post-secondary education 31261
during a maximum of five taxable years, not exceeding a total of 31262
five thousand dollars. "Qualified tuition and fees" does not 31263
include: 31264

(a) Expenses for any course or activity involving sports, 31265

games, or hobbies unless the course or activity is part of the individual's degree or diploma program;	31266 31267
(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;	31268 31269 31270
(c) Tuition, fees, or other expenses paid or reimbursed through an employer, scholarship, grant in aid, or other educational benefit program.	31271 31272 31273
(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.	31274 31275 31276
(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:	31277 31278 31279 31280 31281
(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.	31282 31283 31284 31285 31286
(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.	31287 31288 31289
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.	31290 31291 31292
(3) "Modified nonbusiness income" means a trust's Ohio taxable income other than modified business income, other than the qualifying trust amount, and other than qualifying investment	31293 31294 31295

income, as defined in section 5747.012 of the Revised Code, to the 31296
extent such qualifying investment income is not otherwise part of 31297
modified business income. 31298

(4) "Modified Ohio taxable income" applies only to trusts, 31299
and means the sum of the amounts described in divisions (BB)(4)(a) 31300
to (c) of this section: 31301

(a) The fraction, calculated under section 5747.013, and 31302
applying section 5747.231 of the Revised Code, multiplied by the 31303
sum of the following amounts: 31304

(i) The trust's modified business income; 31305

(ii) The trust's qualifying investment income, as defined in 31306
section 5747.012 of the Revised Code, but only to the extent the 31307
qualifying investment income does not otherwise constitute 31308
modified business income and does not otherwise constitute a 31309
qualifying trust amount. 31310

(b) The qualifying trust amount multiplied by a fraction, the 31311
numerator of which is the sum of the book value of the qualifying 31312
investee's physical assets in this state on the last day of the 31313
qualifying investee's fiscal or calendar year ending immediately 31314
prior to the day on which the trust recognizes the qualifying 31315
trust amount, and the denominator of which is the sum of the book 31316
value of the qualifying investee's total physical assets 31317
everywhere on the last day of the qualifying investee's fiscal or 31318
calendar year ending immediately prior to the day on which the 31319
trust recognizes the qualifying trust amount. If, for a taxable 31320
year, the trust recognizes a qualifying trust amount with respect 31321
to more than one qualifying investee, the amount described in 31322
division (BB)(4)(b) of this section shall equal the sum of the 31323
products so computed for each such qualifying investee. 31324

(c)(i) With respect to a trust or portion of a trust that is 31325
a resident as ascertained in accordance with division (I)(3)(d) of 31326

this section, its modified nonbusiness income. 31327

(ii) With respect to a trust or portion of a trust that is 31328
not a resident as ascertained in accordance with division 31329
(I)(3)(d) of this section, the amount of its modified nonbusiness 31330
income satisfying the descriptions in divisions (B)(2) to (5) of 31331
section 5747.20 of the Revised Code, except as otherwise provided 31332
in division (BB)(4)(c)(ii) of this section. With respect to a 31333
trust or portion of a trust that is not a resident as ascertained 31334
in accordance with division (I)(3)(d) of this section, the trust's 31335
portion of modified nonbusiness income recognized from the sale, 31336
exchange, or other disposition of a debt interest in or equity 31337
interest in a section 5747.212 entity, as defined in section 31338
5747.212 of the Revised Code, without regard to division (A) of 31339
that section, shall not be allocated to this state in accordance 31340
with section 5747.20 of the Revised Code but shall be apportioned 31341
to this state in accordance with division (B) of section 5747.212 31342
of the Revised Code without regard to division (A) of that 31343
section. 31344

If the allocation and apportionment of a trust's income under 31345
divisions (BB)(4)(a) and (c) of this section do not fairly 31346
represent the modified Ohio taxable income of the trust in this 31347
state, the alternative methods described in division (C) of 31348
section 5747.21 of the Revised Code may be applied in the manner 31349
and to the same extent provided in that section. 31350

(5)(a) Except as set forth in division (BB)(5)(b) of this 31351
section, "qualifying investee" means a person in which a trust has 31352
an equity or ownership interest, or a person or unit of government 31353
the debt obligations of either of which are owned by a trust. For 31354
the purposes of division (BB)(2)(a) of this section and for the 31355
purpose of computing the fraction described in division (BB)(4)(b) 31356
of this section, all of the following apply: 31357

(i) If the qualifying investee is a member of a qualifying 31358

controlled group on the last day of the qualifying investee's 31359
fiscal or calendar year ending immediately prior to the date on 31360
which the trust recognizes the gain or loss, then "qualifying 31361
investee" includes all persons in the qualifying controlled group 31362
on such last day. 31363

(ii) If the qualifying investee, or if the qualifying 31364
investee and any members of the qualifying controlled group of 31365
which the qualifying investee is a member on the last day of the 31366
qualifying investee's fiscal or calendar year ending immediately 31367
prior to the date on which the trust recognizes the gain or loss, 31368
separately or cumulatively own, directly or indirectly, on the 31369
last day of the qualifying investee's fiscal or calendar year 31370
ending immediately prior to the date on which the trust recognizes 31371
the qualifying trust amount, more than fifty per cent of the 31372
equity of a pass-through entity, then the qualifying investee and 31373
the other members are deemed to own the proportionate share of the 31374
pass-through entity's physical assets which the pass-through 31375
entity directly or indirectly owns on the last day of the 31376
pass-through entity's calendar or fiscal year ending within or 31377
with the last day of the qualifying investee's fiscal or calendar 31378
year ending immediately prior to the date on which the trust 31379
recognizes the qualifying trust amount. 31380

(iii) For the purposes of division (BB)(5)(a)(iii) of this 31381
section, "upper level pass-through entity" means a pass-through 31382
entity directly or indirectly owning any equity of another 31383
pass-through entity, and "lower level pass-through entity" means 31384
that other pass-through entity. 31385

An upper level pass-through entity, whether or not it is also 31386
a qualifying investee, is deemed to own, on the last day of the 31387
upper level pass-through entity's calendar or fiscal year, the 31388
proportionate share of the lower level pass-through entity's 31389
physical assets that the lower level pass-through entity directly 31390

or indirectly owns on the last day of the lower level pass-through 31391
entity's calendar or fiscal year ending within or with the last 31392
day of the upper level pass-through entity's fiscal or calendar 31393
year. If the upper level pass-through entity directly and 31394
indirectly owns less than fifty per cent of the equity of the 31395
lower level pass-through entity on each day of the upper level 31396
pass-through entity's calendar or fiscal year in which or with 31397
which ends the calendar or fiscal year of the lower level 31398
pass-through entity and if, based upon clear and convincing 31399
evidence, complete information about the location and cost of the 31400
physical assets of the lower pass-through entity is not available 31401
to the upper level pass-through entity, then solely for purposes 31402
of ascertaining if a gain or loss constitutes a qualifying trust 31403
amount, the upper level pass-through entity shall be deemed as 31404
owning no equity of the lower level pass-through entity for each 31405
day during the upper level pass-through entity's calendar or 31406
fiscal year in which or with which ends the lower level 31407
pass-through entity's calendar or fiscal year. Nothing in division 31408
(BB)(5)(a)(iii) of this section shall be construed to provide for 31409
any deduction or exclusion in computing any trust's Ohio taxable 31410
income. 31411

(b) With respect to a trust that is not a resident for the 31412
taxable year and with respect to a part of a trust that is not a 31413
resident for the taxable year, "qualifying investee" for that 31414
taxable year does not include a C corporation if both of the 31415
following apply: 31416

(i) During the taxable year the trust or part of the trust 31417
recognizes a gain or loss from the sale, exchange, or other 31418
disposition of equity or ownership interests in, or debt 31419
obligations of, the C corporation. 31420

(ii) Such gain or loss constitutes nonbusiness income. 31421

(6) "Available" means information is such that a person is 31422

able to learn of the information by the due date plus extensions, 31423
if any, for filing the return for the taxable year in which the 31424
trust recognizes the gain or loss. 31425

(CC) "Qualifying controlled group" has the same meaning as in 31426
section 5733.04 of the Revised Code. 31427

(DD) "Related member" has the same meaning as in section 31428
5733.042 of the Revised Code. 31429

(EE)(1) For the purposes of division (EE) of this section: 31430

(a) "Qualifying person" means any person other than a 31431
qualifying corporation. 31432

(b) "Qualifying corporation" means any person classified for 31433
federal income tax purposes as an association taxable as a 31434
corporation, except either of the following: 31435

(i) A corporation that has made an election under subchapter 31436
S, chapter one, subtitle A, of the Internal Revenue Code for its 31437
taxable year ending within, or on the last day of, the investor's 31438
taxable year; 31439

(ii) A subsidiary that is wholly owned by any corporation 31440
that has made an election under subchapter S, chapter one, 31441
subtitle A of the Internal Revenue Code for its taxable year 31442
ending within, or on the last day of, the investor's taxable year. 31443

(2) For the purposes of this chapter, unless expressly stated 31444
otherwise, no qualifying person indirectly owns any asset directly 31445
or indirectly owned by any qualifying corporation. 31446

(FF) For purposes of this chapter and Chapter 5751. of the 31447
Revised Code: 31448

(1) "Trust" does not include a qualified pre-income tax 31449
trust. 31450

(2) A "qualified pre-income tax trust" is any pre-income tax 31451
trust that makes a qualifying pre-income tax trust election as 31452

described in division (FF)(3) of this section. 31453

(3) A "qualifying pre-income tax trust election" is an 31454
election by a pre-income tax trust to subject to the tax imposed 31455
by section 5751.02 of the Revised Code the pre-income tax trust 31456
and all pass-through entities of which the trust owns or controls, 31457
directly, indirectly, or constructively through related interests, 31458
five per cent or more of the ownership or equity interests. The 31459
trustee shall notify the tax commissioner in writing of the 31460
election on or before April 15, 2006. The election, if timely 31461
made, shall be effective on and after January 1, 2006, and shall 31462
apply for all tax periods and tax years until revoked by the 31463
trustee of the trust. 31464

(4) A "pre-income tax trust" is a trust that satisfies all of 31465
the following requirements: 31466

(a) The document or instrument creating the trust was 31467
executed by the grantor before January 1, 1972; 31468

(b) The trust became irrevocable upon the creation of the 31469
trust; and 31470

(c) The grantor was domiciled in this state at the time the 31471
trust was created. 31472

Sec. 5747.02. (A) For the purpose of providing revenue for 31473
the support of schools and local government functions, to provide 31474
relief to property taxpayers, to provide revenue for the general 31475
revenue fund, and to meet the expenses of administering the tax 31476
levied by this chapter, there is hereby levied on every 31477
individual, trust, and estate residing in or earning or receiving 31478
income in this state, on every individual, trust, and estate 31479
earning or receiving lottery winnings, prizes, or awards pursuant 31480
to Chapter 3770. of the Revised Code, and on every individual, 31481
trust, and estate otherwise having nexus with or in this state 31482

under the Constitution of the United States, an annual tax		31483
measured in the case of individuals by Ohio adjusted gross income		31484
less an exemption for the taxpayer, the taxpayer's spouse, and		31485
each dependent as provided in section 5747.025 of the Revised		31486
Code; measured in the case of trusts by modified Ohio taxable		31487
income under division (D) of this section; and measured in the		31488
case of estates by Ohio taxable income. The tax imposed by this		31489
section on the balance thus obtained is hereby levied as follows:		31490
(1) For taxable years beginning in 2004:		31491
OHIO ADJUSTED GROSS INCOME LESS		31492
EXEMPTIONS (INDIVIDUALS)		
OR		31493
MODIFIED OHIO		31494
TAXABLE INCOME (TRUSTS)		31495
OR		31496
OHIO TAXABLE INCOME (ESTATES)	TAX	31497
\$5,000 or less	.743%	31498
More than \$5,000 but not more	\$37.15 plus 1.486% of the amount	31499
than \$10,000	in excess of \$5,000	
More than \$10,000 but not more	\$111.45 plus 2.972% of the	31500
than \$15,000	amount in excess of \$10,000	
More than \$15,000 but not more	\$260.05 plus 3.715% of the	31501
than \$20,000	amount in excess of \$15,000	
More than \$20,000 but not more	\$445.80 plus 4.457% of the	31502
than \$40,000	amount in excess of \$20,000	
More than \$40,000 but not more	\$1,337.20 plus 5.201% of the	31503
than \$80,000	amount in excess of \$40,000	
More than \$80,000 but not more	\$3,417.60 plus 5.943% of the	31504
than \$100,000	amount in excess of \$80,000	
More than \$100,000 but not more	\$4,606.20 plus 6.9% of the	31505
than \$200,000	amount in excess of \$100,000	
More than \$200,000	\$11,506.20 plus 7.5% of the	31506

	amount in excess of \$200,000	
(2) For taxable years beginning in 2005:		31507
OHIO ADJUSTED GROSS INCOME LESS		31508
EXEMPTIONS (INDIVIDUALS)		
OR		31509
MODIFIED OHIO		31510
TAXABLE INCOME (TRUSTS)		31511
OR		31512
OHIO TAXABLE INCOME (ESTATES)	TAX	31513
\$5,000 or less	.712%	31514
More than \$5,000 but not more than \$10,000	\$35.60 plus 1.424% of the amount in excess of \$5,000	31515
More than \$10,000 but not more than \$15,000	\$106.80 plus 2.847% of the amount in excess of \$10,000	31516
More than \$15,000 but not more than \$20,000	\$249.15 plus 3.559% of the amount in excess of \$15,000	31517
More than \$20,000 but not more than \$40,000	\$427.10 plus 4.27% of the amount in excess of \$20,000	31518
More than \$40,000 but not more than \$80,000	\$1,281.10 plus 4.983% of the amount in excess of \$40,000	31519
More than \$80,000 but not more than \$100,000	\$3,274.30 plus 5.693% of the amount in excess of \$80,000	31520
More than \$100,000 but not more than \$200,000	\$4,412.90 plus 6.61% of the amount in excess of \$100,000	31521
More than \$200,000	\$11,022.90 plus 7.185% of the amount in excess of \$200,000	31522
(3) For taxable years beginning in 2006:		31523
OHIO ADJUSTED GROSS INCOME LESS		31524
EXEMPTIONS (INDIVIDUALS)		
OR		31525
MODIFIED OHIO		31526
TAXABLE INCOME (TRUSTS)		31527

OR		31528
OHIO TAXABLE INCOME (ESTATES)	TAX	31529
\$5,000 or less	.681%	31530
More than \$5,000 but not more than \$10,000	\$34.05 plus 1.361% of the amount in excess of \$5,000	31531
More than \$10,000 but not more than \$15,000	\$102.10 plus 2.722% of the amount in excess of \$10,000	31532
More than \$15,000 but not more than \$20,000	\$238.20 plus 3.403% of the amount in excess of \$15,000	31533
More than \$20,000 but not more than \$40,000	\$408.35 plus 4.083% of the amount in excess of \$20,000	31534
More than \$40,000 but not more than \$80,000	\$1,224.95 plus 4.764% of the amount in excess of \$40,000	31535
More than \$80,000 but not more than \$100,000	\$3,130.55 plus 5.444% of the amount in excess of \$80,000	31536
More than \$100,000 but not more than \$200,000	\$4,219.35 plus 6.32% of the amount in excess of \$100,000	31537
More than \$200,000	\$10,539.35 plus 6.87% of the amount in excess of \$200,000	31538
(4) For taxable years beginning in 2007:		31539
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		31540
OR		31541
MODIFIED OHIO TAXABLE INCOME (TRUSTS)		31543
OR		31544
OHIO TAXABLE INCOME (ESTATES)	TAX	31545
\$5,000 or less	.649%	31546
More than \$5,000 but not more than \$10,000	\$32.45 plus 1.299% of the amount in excess of \$5,000	31547
More than \$10,000 but not more than \$15,000	\$97.40 plus 2.598% of the amount in excess of \$10,000	31548
More than \$15,000 but not more	\$227.30 plus 3.247% of the	31549

than \$20,000	amount in excess of \$15,000	
More than \$20,000 but not more than \$40,000	\$389.65 plus 3.895% of the amount in excess of \$20,000	31550
More than \$40,000 but not more than \$80,000	\$1,168.65 plus 4.546% of the amount in excess of \$40,000	31551
More than \$80,000 but not more than \$100,000	\$2,987.05 plus 5.194% of the amount in excess of \$80,000	31552
More than \$100,000 but not more than \$200,000	\$4,025.85 plus 6.031% of the amount in excess of \$100,000	31553
More than \$200,000	\$10,056.85 plus 6.555% of the amount in excess of \$200,000	31554
(5) For taxable years beginning in 2008:		31555
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		31556
OR		31557
MODIFIED OHIO		31558
TAXABLE INCOME (TRUSTS)		31559
OR		31560
OHIO TAXABLE INCOME (ESTATES)	TAX	31561
\$5,000 or less	.618%	31562
More than \$5,000 but not more than \$10,000	\$30.90 plus 1.236% of the amount in excess of \$5,000	31563
More than \$10,000 but not more than \$15,000	\$92.70 plus 2.473% of the amount in excess of \$10,000	31564
More than \$15,000 but not more than \$20,000	\$216.35 plus 3.091% of the amount in excess of \$15,000	31565
More than \$20,000 but not more than \$40,000	\$370.90 plus 3.708% of the amount in excess of \$20,000	31566
More than \$40,000 but not more than \$80,000	\$1,112.50 plus 4.327% of the amount in excess of \$40,000	31567
More than \$80,000 but not more than \$100,000	\$2,843.30 plus 4.945% of the amount in excess of \$80,000	31568
More than \$100,000 but not more	\$3,832.30 plus 5.741% of the	31569

than \$200,000	amount in excess of \$100,000	
More than \$200,000	\$9,573.30 plus 6.24% of the amount in excess of \$200,000	31570
(6) For taxable years beginning in 2009 or thereafter:		31571
OHIO ADJUSTED GROSS INCOME LESS		31572
EXEMPTIONS (INDIVIDUALS)		
OR		31573
MODIFIED OHIO		31574
TAXABLE INCOME (TRUSTS)		31575
OR		31576
OHIO TAXABLE INCOME (ESTATES)	TAX	31577
\$5,000 or less	.587%	31578
More than \$5,000 but not more than \$10,000	\$29.35 plus 1.174% of the amount in excess of \$5,000	31579
More than \$10,000 but not more than \$15,000	\$88.05 plus 2.348% of the amount in excess of \$10,000	31580
More than \$15,000 but not more than \$20,000	\$205.45 plus 2.935% of the amount in excess of \$15,000	31581
More than \$20,000 but not more than \$40,000	\$352.20 plus 3.521% of the amount in excess of \$20,000	31582
More than \$40,000 but not more than \$80,000	\$1,056.40 plus 4.109% of the amount in excess of \$40,000	31583
More than \$80,000 but not more than \$100,000	\$2,700.00 plus 4.695% of the amount in excess of \$80,000	31584
More than \$100,000 but not more than \$200,000	\$3,639.00 plus 5.451% of the amount in excess of \$100,000	31585
More than \$200,000	\$9,090.00 plus 5.925% of the amount in excess of \$200,000	31586
In July of each year, beginning in 2010, the tax commissioner		31587
shall adjust the income amounts prescribed in this division by		31588
multiplying the percentage increase in the gross domestic product		31589
deflator computed that year under section 5747.025 of the Revised		31590
Code by each of the income amounts resulting from the adjustment		31591

under this division in the preceding year, adding the resulting 31592
product to the corresponding income amount resulting from the 31593
adjustment in the preceding year, and rounding the resulting sum 31594
to the nearest multiple of fifty dollars. The tax commissioner 31595
also shall recompute each of the tax dollar amounts to the extent 31596
necessary to reflect the adjustment of the income amounts. The 31597
rates of taxation shall not be adjusted. 31598

The adjusted amounts apply to taxable years beginning in the 31599
calendar year in which the adjustments are made. The tax 31600
commissioner shall not make such adjustments in any year in which 31601
the amount resulting from the adjustment would be less than the 31602
amount resulting from the adjustment in the preceding year. 31603

(B) If the director of budget and management makes a 31604
certification to the tax commissioner under division (B) of 31605
section 131.44 of the Revised Code, the amount of tax as 31606
determined under division (A) of this section shall be reduced by 31607
the percentage prescribed in that certification for taxable years 31608
beginning in the calendar year in which that certification is 31609
made. 31610

(C) The levy of this tax on income does not prevent a 31611
municipal corporation, a joint economic development zone created 31612
under section 715.691, or a joint economic development district 31613
created under section 715.70 or 715.71 or sections 715.72 to 31614
715.81 of the Revised Code from levying a tax on income. 31615

(D) This division applies only to taxable years of a trust 31616
beginning in 2002 or thereafter. 31617

(1) The tax imposed by this section on a trust shall be 31618
computed by multiplying the Ohio modified taxable income of the 31619
trust by the rates prescribed by division (A) of this section. 31620

(2) A nonresident trust may claim a credit ~~is allowed~~ against 31621
the tax computed under division (D) of this section equal to the 31622

lesser of (1) the tax paid to another state or the District of Columbia on the nonresident trust's modified nonbusiness income, other than the portion of the nonresident trust's nonbusiness income that is qualifying investment income as defined in section 5747.012 of the Revised Code, or (2) the effective tax rate, based on modified Ohio taxable income, multiplied by the nonresident trust's modified nonbusiness income other than the portion of the nonresident trust's nonbusiness income that is qualifying investment income. The credit applies before any other applicable credits.

(3) The credits enumerated in divisions (A)(1) to (13) of section 5747.98 of the Revised Code do not apply to a trust subject to ~~this~~ division (D) of this section. Any credits enumerated in other divisions of section 5747.98 of the Revised Code apply to a trust subject to ~~this~~ division (D) of this section. To the extent that the trust distributes income for the taxable year for which a credit is available to the trust, the credit shall be shared by the trust and its beneficiaries. The tax commissioner and the trust shall be guided by applicable regulations of the United States treasury regarding the sharing of credits.

(E) For the purposes of this section, "trust" means any trust described in Subchapter J of Chapter 1 of the Internal Revenue Code, excluding trusts that are not irrevocable as defined in division (I)(3)(b) of section 5747.01 of the Revised Code and that have no modified Ohio taxable income for the taxable year, charitable remainder trusts, qualified funeral trusts and preneed funeral contract trusts established pursuant to section 1111.19 of the Revised Code that are not qualified funeral trusts, endowment and perpetual care trusts, qualified settlement trusts and funds, designated settlement trusts and funds, and trusts exempted from taxation under section 501(a) of the Internal Revenue Code.

<u>Sec. 5747.082. (A) As used in this section:</u>	31655
<u>(1) "Electronic technology" means electronic technology acceptable to the tax commissioner under division (B) of this section.</u>	31656 31657 31658
<u>(2) "Original tax return" means any report, return, or other tax document required to be filed under this chapter for the purpose of reporting the taxes due under, and withholdings required by, this chapter. "Original tax return" does not include an amended return or any declaration or form required by or filed in connection with section 5747.09 of the Revised Code.</u>	31659 31660 31661 31662 31663 31664
<u>(3) "Related member" has the same meaning as in section 5733.042 of the Revised Code.</u>	31665 31666
<u>(4) "Tax return preparer" means any person that operates a business that prepares, or directly or indirectly employs another person to prepare, for a taxpayer an original tax return in exchange for compensation or remuneration from the taxpayer or the taxpayer's related member. With respect to the preparation of a return or application for refund under this chapter, "tax return preparer" does not include an individual who performs only one or more of the following activities:</u>	31667 31668 31669 31670 31671 31672 31673 31674
<u>(a) Furnishes typing, reproducing, or other mechanical assistance;</u>	31675 31676
<u>(b) Prepares an application for refund or a return on behalf of an employer by whom the individual is regularly and continuously employed, or on behalf of an officer or employee of that employer;</u>	31677 31678 31679 31680
<u>(c) Prepares as a fiduciary an application for refund or a return;</u>	31681 31682
<u>(d) Prepares an application for refund or a return for a taxpayer in response to a notice of deficiency issued to the</u>	31683 31684

taxpayer or the taxpayer's related member, or in response to a 31685
waiver of restriction after the commencement of an audit of the 31686
taxpayer or the taxpayer's related member. 31687

(B) Divisions (C) and (D) of this section apply to the filing 31688
of original tax returns that are due in a calendar year only if 31689
the tax commissioner, by the last day of the calendar year 31690
immediately preceding the calendar year in which such returns are 31691
due, has published on the department of taxation's official 31692
internet web site at least one method of electronic technology 31693
acceptable to the commissioner for filing such returns. 31694

(C) A tax return preparer that prepares more than 31695
seventy-five original tax returns during any calendar year that 31696
begins on or after January 1, 2008, shall, beginning January 1, 31697
2010, use electronic technology to file with the tax commissioner 31698
all original tax returns prepared by the tax return preparer. This 31699
division does not apply to a tax return preparer for a calendar 31700
year if, during the previous calendar year, the tax return 31701
preparer prepared no more than twenty-five original tax returns. 31702

31703

(D) If a tax return preparer required by this section to 31704
submit original tax returns by electronic technology files an 31705
original tax return by some means other than by electronic 31706
technology, the tax commissioner shall impose a penalty of fifty 31707
dollars for each return, in excess of seventy-five in a calendar 31708
year, that is not filed by electronic technology. Upon good cause 31709
shown by the tax return preparer, the tax commissioner may waive 31710
all or any portion of the penalty or may refund all or any portion 31711
of the penalty the tax return preparer has paid. 31712

Sec. 5748.022. A majority of the members of a board of 31713
education of a school district levying a tax under section 5748.02 31714
of the Revised Code may adopt a resolution reducing the rate of 31715

the tax by a multiple of one-fourth of one per cent. 31716

The resolution shall set forth the current rate of the tax, 31717
the reduced rate of tax that results from adoption of the 31718
resolution, the purpose or purposes for which the tax is levied, 31719
the remaining number of years the tax will be levied or that it is 31720
levied for a continuing period of time, and the date on which the 31721
reduced tax rate shall take effect, which shall be the ensuing 31722
first day of January occurring at least ~~sixty~~ forty-five days 31723
after a copy of the resolution is certified to the tax 31724
commissioner. 31725

Sec. 5749.17. Any information provided to the department of 31726
natural resources by the department of taxation in accordance with 31727
division (C)(11) of section 5703.21 of the Revised Code shall not 31728
be disclosed publicly by the department of natural resources, but 31729
the department of natural resources may provide such information 31730
to the attorney general for purposes of enforcement of the law. 31731

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of 31732
the Revised Code: 31733

(1) "School district," "joint vocational school district," 31734
"local taxing unit," "recognized valuation," "fixed-rate levy," 31735
and "fixed-sum levy" have the same meanings as used in section 31736
5727.84 of the Revised Code. 31737

(2) "State education aid" for a school district means the sum 31738
of state aid amounts computed for the district under division (A) 31739
of section 3317.022 of the Revised Code, including the amounts 31740
calculated under sections 3317.029 and 3317.0217 of the Revised 31741
Code; divisions (C)(1), (C)(4), (D), (E), and (F) of section 31742
3317.022; divisions (B), (C), and (D) of section 3317.023; 31743
divisions (L) and (N) of section 3317.024; section 3317.0216; and 31744
any unit payments for gifted student services paid under sections 31745

3317.05, 3317.052, and 3317.053 of the Revised Code; except that, 31746
for fiscal years 2008 and 2009, the amount computed for the 31747
district under Section 269.20.80 of H.B. 119 of the 127th general 31748
assembly and as that section subsequently may be amended shall be 31749
substituted for the amount computed under division (D) of section 31750
3317.022 of the Revised Code, and the amount computed under 31751
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 31752
that section subsequently may be amended shall be included. 31753

(3) "State education aid" for a joint vocational school 31754
district means the sum of the state aid computed for the district 31755
under division (N) of section 3317.024 and section 3317.16 of the 31756
Revised Code, except that, for fiscal years 2008 and 2009, the 31757
amount computed under Section 269.30.80 of H.B. 119 of the 127th 31758
general assembly and as that section subsequently may be amended 31759
shall be included. 31760

(4) "State education aid offset" means the amount determined 31761
for each school district or joint vocational school district under 31762
division (A)(1) of section 5751.21 of the Revised Code. 31763

(5) "Machinery and equipment property tax value loss" means 31764
the amount determined under division (C)(1) of this section. 31765

(6) "Inventory property tax value loss" means the amount 31766
determined under division (C)(2) of this section. 31767

(7) "Furniture and fixtures property tax value loss" means 31768
the amount determined under division (C)(3) of this section. 31769

(8) "Machinery and equipment fixed-rate levy loss" means the 31770
amount determined under division (D)(1) of this section. 31771

(9) "Inventory fixed-rate levy loss" means the amount 31772
determined under division (D)(2) of this section. 31773

(10) "Furniture and fixtures fixed-rate levy loss" means the 31774
amount determined under division (D)(3) of this section. 31775

(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.	31776 31777 31778 31779
(12) "Fixed-sum levy loss" means the amount determined under division (E) of this section.	31780 31781
(13) "Machinery and equipment" means personal property subject to the assessment rate specified in division (F) of section 5711.22 of the Revised Code.	31782 31783 31784
(14) "Inventory" means personal property subject to the assessment rate specified in division (E) of section 5711.22 of the Revised Code.	31785 31786 31787
(15) "Furniture and fixtures" means personal property subject to the assessment rate specified in division (G) of section 5711.22 of the Revised Code.	31788 31789 31790
(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.	31791 31792 31793 31794 31795 31796
(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.	31797 31798 31799 31800
(18) "Telephone property tax value loss" means the amount determined under division (C)(4) of this section.	31801 31802
(19) "Telephone property fixed-rate levy loss" means the amount determined under division (D)(4) of this section.	31803 31804
(B) The commercial activities tax receipts fund is hereby	31805

created in the state treasury and shall consist of money arising 31806
 from the tax imposed under this chapter. All money in that fund 31807
 shall be credited for each fiscal year in the following 31808
 percentages to the general revenue fund, to the school district 31809
 tangible property tax replacement fund, which is hereby created in 31810
 the state treasury for the purpose of making the payments 31811
 described in section 5751.21 of the Revised Code, and to the local 31812
 government tangible property tax replacement fund, which is hereby 31813
 created in the state treasury for the purpose of making the 31814
 payments described in section 5751.22 of the Revised Code, in the 31815
 following percentages: 31816

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%	31817
2007	0%	70.0%	30.0%	31818
2008	0%	70.0%	30.0%	31819
2009	0%	70.0%	30.0%	31820
2010	0%	70.0%	30.0%	31821
2011	0%	70.0%	30.0%	31822
2012	5.3%	70.0%	24.7%	31823
2013	10.6%	70.0%	19.4%	31824
2014	14.1%	70.0%	15.9%	31825
2015	17.6%	70.0%	12.4%	31826
2016	21.1%	70.0%	8.9%	31827
2017	24.6%	70.0%	5.4%	31828
2018	28.1%	70.0%	1.9%	31829
2019 and thereafter	30%	70%	0%	31830

(C) Not later than September 15, 2005, the tax commissioner 31832
 shall determine for each school district, joint vocational school 31833
 district, and local taxing unit its machinery and equipment, 31834

inventory property, furniture and fixtures property, and telephone	31835
property tax value losses, which are the applicable amounts	31836
described in divisions (C)(1), (2), (3), and (4) of this section,	31837
except as provided in division (C)(5) of this section:	31838
(1) Machinery and equipment property tax value loss is the	31839
taxable value of machinery and equipment property as reported by	31840
taxpayers for tax year 2004 multiplied by:	31841
(a) For tax year 2006, thirty-three and eight-tenths per	31842
cent;	31843
(b) For tax year 2007, sixty-one and three-tenths per cent;	31844
(c) For tax year 2008, eighty-three per cent;	31845
(d) For tax year 2009 and thereafter, one hundred per cent.	31846
(2) Inventory property tax value loss is the taxable value of	31847
inventory property as reported by taxpayers for tax year 2004	31848
multiplied by:	31849
(a) For tax year 2006, a fraction, the numerator of which is	31850
five and three-fourths and the denominator of which is	31851
twenty-three;	31852
(b) For tax year 2007, a fraction, the numerator of which is	31853
nine and one-half and the denominator of which is twenty-three;	31854
(c) For tax year 2008, a fraction, the numerator of which is	31855
thirteen and one-fourth and the denominator of which is	31856
twenty-three;	31857
(d) For tax year 2009 and thereafter a fraction, the	31858
numerator of which is seventeen and the denominator of which is	31859
twenty-three.	31860
(3) Furniture and fixtures property tax value loss is the	31861
taxable value of furniture and fixture property as reported by	31862
taxpayers for tax year 2004 multiplied by:	31863

- (a) For tax year 2006, twenty-five per cent; 31864
- (b) For tax year 2007, fifty per cent; 31865
- (c) For tax year 2008, seventy-five per cent; 31866
- (d) For tax year 2009 and thereafter, one hundred per cent. 31867

The taxable value of property reported by taxpayers used in 31868
divisions (C)(1), (2), and (3) of this section shall be such 31869
values as determined to be final by the tax commissioner as of 31870
August 31, 2005. Such determinations shall be final except for any 31871
correction of a clerical error that was made prior to August 31, 31872
2005, by the tax commissioner. 31873

(4) Telephone property tax value loss is the taxable value of 31874
telephone property as taxpayers would have reported that property 31875
for tax year 2004 if the assessment rate for all telephone 31876
property for that year were twenty-five per cent, multiplied by: 31877

- (a) For tax year 2006, zero per cent; 31878
- (b) For tax year 2007, zero per cent; 31879
- (c) For tax year 2008, zero per cent; 31880
- (d) For tax year 2009, sixty per cent; 31881
- (e) For tax year 2010, eighty per cent; 31882
- (f) For tax year 2011 and thereafter, one hundred per cent. 31883

(5) Division (C)(5) of this section applies to any school 31884
district, joint vocational school district, or local taxing unit 31885
in a county in which is located a facility currently or formerly 31886
devoted to the enrichment or commercialization of uranium or 31887
uranium products, and for which the total taxable value of 31888
property listed on the general tax list of personal property for 31889
any tax year from tax year 2001 to tax year 2004 was fifty per 31890
cent or less of the taxable value of such property listed on the 31891
general tax list of personal property for the next preceding tax 31892

year. 31893

In computing the fixed-rate levy losses under divisions 31894
(D)(1), (2), and (3) of this section for any school district, 31895
joint vocational school district, or local taxing unit to which 31896
division (C)(5) of this section applies, the taxable value of such 31897
property as listed on the general tax list of personal property 31898
for tax year 2000 shall be substituted for the taxable value of 31899
such property as reported by taxpayers for tax year 2004, in the 31900
taxing district containing the uranium facility, if the taxable 31901
value listed for tax year 2000 is greater than the taxable value 31902
reported by taxpayers for tax year 2004. For the purpose of making 31903
the computations under divisions (D)(1), (2), and (3) of this 31904
section, the tax year 2000 valuation is to be allocated to 31905
machinery and equipment, inventory, and furniture and fixtures 31906
property in the same proportions as the tax year 2004 values. For 31907
the purpose of the calculations in division (A) of section 5751.21 31908
of the Revised Code, the tax year 2004 taxable values shall be 31909
used. 31910

To facilitate the calculations required under division (C) of 31911
this section, the county auditor, upon request from the tax 31912
commissioner, shall provide by August 1, 2005, the values of 31913
machinery and equipment, inventory, and furniture and fixtures for 31914
all single-county personal property taxpayers for tax year 2004. 31915

(D) Not later than September 15, 2005, the tax commissioner 31916
shall determine for each tax year from 2006 through 2009 for each 31917
school district, joint vocational school district, and local 31918
taxing unit its machinery and equipment, inventory, and furniture 31919
and fixtures fixed-rate levy losses, and for each tax year from 31920
2006 through 2011 its telephone property fixed-rate levy loss, 31921
which are the applicable amounts described in divisions (D)(1), 31922
(2), (3), and (4) of this section: 31923

(1) The machinery and equipment fixed-rate levy loss is the 31924

machinery and equipment property tax value loss multiplied by the	31925
sum of the tax rates of fixed-rate qualifying levies.	31926
(2) The inventory fixed-rate loss is the inventory property	31927
tax value loss multiplied by the sum of the tax rates of	31928
fixed-rate qualifying levies.	31929
(3) The furniture and fixtures fixed-rate levy loss is the	31930
furniture and fixture property tax value loss multiplied by the	31931
sum of the tax rates of fixed-rate qualifying levies.	31932
(4) The telephone property fixed-rate levy loss is the	31933
telephone property tax value loss multiplied by the sum of the tax	31934
rates of fixed-rate qualifying levies.	31935
(E) Not later than September 15, 2005, the tax commissioner	31936
shall determine for each school district, joint vocational school	31937
district, and local taxing unit its fixed-sum levy loss. The	31938
fixed-sum levy loss is the amount obtained by subtracting the	31939
amount described in division (E)(2) of this section from the	31940
amount described in division (E)(1) of this section:	31941
(1) The sum of the machinery and equipment property tax value	31942
loss, the inventory property tax value loss, and the furniture and	31943
fixtures property tax value loss, and, for 2008 through 2017 the	31944
telephone property tax value loss of the district or unit	31945
multiplied by the sum of the fixed-sum tax rates of qualifying	31946
levies. For 2006 through 2010, this computation shall include all	31947
qualifying levies remaining in effect for the current tax year and	31948
any school district emergency levies <u>imposed under section</u>	31949
<u>5705.194 or 5705.213 of the Revised Code</u> that are qualifying	31950
levies not remaining in effect for the current year. For 2011	31951
through 2017 in the case of school district emergency levies	31952
<u>imposed under section 5705.194 or 5705.213 of the Revised Code</u> and	31953
for all years after 2010 in the case of other fixed-sum levies,	31954
this computation shall include only qualifying levies remaining in	31955

effect for the current year. For purposes of this computation, a 31956
qualifying school district ~~emergency~~ levy imposed under section 31957
5705.194 or 5705.213 of the Revised Code remains in effect in a 31958
year after 2010 only if, for that year, the board of education 31959
levies a school district ~~emergency~~ levy imposed under section 31960
5705.194 or 5705.213 of the Revised Code for an annual sum at 31961
least equal to the annual sum levied by the board in tax year 2004 31962
less the amount of the payment certified under this division for 31963
2006. 31964

(2) The total taxable value in tax year 2004 less the sum of 31965
the machinery and equipment, inventory, furniture and fixtures, 31966
and telephone property tax value losses in each school district, 31967
joint vocational school district, and local taxing unit multiplied 31968
by one-half of one mill per dollar. 31969

(3) For the calculations in divisions (E)(1) and (2) of this 31970
section, the tax value losses are those that would be calculated 31971
for tax year 2009 under divisions (C)(1), (2), and (3) of this 31972
section and for tax year 2011 under division (C)(4) of this 31973
section. 31974

(4) To facilitate the calculation under divisions (D) and (E) 31975
of this section, not later than September 1, 2005, any school 31976
district, joint vocational school district, or local taxing unit 31977
that has a qualifying levy that was approved at an election 31978
conducted during 2005 before September 1, 2005, shall certify to 31979
the tax commissioner a copy of the county auditor's certificate of 31980
estimated property tax millage for such levy as required under 31981
division (B) of section 5705.03 of the Revised Code, which is the 31982
rate that shall be used in the calculations under such divisions. 31983

If the amount determined under division (E) of this section 31984
for any school district, joint vocational school district, or 31985
local taxing unit is greater than zero, that amount shall equal 31986
the reimbursement to be paid pursuant to division ~~(D)~~ (E) of 31987

section 5751.21 or division (A)(3) of section 5751.22 of the Revised Code, and the one-half of one mill that is subtracted under division (E)(2) of this section shall be apportioned among all contributing fixed-sum levies in the proportion that each levy bears to the sum of all fixed-sum levies within each school district, joint vocational school district, or local taxing unit.

(F) Not later than October 1, 2005, the tax commissioner shall certify to the department of education for every school district and joint vocational school district the machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses determined under division (C) of this section, the machinery and equipment, inventory, furniture and fixtures, and telephone fixed-rate levy losses determined under division (D) of this section, and the fixed-sum levy losses calculated under division (E) of this section. The calculations under divisions (D) and (E) of this section shall separately display the levy loss for each levy eligible for reimbursement.

(G) Not later than October 1, 2005, the tax commissioner shall certify the amount of the fixed-sum levy losses to the county auditor of each county in which a school district, joint vocational school district, or local taxing unit with a fixed-sum levy loss reimbursement has territory.

Sec. 5751.21. (A) Not later than the ~~fifteenth~~ thirtieth day of July of 2007 through 2017, the department of education shall consult with the director of budget and management and determine the following for each school district and each joint vocational school district eligible for payment under division (B) of this section:

(1) The state education aid offset, which is the difference obtained by subtracting the amount described in division (A)(1)(b) of this section from the amount described in division (A)(1)(a) of

this section: 32019

(a) The state education aid computed for the school district 32020
or joint vocational school district for the current fiscal year as 32021
of the ~~fifteenth~~ thirtieth day of July; 32022

(b) The state education aid that would be computed for the 32023
school district or joint vocational school district for the 32024
current fiscal year as of the ~~fifteenth~~ thirtieth day of July if 32025
the recognized valuation included the machinery and equipment, 32026
inventory, furniture and fixtures, and telephone property tax 32027
value losses for the school district or joint vocational school 32028
district for the second preceding tax year, and if taxes charged 32029
and payable associated with the tax value losses are accounted for 32030
in any state education aid computation dependent on taxes charged 32031
and payable. 32032

(2) The greater of zero or the difference obtained by 32033
subtracting the state education aid offset determined under 32034
division (A)(1) of this section from the sum of the machinery and 32035
equipment fixed-rate levy loss, the inventory fixed-rate levy 32036
loss, furniture and fixtures fixed-rate levy loss, and telephone 32037
property fixed-rate levy loss certified under division (F) of 32038
section 5751.20 of the Revised Code for all taxing districts in 32039
each school district and joint vocational school district for the 32040
second preceding tax year. 32041

By the ~~twentieth~~ thirtieth day of July of each such year, the 32042
department of education and the director of budget and management 32043
shall agree upon the amount to be determined under division (A)(1) 32044
of this section. 32045

(B) On or before the thirty-first day of August of each year 32046
beginning in 2008, the department of education shall recalculate 32047
the offset described under division (A) of this section for the 32048
previous fiscal year and recalculate the payments made under 32049

division (C) of this section in the preceding fiscal year using 32050
the offset calculated under this division. If the payments 32051
calculated under this division differ from the payments made under 32052
division (C) of this section in the preceding fiscal year, the 32053
difference shall either be paid to a school district or recaptured 32054
from a school district through an adjustment at the same times 32055
during the current fiscal year that the payments under division 32056
(C) of this section are made. In August and October of the current 32057
fiscal year, the amount of each adjustment shall be three-sevenths 32058
of the amount calculated under this division. In May of the 32059
current fiscal year, the adjustment shall be one-seventh of the 32060
amount calculated under this division. 32061

(C) The department of education shall pay from the school 32062
district tangible property tax replacement fund to each school 32063
district and joint vocational school district all of the following 32064
for fixed-rate levy losses certified under division (F) of section 32065
5751.20 of the Revised Code: 32066

(1) On or before May 31, 2006, one-seventh of the total 32067
fixed-rate levy loss for tax year 2006; 32068

(2) On or before August 31, 2006, and October 31, 2006, 32069
one-half of six-sevenths of the total fixed-rate levy loss for tax 32070
year 2006; 32071

(3) On or before May 31, 2007, one-seventh of the total 32072
fixed-rate levy loss for tax year 2007; 32073

(4) On or before August 31, 2007, and October 31, 2007, 32074
forty-three per cent of the amount determined under division 32075
(A)(2) of this section for fiscal year 2008, but not less than 32076
zero, plus one-half of six-sevenths of the difference between the 32077
total fixed-rate levy loss for tax year 2007 and the total 32078
fixed-rate levy loss for tax year 2006. 32079

(5) On or before May 31, 2008, fourteen per cent of the 32080

amount determined under division (A)(2) of this section for fiscal 32081
year 2008, but not less than zero, plus one-seventh of the 32082
difference between the total fixed-rate levy loss for tax year 32083
2008 and the total fixed-rate levy loss for tax year 2006. 32084

(6) On or before August 31, 2008, and October 31, 2008, 32085
forty-three per cent of the amount determined under division 32086
(A)(2) of this section for fiscal year 2009, but not less than 32087
zero, plus one-half of six-sevenths of the difference between the 32088
total fixed-rate levy loss in tax year 2008 and the total 32089
fixed-rate levy loss in tax year 2007. 32090

(7) On or before May 31, 2009, fourteen per cent of the 32091
amount determined under division (A)(2) of this section for fiscal 32092
year 2009, but not less than zero, plus one-seventh of the 32093
difference between the total fixed-rate levy loss for tax year 32094
2009 and the total fixed-rate levy loss for tax year 2007. 32095

(8) On or before August 31, 2009, and October 31, 2009, 32096
forty-three per cent of the amount determined under division 32097
(A)(2) of this section for fiscal year 2010, but not less than 32098
zero, plus one-half of six-sevenths of the difference between the 32099
total fixed-rate levy loss in tax year 2009 and the total 32100
fixed-rate levy loss in tax year 2008. 32101

(9) On or before May 31, 2010, fourteen per cent of the 32102
amount determined under division (A)(2) of this section for fiscal 32103
year 2010, but not less than zero, plus one-seventh of the 32104
difference between the total fixed-rate levy loss in tax year 2010 32105
and the total fixed-rate levy loss in tax year 2008. 32106

(10) On or before August 31, 2010, and October 31, 2010, 32107
forty-three per cent of the amount determined under division 32108
(A)(2) of this section for fiscal year 2011, but not less than 32109
zero, plus one-half of six-sevenths of the difference between the 32110
telephone property fixed-rate levy loss for tax year 2010 and the 32111

telephone property fixed-rate levy loss for tax year 2009. 32112

(11) On or before May 31, 2011, fourteen per cent of the 32113
amount determined under division (A)(2) of this section for fiscal 32114
year 2011, but not less than zero, plus one-seventh of the 32115
difference between the telephone property fixed-rate levy loss for 32116
tax year 2011 and the telephone property fixed-rate levy loss for 32117
tax year 2009. 32118

(12) On or before August 31, 2011, and October 31, 2011, the 32119
amount determined under division (A)(2) of this section multiplied 32120
by a fraction, the numerator of which is fourteen and the 32121
denominator of which is seventeen, but not less than zero, 32122
multiplied by forty-three per cent, plus one-half of six-sevenths 32123
of the difference between the telephone property fixed-rate levy 32124
loss for tax year 2011 and the telephone property fixed-rate levy 32125
loss for tax year 2010. 32126

(13) On or before May 31, 2012, fourteen per cent of the 32127
amount determined under division (A)(2) of this section for fiscal 32128
year 2012, multiplied by a fraction, the numerator of which is 32129
fourteen and the denominator of which is seventeen, plus 32130
one-seventh of the difference between the telephone property 32131
fixed-rate levy loss for tax year 2011 and the telephone property 32132
fixed-rate levy loss for tax year 2010. 32133

(14) On or before August 31, 2012, October 31, 2012, and May 32134
31, 2013, the amount determined under division (A)(2) of this 32135
section multiplied by a fraction, the numerator of which is eleven 32136
and the denominator of which is seventeen, but not less than zero, 32137
multiplied by one-third. 32138

(15) On or before August 31, 2013, October 31, 2013, and May 32139
31, 2014, the amount determined under division (A)(2) of this 32140
section multiplied by a fraction, the numerator of which is nine 32141
and the denominator of which is seventeen, but not less than zero, 32142

multiplied by one-third. 32143

(16) On or before August 31, 2014, October 31, 2014, and May 31, 2015, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is seven and the denominator of which is seventeen, but not less than zero, multiplied by one-third. 32144
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(17) On or before August 31, 2015, October 31, 2015, and May 31, 2016, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is five and the denominator of which is seventeen, but not less than zero, multiplied by one-third. 32149
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(18) On or before August 31, 2016, October 31, 2016, and May 31, 2017, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is three and the denominator of which is seventeen, but not less than zero, multiplied by one-third. 32154
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(19) On or before August 31, 2017, October 31, 2017, and May 31, 2018, the amount determined under division (A)(2) of this section multiplied by a fraction, the numerator of which is one and the denominator of which is seventeen, but not less than zero, multiplied by one-third. 32159
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The department of education shall report to each school district and joint vocational school district the apportionment of the payments among the school district's or joint vocational school district's funds based on the certifications under division (F) of section 5751.20 of the Revised Code. 32164
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Any qualifying levy that is a fixed-rate levy that is not applicable to a tax year after 2010 does not qualify for any reimbursement after the tax year to which it is last applicable. 32169
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~~(C)~~(D) For taxes levied within the ten-mill limitation for debt purposes in tax year 2005, payments shall be made equal to 32172
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one hundred per cent of the loss computed as if the tax were a 32174
fixed-rate levy, but those payments shall extend from fiscal year 32175
2006 through fiscal year 2018, as long as the qualifying levy 32176
continues to be used for debt purposes. If the purpose of such a 32177
qualifying levy is changed, that levy becomes subject to the 32178
payments determined in division ~~(B)~~(C) of this section. 32179

~~(D)~~(E)(1) Not later than January 1, 2006, for each fixed-sum 32180
levy of each school district or joint vocational school district 32181
and for each year for which a determination is made under division 32182
(F) of section 5751.20 of the Revised Code that a fixed-sum levy 32183
loss is to be reimbursed, the tax commissioner shall certify to 32184
the department of education the fixed-sum levy loss determined 32185
under that division. The certification shall cover a time period 32186
sufficient to include all fixed-sum levies for which the 32187
commissioner made such a determination. The department shall pay 32188
from the school district property tax replacement fund to the 32189
school district or joint vocational school district one-third of 32190
the fixed-sum levy loss so certified for each year on or before 32191
the last day of May, August, and October of the current year. 32192

(2) Beginning in 2006, by the first day of January of each 32193
year, the tax commissioner shall review the certification 32194
originally made under division ~~(D)~~(E)(1) of this section. If the 32195
commissioner determines that a debt levy that had been scheduled 32196
to be reimbursed in the current year has expired, a revised 32197
certification for that and all subsequent years shall be made to 32198
the department of education. 32199

~~(E)~~(F) Beginning in September 2007 and through June 2018, the 32200
director of budget and management shall transfer from the school 32201
district tangible property tax replacement fund to the general 32202
revenue fund each of the following: 32203

(1) On the first day of September, one-fourth of the amount 32204
determined for that fiscal year under division (A)(1) of this 32205

section; 32206

(2) On the first day of December, one-fourth of the amount 32207
determined for that fiscal year under division (A)(1) of this 32208
section; 32209

(3) On the first day of March, one-fourth of the amount 32210
determined for that fiscal year under division (A)(1) of this 32211
section; 32212

(4) On the first day of June, one-fourth of the amount 32213
determined for that fiscal year under division (A)(1) of this 32214
section. 32215

If, when a transfer is required under division ~~(E)~~(F)(1), 32216
(2), (3), or (4) of this section, there is not sufficient money in 32217
the school district tangible property tax replacement fund to make 32218
the transfer in the required amount, the director shall transfer 32219
the balance in the fund to the general revenue fund and may make 32220
additional transfers on later dates as determined by the director 32221
in a total amount that does not exceed one-fourth of the amount 32222
determined for the fiscal year. 32223

~~(F)~~(G) For each of the fiscal years 2006 through 2018, if the 32224
total amount in the school district tangible property tax 32225
replacement fund is insufficient to make all payments under 32226
divisions ~~(B)~~(C), ~~(C)~~(D), and ~~(D)~~(E) of this section at the times 32227
the payments are to be made, the director of budget and management 32228
shall transfer from the general revenue fund to the school 32229
district tangible property tax replacement fund the difference 32230
between the total amount to be paid and the amount in the school 32231
district tangible property tax replacement fund. For each fiscal 32232
year after 2018, at the time payments under division ~~(D)~~(E) of 32233
this section are to be made, the director of budget and management 32234
shall transfer from the general revenue fund to the school 32235
district property tax replacement fund the amount necessary to 32236

make such payments. 32237

~~(G)~~(H)(1) On the fifteenth day of June of 2006 through 2011, 32238
the director of budget and management may transfer any balance in 32239
the school district tangible property tax replacement fund to the 32240
general revenue fund. At the end of fiscal years 2012 through 32241
2018, any balance in the school district tangible property tax 32242
replacement fund shall remain in the fund to be used in future 32243
fiscal years for school purposes. 32244

(2) In each fiscal year beginning with fiscal year 2019, all 32245
amounts credited to the school district tangible personal property 32246
tax replacement fund shall be appropriated for school purposes. 32247

~~(H)~~(I) If all of the territory of a school district or joint 32248
vocational school district is merged with another district, or if 32249
a part of the territory of a school district or joint vocational 32250
school district is transferred to an existing or newly created 32251
district, the department of education, in consultation with the 32252
tax commissioner, shall adjust the payments made under this 32253
section as follows: 32254

(1) For a merger of two or more districts, the machinery and 32255
equipment, inventory, furniture and fixtures, and telephone 32256
property fixed-rate levy losses and the fixed-sum levy losses of 32257
the successor district shall be equal to the sum of the machinery 32258
and equipment, inventory, furniture and fixtures, and telephone 32259
property fixed-rate levy losses and debt levy losses as determined 32260
in section 5751.20 of the Revised Code, for each of the districts 32261
involved in the merger. 32262

(2) If property is transferred from one district to a 32263
previously existing district, the amount of machinery and 32264
equipment, inventory, furniture and fixtures, and telephone 32265
property tax value losses and fixed-rate levy losses that shall be 32266
transferred to the recipient district shall be an amount equal to 32267

the total machinery and equipment, inventory, furniture and 32268
fixtures, and telephone property fixed-rate levy losses times a 32269
fraction, the numerator of which is the value of business tangible 32270
personal property on the land being transferred in the most recent 32271
year for which data are available, and the denominator of which is 32272
the total value of business tangible personal property in the 32273
district from which the land is being transferred in the most 32274
recent year for which data are available. For each of the first 32275
five years after the property is transferred, but not after fiscal 32276
year 2012, if the tax rate in the recipient district is less than 32277
the tax rate of the district from which the land was transferred, 32278
one-half of the payments arising from the amount of fixed-rate 32279
levy losses so transferred to the recipient district shall be paid 32280
to the recipient district and one-half of the payments arising 32281
from the fixed-rate levy losses so transferred shall be paid to 32282
the district from which the land was transferred. Fixed-rate levy 32283
losses so transferred shall be computed on the basis of the sum of 32284
the rates of fixed-rate qualifying levies of the district from 32285
which the land was transferred, notwithstanding division ~~(D)~~(E) of 32286
this section. 32287

(3) After December 31, 2004, if property is transferred from 32288
one or more districts to a district that is newly created out of 32289
the transferred property, the newly created district shall be 32290
deemed not to have any machinery and equipment, inventory, 32291
furniture and fixtures, or telephone property fixed-rate levy 32292
losses and the districts from which the property was transferred 32293
shall have no reduction in their machinery and equipment, 32294
inventory, furniture and fixtures, and telephone property 32295
fixed-rate levy losses. 32296

(4) If the recipient district under division ~~(H)~~(I)(2) of 32297
this section or the newly created district under divisions 32298
~~(H)~~(I)(3) of this section is assuming debt from one or more of the 32299

districts from which the property was transferred and any of the 32300
districts losing the property had fixed-sum levy losses, the 32301
department of education, in consultation with the tax 32302
commissioner, shall make an equitable division of the fixed-sum 32303
levy loss reimbursements. 32304

Sec. 6101.53. To maintain, operate, and preserve the 32305
reservoirs, ditches, drains, dams, levies, canals, sewers, pumping 32306
stations, treatment and disposal works, or other properties or 32307
improvements acquired or made pursuant to this chapter, to 32308
strengthen, repair, and restore the same, when needed, and to 32309
defray the current expenses of the conservancy district, the board 32310
of directors of the district may, upon the substantial completion 32311
of the improvements and on or before the ~~first~~ thirtieth day of 32312
September in each year thereafter, levy an assessment upon each 32313
tract or parcel of land and upon each public corporation within 32314
the district, subject to assessments under this chapter, to be 32315
known as a conservancy maintenance assessment. No assessment shall 32316
be made with respect to works and improvements acquired or 32317
constructed for the purpose of providing a water supply for 32318
domestic, industrial, and public use within the district, when the 32319
water supply can be metered or measured when furnished to persons 32320
or public corporations. If the district, for the benefit of one or 32321
more persons or political subdivisions, provides a water supply 32322
that recharges underground aquifers and thereby replenishes wells 32323
or provides a source of water for new wells, or increases the 32324
natural low flow of a stream used for water supply, or creates an 32325
impoundment, in such a way that the augmented use of water cannot 32326
be metered or measured for individual or public consumption, the 32327
board may make a maintenance assessment against benefited property 32328
and public corporations in the same manner provided in this 32329
section for maintenance of other properties or improvements. 32330

The maintenance assessment shall be apportioned upon the 32331

basis of the total appraisal of benefits accruing for original and 32332
subsequent construction, shall not exceed one per cent of the 32333
total appraisal of benefits in any one year unless the court by 32334
its order authorizes an assessment of a larger percentage, shall 32335
not be less than two dollars, and shall be certified to the county 32336
auditor of each county in which lands of the district are located 32337
in the conservancy assessment record but in a separate column in 32338
like manner and at the same time as the annual installment of the 32339
assessment levied under section 6101.48 of the Revised Code is 32340
certified, under the heading maintenance assessment. The auditor 32341
shall certify the same to the county treasurer of the county at 32342
the same time that the auditor certifies the annual installment of 32343
the assessments levied under that section, and the sum of the 32344
levies for any tract or public corporation may be certified as a 32345
single item. The treasurer shall demand and collect the 32346
maintenance assessment and make return of it, and shall be liable 32347
for the same penalties for failure to do so as are provided for 32348
the annual installment of the assessment levied under section 32349
6101.48 of the Revised Code. 32350

The amount of the maintenance assessment paid by any parcel 32351
of land or public corporation shall not be credited against the 32352
benefits assessed against the parcel of land or public 32353
corporation, but the maintenance assessment shall be in addition 32354
to any assessment that has been or can be levied under section 32355
6101.48 of the Revised Code. 32356

To maintain, operate, and preserve the works and improvements 32357
of the district acquired or constructed for the purpose of 32358
providing a water supply, to strengthen, repair, and restore the 32359
same, and to defray the current expenses of the district for this 32360
purpose, the board may impose rates for the sale of water to 32361
public corporations and persons within the district. The rates to 32362
be charged for the water shall be fixed and adjusted by the board 32363

at intervals of not less than one year, so that the income thus 32364
produced will be adequate to provide a maintenance fund for the 32365
purpose of water supply. Contracts for supplying water to public 32366
corporations and persons shall be entered into before the service 32367
is rendered by the district. Contracts shall specify the maximum 32368
quantity of water to be furnished to the public corporation or 32369
person, and the quantity shall be fixed so as equitably to 32370
distribute the supply. Preference shall be given to water supply 32371
furnished to public corporations for domestic and public uses. 32372
Bills for water supplied to public corporations shall be rendered 32373
at regular intervals and shall be payable from the waterworks fund 32374
of the public corporation or, if it is not sufficient, from the 32375
general fund. 32376

Sec. 6101.55. The board of directors of a conservancy 32377
district shall each year after the original assessment has been 32378
levied determine, order, and levy the annual levy, which shall 32379
include all assessments, or installments of assessments, together 32380
with interest, levied under this chapter, which become due in the 32381
ensuing year. The annual levy shall be due and be collected at the 32382
same time that state and county taxes are due and collected. After 32383
bonds have been sold, in the determination of an annual levy, the 32384
rate of interest upon the unpaid installments of an assessment 32385
shall be the rate borne by the bonds that have been issued and 32386
sold pursuant to the assessment. The annual levy shall be recorded 32387
in the conservancy assessment record, shall be signed and 32388
certified by the president of the board and by the secretary of 32389
the conservancy district not later than the ~~first~~ thirtieth day of 32390
September each year, and shall thereafter become a permanent 32391
record in the office of the district. 32392

The certificate of the annual levy shall be substantially as 32393
set forth in section 6101.84 of the Revised Code. Then shall 32394
follow both of the following: 32395

(A) The descriptions of the property opposite the names of the owners;	32396 32397
(B) The total amount of the annual levy on each piece of property and on each public corporation for the account of all funds and the amount of each item making up the total.	32398 32399 32400
The form of the annual levy portion of the conservancy assessment record as prescribed in this section may be modified with the approval of the auditor of state. The certificate of the annual levy and the annual levy portion of the conservancy assessment record shall be named " Assessment Record of District, County, Ohio."	32401 32402 32403 32404 32405 32406
One copy of that part of the assessment record affecting lands and public corporations in any county shall be forwarded to the county auditor of that county. The auditor of each county shall set up as a charge upon the county treasurer the total amount of assessments levied as shown by the assessment record, and shall certify the record as other tax records to the county treasurer of the county. The treasurer shall collect the amount according to law. The assessment record shall be the treasurer's warrant and authority to demand and receive the assessments due in the county as found in the the record.	32407 32408 32409 32410 32411 32412 32413 32414 32415 32416
In the event of any failure of the board to determine and order an annual levy for the purpose of paying the interest and principal of any bonds pursuant to this chapter, the auditor of the county in which the lands and public corporations subject to the assessments are situated shall make and complete a levy of the special assessments necessary for the purpose against the lands and public corporations in the district, and each piece of property in that county against which benefits have been appraised. Any assessment so made and completed by the auditor shall be made and completed by the auditor in the manner provided for the making and completion of an assessment by the board, and	32417 32418 32419 32420 32421 32422 32423 32424 32425 32426 32427

shall have the same effect as a levy of assessments determined and 32428
ordered by the board. 32429

Sec. 6117.01. (A) As used in this chapter: 32430

(1) "Sanitary facilities" means sanitary sewers, force mains, 32431
lift or pumping stations, and facilities for the treatment, 32432
disposal, impoundment, or storage of wastes; equipment and 32433
furnishings; and all required appurtenances and necessary real 32434
estate and interests in real estate. 32435

(2) "Drainage" or "waters" means flows from rainfall or 32436
otherwise produced by, or resulting from, the elements, storm 32437
water discharges and releases or migrations of waters from 32438
properties, accumulations, flows, and overflows of water, 32439
including accelerated flows and runoffs, flooding and threats of 32440
flooding of properties and structures, and other surface and 32441
subsurface drainage. 32442

(3) "Drainage facilities" means storm sewers, force mains, 32443
pumping stations, and facilities for the treatment, disposal, 32444
impoundment, retention, control, or storage of waters; 32445
improvements of or for any channel, ditch, drain, floodway, or 32446
watercourse, including location, construction, reconstruction, 32447
reconditioning, widening, deepening, cleaning, removal of 32448
obstructions, straightening, boxing, culverting, tiling, filling, 32449
walling, arching, or change in course, location, or terminus; 32450
improvements of or for a river, creek, or run, including 32451
reinforcement of banks, enclosing, deepening, widening, 32452
straightening, removal of obstructions, or change in course, 32453
location, or terminus; facilities for the protection of lands from 32454
the overflow of water, including a levee, wall, embankment, jetty, 32455
dike, dam, sluice, revetment, reservoir, retention or holding 32456
basin, control gate, or breakwater; facilities for controlled 32457
drainage, regulation of stream flow, and protection of an outlet; 32458

the vacation of a ditch or drain; equipment and furnishings; and 32459
all required appurtenances and necessary real estate and interests 32460
in real estate. 32461

(4) "County sanitary engineer" means either of the following: 32462

(a) The registered professional engineer employed or 32463
appointed by the board of county commissioners to be the county 32464
sanitary engineer as provided in this section ~~6117.01 of the~~ 32465
~~Revised Code~~; 32466

(b) The county engineer, if, for as long as and to the extent 32467
that engineer by agreement entered into under section 315.14 of 32468
the Revised Code is retained to discharge duties of a county 32469
sanitary engineer under this chapter. 32470

(5) "Current operating expenses," "debt charges," "permanent 32471
improvement," "public obligations," and "subdivision" have the 32472
same meanings as in section 133.01 of the Revised Code. 32473

(6) "Construct," "construction," or "constructing" means 32474
construction, reconstruction, enlargement, extension, improvement, 32475
renovation, repair, and replacement of sanitary or drainage 32476
facilities or of prevention or replacement facilities, but does 32477
not include any repairs, replacements, or similar actions that do 32478
not constitute and qualify as permanent improvements. 32479

(7) "Maintain," "maintaining," or "maintenance" means 32480
repairs, replacements, and similar actions that constitute and are 32481
payable as current operating expenses and that are required to 32482
restore sanitary or drainage facilities or prevention or 32483
replacement facilities to, or to continue sanitary or drainage 32484
facilities or prevention or replacement facilities in, good order 32485
and working condition, but does not include construction of 32486
permanent improvements. 32487

(8) "Public agency" means a state and any agency or 32488
subdivision of a state, including a county, a municipal 32489

corporation, or other subdivision. 32490

(9) "Combined sewer" means a sewer system that is designed to 32491
collect and convey sewage, including domestic, commercial, and 32492
industrial wastewater, and storm water through a single-pipe 32493
system to a treatment works or combined sewer overflow outfall 32494
approved by the director of environmental protection. 32495

(10) "Prevention or replacement facilities" means vegetated 32496
swales or median strips, permeable pavement, trees and tree boxes, 32497
rain barrels and cisterns, rain gardens and filtration planters, 32498
vegetated roofs, wetlands, riparian buffers, and practices and 32499
structures that use or mimic natural processes to filter or reuse 32500
storm water. 32501

(B)(1) For the purpose of preserving and promoting the public 32502
health and welfare, a board of county commissioners may lay out, 32503
establish, consolidate, or otherwise modify the boundaries of, and 32504
maintain, one or more sewer districts within the county and 32505
outside municipal corporations and may have a registered 32506
professional engineer make the surveys necessary for the 32507
determination of the proper boundaries of each district, which 32508
shall be designated by an appropriate name or number. The board 32509
may acquire, construct, maintain, and operate within any district 32510
sanitary or drainage facilities that it determines to be necessary 32511
or appropriate for the collection of sewage and other wastes 32512
originating in or entering the district, to comply with the 32513
provisions of a contract entered into for the purposes described 32514
in sections 6117.41 to 6117.44 of the Revised Code and pursuant to 32515
those sections or other applicable provisions of law, or for the 32516
collection, control, or abatement of waters originating or 32517
accumulating in, or flowing in, into, or through, the district, 32518
and other sanitary or drainage facilities, within or outside of 32519
the district, that it determines to be necessary or appropriate to 32520
conduct the wastes and waters to a proper outlet and to provide 32521

for their proper treatment, disposal, and disposition. The board 32522
may provide for the protection of the sanitary and drainage 32523
facilities and may negotiate and enter into a contract with any 32524
public agency or person for the management, maintenance, 32525
operation, and repair of any of the facilities on behalf of the 32526
county upon the terms and conditions that may be agreed upon with 32527
the agency or person and that may be determined by the board to be 32528
in the best interests of the county. By contract with any public 32529
agency or person operating sanitary or drainage facilities within 32530
or outside of the county, the board may provide a proper outlet 32531
for any of the wastes and waters and for their proper treatment, 32532
disposal, and disposition. 32533

(2) For purposes of preventing storm water from entering a 32534
combined sewer and causing an overflow or an inflow to a sanitary 32535
sewer, the board may acquire, design, construct, operate, repair, 32536
maintain, and provide for a project or program that separates 32537
storm water from a combined sewer or for a prevention or 32538
replacement facility that prevents or minimizes storm water from 32539
entering a combined sewer or a sanitary sewer. 32540

(C) The board of county commissioners may employ a registered 32541
professional engineer to be the county sanitary engineer for the 32542
time and on the terms it considers best and may authorize the 32543
county sanitary engineer to employ necessary assistants upon the 32544
terms fixed by the board. Prior to the initial assignment of 32545
drainage facilities duties to the county sanitary engineer, if the 32546
county sanitary engineer is not the county engineer, the board 32547
first shall offer to enter into an agreement with the county 32548
engineer pursuant to section 315.14 of the Revised Code for 32549
assistance in the performance of those duties of the board 32550
pertaining to drainage facilities, and the county engineer shall 32551
accept or reject the offer within thirty days after the date the 32552
offer is made. 32553

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.

(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 county drainage rates and charges, and the establishment and use of security deposits to the extent considered necessary to ensure the payment of county sanitary or drainage rates and charges. The

rules shall not be inconsistent with the laws of this state or any applicable rules of the director of environmental protection.

(E) No sanitary or drainage facilities or prevention or replacement facilities shall be constructed in any county outside municipal corporations by any person until the plans and specifications have been approved by the board of county commissioners, and any construction shall be done under the supervision of the county sanitary engineer. Not less than thirty days before the date drainage plans are submitted to the board for its approval, the plans shall be submitted to the county engineer. If the county engineer is of the opinion after review that the facilities will have a significant adverse effect on roads, culverts, bridges, or existing maintenance within the county, the county engineer may submit a written opinion to the board not later than thirty days after the date the plans are submitted to the county engineer. The board may take action relative to the drainage plans only after the earliest of receiving the written opinion of the county engineer, receiving a written waiver of submission of an opinion from the county engineer, or passage of thirty days from the date the plans are submitted to the county engineer. Any person constructing the facilities shall pay to the county all expenses incurred by the board in connection with the construction

(F) The county sanitary engineer or the county sanitary engineer's authorized assistants or agents, when properly identified in writing or otherwise and after written notice is delivered to the owner at least five days in advance or is mailed at least five days in advance by first class or certified mail to the owner's tax mailing address, may enter upon any public or private property for the purpose of making, and may make, surveys or inspections necessary for the laying out of sewer districts or

the design or evaluation of county sanitary or drainage facilities 32619
or prevention or replacement facilities. This entry is not a 32620
trespass and is not to be considered an entry in connection with 32621
any appropriation of property proceedings under sections 163.01 to 32622
163.22 of the Revised Code that may be pending. No person or 32623
public agency shall forbid the county sanitary engineer or the 32624
county sanitary engineer's authorized assistants or agents to 32625
enter, or interfere with their entry, upon the property for that 32626
purpose or forbid or interfere with their making of surveys or 32627
inspections. If actual damage is done to property by the making of 32628
the surveys and inspections, the board shall pay the reasonable 32629
value of the damage to the property owner, and the cost shall be 32630
included in the cost of the facilities and may be included in any 32631
special assessments to be levied and collected to pay that cost. 32632

Sec. 6117.011. A board of county commissioners in the manner 32633
provided in this section may make surveys of water supply, 32634
sanitary facilities, ~~or~~ drainage facilities, or prevention or 32635
replacement facilities for any sewer district, the acquisition or 32636
construction of which is contemplated. 32637

Any board desiring to make a survey shall adopt a resolution 32638
declaring its purpose and necessity. In making the surveys, the 32639
board may call upon engineering officers or employees regularly 32640
employed by the board or may authorize and enter into contracts 32641
for the services of registered professional engineers to make the 32642
surveys. 32643

The surveys authorized by this section may include drawings, 32644
plans, specifications, estimates of cost of labor and materials, 32645
other items of cost, assessment rolls, and other facts, material, 32646
data, reports, and information and recommendations that the board 32647
considers advisable or necessary for the purpose. 32648

Contracts entered into for the surveys shall be considered 32649

contracts for professional services and may provide for 32650
preliminary surveys or the making of detailed plans, or both, and 32651
also may provide for engineering supervision of the work. No 32652
contract shall be valid unless one or more of the services to be 32653
performed are by its terms to be commenced within one year after 32654
the contract date. 32655

The contracts shall be signed by at least two members of the 32656
board and by the engineer agreeing to perform the service, and one 32657
signed copy of the contract shall be filed with the fiscal officer 32658
of the county, whose certificate, otherwise required by section 32659
5705.41 of the Revised Code, need not be provided. Payment for the 32660
contracts may be made from the general fund or any other fund 32661
legally available for that use at the times that are agreed upon 32662
or as determined by the board. The proceeds of any public 32663
obligations issued pursuant to section 6119.36 of the Revised Code 32664
or any other public obligations issued or incurred to pay the cost 32665
of facilities to which a survey relates may be used to pay any 32666
part of the cost under the contracts or to reimburse the fund from 32667
which payment was made. 32668

Sec. 6117.012. (A) A board of county commissioners may adopt 32669
rules requiring owners of property within the district whose 32670
property is served by a connection to sewers maintained and 32671
operated by the board or to sewers that are connected to 32672
interceptor sewers maintained and operated by the board to do any 32673
of the following: 32674

(1) Disconnect ~~stormwater~~ storm water inflows to sanitary 32675
sewers maintained and operated by the board and not operated as a 32676
combined sewer, or to connections with those sewers; 32677

(2) Disconnect ~~non-stormwater~~ non-storm water inflows to 32678
~~stormwater~~ storm water sewers maintained and operated by the board 32679
and not operated as a combined sewer, or to connections with those 32680

<u>storm water</u> sewers;	32681
(3) Reconnect or relocate any such disconnected inflows in compliance with board rules and applicable building codes, health codes, or other relevant codes;	32682 32683 32684
(4) Prevent sewer back-ups into properties that have experienced one or more overflows <u>back-ups</u> of sanitary or combined sewers maintained and operated by the board;	32685 32686 32687
<u>(5) Prevent storm water from entering a combined sewer and causing an overflow or an inflow to a sanitary sewer, which prevention may include projects or programs that separate the storm water from a combined sewer or that utilize a prevention or replacement facility to prevent or minimize storm water from entering a combined sewer or a sanitary sewer.</u>	32688 32689 32690 32691 32692 32693
(B) Any inflow required to be disconnected or any sewer back-up required to be prevented under a rule adopted pursuant to division <u>divisions</u> (A)(1) to (4) of this section constitutes a nuisance subject to injunctive relief and abatement pursuant to Chapter 3767. of the Revised Code or as otherwise permitted by law.	32694 32695 32696 32697 32698 32699
(C) A board of county commissioners may use sewer district funds; county general fund moneys; <u>the proceeds of bonds issued under Chapter 133. or 165. of the Revised Code;</u> and, to the extent permitted by their terms, loans, grants, or other moneys from appropriate state or federal funds, for either of the following:	32700 32701 32702 32703 32704
(1) The cost of disconnections, reconnections, relocations, <u>combined sewer overflow prevention</u> , or sewer back-up prevention required by rules adopted pursuant to division (A) of this section, performed by the county or under contract with the county;	32705 32706 32707 32708 32709
(2) Payments to the property owner or a contractor hired by the property owner pursuant to a competitive process established	32710 32711

by district rules, for the cost of disconnections, reconnections, 32712
relocations, combined sewer overflow prevention, or sewer back-up 32713
prevention required by rules adopted pursuant to division (A) of 32714
this section after the board, pursuant to its rules, has approved 32715
the work to be performed and after the county has received from 32716
the property owner a statement releasing the county from all 32717
liability in connection with the disconnections, reconnections, 32718
relocations, combined sewer overflow prevention, or sewer back-up 32719
prevention. 32720

(D) Except as provided in division (E) of this section, the 32721
board of county commissioners shall require in its rules regarding 32722
disconnections, reconnections, ~~or~~ relocations of sewers, combined 32723
sewer overflow prevention, or sewer back-up prevention the 32724
reimbursement of moneys expended pursuant to division (C) of this 32725
section by either of the following methods: 32726

(1) A charge to the property owner in the amount of the 32727
payment made pursuant to division (C) of this section for 32728
immediate payment or payment in installments with interest as 32729
determined by the board not to exceed ten per cent, which payments 32730
may be billed as a separate item with the rents charged to that 32731
owner for use of the sewers. The board may approve installment 32732
payments for a period of not more than fifteen years. If charges 32733
are to be paid in installments, the board shall certify to the 32734
county auditor information sufficient to identify each subject 32735
parcel of property, the total of the charges to be paid in 32736
installments, and the total number of installments to be paid. The 32737
auditor shall record the information in the sewer improvement 32738
record until these charges are paid in full. Charges not paid when 32739
due shall be certified to the county auditor, who shall place the 32740
charges upon the real property tax list and duplicate against that 32741
property. Those charges shall be a lien on the property from the 32742
date they are placed on the tax list and duplicate and shall be 32743

collected in the same manner as other taxes. 32744

(2) A special assessment levied against the property, payable 32745
in the number of years the board determines, not to exceed fifteen 32746
years, with interest as determined by the board not to exceed ten 32747
per cent. The board shall certify the assessments to the county 32748
auditor, stating the amount and time of payment. The auditor shall 32749
record the information in the county sewer improvement record, 32750
showing separately the assessments to be collected, and shall 32751
place the assessments upon the real property tax list and 32752
duplicate for collection. The assessments shall be a lien on the 32753
property from the date they are placed on the tax list and 32754
duplicate and shall be collected in the same manner as other 32755
taxes. 32756

(E) The county may adopt a resolution specifying a maximum 32757
amount of the cost of any disconnection, reconnection, relocation, 32758
combined sewer overflow prevention, or sewer back-up prevention 32759
required pursuant to division (A) of this section that may be paid 32760
by the county for each affected parcel of property without 32761
requiring reimbursement. That amount may be allowed only if there 32762
is a building code, health code, or other relevant code, or a 32763
federally imposed or state-imposed consent decree that is filed or 32764
otherwise recorded in a court of competent jurisdiction, 32765
applicable to the affected parcel that prohibits in the future any 32766
inflows, combined sewer overflows, or sewer back-ups not allowed 32767
under rules adopted pursuant to division (A)(1) ~~or~~, (4), or (5) of 32768
this section. The board, by rule, shall establish criteria for 32769
determining how much of the maximum amount for each qualifying 32770
parcel need not be reimbursed. 32771

(F) Disconnections, reconnections, relocations, combined 32772
sewer overflow prevention, or sewer back-up prevention required 32773
under this section and performed by a contractor under contract 32774
with the property owner shall not be considered a public 32775

improvement, and those performed by the county shall be considered 32776
a public improvement as defined in section 4115.03 of the Revised 32777
Code. 32778

Disconnections, reconnections, relocations, combined sewer 32779
overflow prevention, or sewer back-up prevention required under 32780
this section performed by a contractor under contract with the 32781
property owner shall not be subject to competitive bidding or 32782
public bond laws. 32783

(G) Property owners shall be responsible for maintaining any 32784
improvements made or facilities constructed on private property to 32785
reconnect or relocate disconnected inflows, for combined sewer 32786
overflow prevention, or for sewer back-up prevention pursuant to 32787
this section unless a public easement or other agreement exists 32788
for the county to maintain that improvement or facility. 32789

(H) A board of county commissioners may provide rate 32790
reductions of and credits against charges for the use of sewers to 32791
a property owner that implements a project or program that 32792
prevents storm water from entering a combined sewer and causing an 32793
overflow. Such a project or program may include the use of a 32794
prevention or replacement facility to handle storm water that has 32795
been separated from a combined sewer. The revised rates or charges 32796
shall be collected and paid to the county treasurer in accordance 32797
with section 6117.02 of the Revised Code. 32798

Sec. 6117.04. The authority of a board of county 32799
commissioners to acquire, construct, maintain, and operate 32800
sanitary or drainage facilities or prevention or replacement 32801
facilities for a county sewer district in the territory of a 32802
municipal corporation, or a regional district established under 32803
Chapter 6119. of the Revised Code, that is in whole or in part 32804
within the county sewer district is the same as provided by law 32805
with respect to territory within a county sewer district that is 32806

wholly outside a municipal corporation or a regional district, 32807
subject to the following in the case of facilities within a 32808
municipal corporation: 32809

(A) The acquisition, construction, maintenance, and operation 32810
of the facilities shall first be authorized by an ordinance or 32811
resolution of the legislative authority of the municipal 32812
corporation. 32813

(B) All road surfaces, curbs, sidewalks, sewers, water supply 32814
facilities, or other public improvements or property that may be 32815
disturbed or damaged by the construction of the facilities shall 32816
be replaced or restored within a reasonable time by the county, 32817
and the cost shall be treated as a part of the cost of the 32818
facilities. 32819

(C) The municipal corporation, with the prior approval of or 32820
by agreement with the board, may make use of the facilities in 32821
accordance with rules established by the board and subject to any 32822
applicable requirements of the director of environmental 32823
protection. 32824

Sec. 6117.05. (A) Whenever any portion of a sewer district is 32825
incorporated as, or annexed to, a municipal corporation, the area 32826
so incorporated or annexed shall remain under the jurisdiction of 32827
the board of county commissioners for purposes of the acquisition 32828
and construction of sanitary and drainage facility and prevention 32829
or replacement facility improvements until all of those 32830
improvements for the area for which a resolution described in 32831
division (A) or (E) of section 6117.06 of the Revised Code has 32832
been adopted by the board have been acquired or completed or until 32833
the board has abandoned the improvements. The board, unless and 32834
until a conveyance is made to a municipal corporation in 32835
accordance with division (B) of this section, shall continue to 32836
have jurisdiction in the area so incorporated or annexed with 32837

respect to the management, maintenance, and operation of all 32838
sanitary and drainage facilities and prevention or replacement 32839
facilities so acquired or completed, or previously acquired or 32840
completed, including the right to establish rules and rates and 32841
charges for the use of, and connections to, the facilities. The 32842
incorporation or annexation of any part of a district shall not 32843
affect the legality or enforceability of any public obligations 32844
issued or incurred by the county for purposes of this chapter to 32845
provide for the payment of the cost of acquisition, construction, 32846
maintenance, or operation of any sanitary or drainage facilities 32847
or prevention or replacement facilities within the area, or the 32848
validity of any assessments levied or to be levied upon properties 32849
within the area to provide for the payment of the cost of 32850
acquisition, construction, maintenance, or operation of the 32851
facilities. 32852

(B) Any completed sanitary or drainage facilities or 32853
prevention or replacement facilities acquired or constructed by a 32854
county under this chapter for the use of any county sewer 32855
district, or any part of those facilities, that are located within 32856
a municipal corporation or within any area that is incorporated 32857
as, or annexed to, a municipal corporation, or any part of the 32858
facilities that serve a municipal corporation or such an area, may 32859
be conveyed, by mutual agreement between the board and the 32860
municipal corporation, to the municipal corporation on terms and 32861
for consideration as may be negotiated. Upon and after the 32862
conveyance, the municipal corporation shall manage, maintain, and 32863
operate the facilities in accordance with the agreement. The board 32864
may retain the right to joint use of all or part of any facilities 32865
so conveyed for the benefit of the district. Neither the validity 32866
of any assessment levied or to be levied, nor the legality or 32867
enforceability of any public obligations issued or incurred, to 32868
provide for the payment of the cost of the acquisition, 32869
construction, maintenance, or operation of the facilities or any 32870

part of them, shall be affected by the conveyance. 32871

Sec. 6117.06. (A) After the establishment of any sewer 32872
district, the board of county commissioners, if a sanitary or 32873
drainage facility or prevention or replacement facility 32874
improvement is to be undertaken, may have the county sanitary 32875
engineer prepare, or otherwise cause to be prepared, for the 32876
district, or revise as needed, a general plan of sewerage or 32877
drainage that is as complete in each case as can be developed at 32878
the time and that is devised with regard to any existing sanitary 32879
or drainage facilities or prevention or replacement facilities in 32880
the district and present as well as prospective needs for 32881
additional sanitary or drainage facilities or prevention or 32882
replacement facilities in the district. After the general plan, in 32883
original or revised form, has been approved by the board, it may 32884
adopt a resolution generally describing the improvement that is 32885
necessary to be acquired or constructed in accordance with the 32886
particular plan, declaring that the improvement is necessary for 32887
the preservation and promotion of the public health and welfare, 32888
and determining whether or not special assessments are to be 32889
levied and collected to pay any part of the cost of the 32890
improvement. 32891

(B) If special assessments are not to be levied and collected 32892
to pay any part of the cost of the improvement, the board, in the 32893
resolution provided for in division (A) of this section or in a 32894
subsequent resolution, including a resolution authorizing the 32895
issuance or incurrence of public obligations for the improvement, 32896
may authorize the improvement and the expenditure of the funds 32897
required for its acquisition or construction and may proceed with 32898
the improvement without regard to the procedures otherwise 32899
required by divisions (C), (D), and (E) of this section and by 32900
sections 6117.07 to 6117.24 of the Revised Code. Those procedures 32901
are required only for improvements for which special assessments 32902

are to be levied and collected. 32903

(C) If special assessments are to be levied and collected 32904
pursuant to a determination made in the resolution provided for in 32905
division (A) of this section or in a subsequent resolution, the 32906
procedures referred to in division (B) of this section as being 32907
required for that purpose shall apply, and the board may have the 32908
county sanitary engineer prepare, or otherwise cause to be 32909
prepared, detailed plans, specifications, and an estimate of cost 32910
for the improvement, together with a tentative assessment of the 32911
cost based on the estimate. The tentative assessment shall be for 32912
the information of property owners and shall not be levied or 32913
certified to the county auditor for collection. The detailed 32914
plans, specifications, estimate of cost, and tentative assessment, 32915
if approved by the board, shall be carefully preserved in the 32916
office of the board or the county sanitary engineer and shall be 32917
open to the inspection of all persons interested in the 32918
improvement. 32919

(D) After the board's approval of the detailed plans, 32920
specifications, estimate of cost, and tentative assessment, and at 32921
least twenty-four days before adopting a resolution pursuant to 32922
division (E) of this section, the board, except to the extent that 32923
appropriate waivers of notice are obtained from affected owners, 32924
shall cause to be sent a notice of its intent to adopt the 32925
resolution to each owner of property proposed to be assessed that 32926
is listed on the records of the county auditor for current 32927
agricultural use value taxation pursuant to section 5713.31 of the 32928
Revised Code and that is not located in an agricultural district 32929
established under section 929.02 of the Revised Code. The notice 32930
shall satisfy all of the following: 32931

(1) Be sent by first class or certified mail; 32932

(2) Specify the proposed date of the adoption of the 32933
resolution; 32934

(3) Contain a statement that the improvement will be financed 32935
in whole or in part by special assessments and that all properties 32936
not located in an agricultural district established pursuant to 32937
section 929.02 of the Revised Code may be subject to a special 32938
assessment; 32939

(4) Contain a statement that an agricultural district may be 32940
established by filing an application with the county auditor. 32941

If it appears, by the return of the mailed notices or by 32942
other means, that one or more of the affected owners cannot be 32943
found or are not served by the mailed notice, the board shall 32944
cause the notice to be published once in a newspaper of general 32945
circulation in the county not later than ten days before the 32946
adoption of the resolution. 32947

(E) After complying with divisions (A), (C), and (D) of this 32948
section, the board may adopt a resolution declaring that the 32949
improvement, which shall be described as to its nature and its 32950
location, route, and termini, is necessary for the preservation 32951
and promotion of the public health and welfare, referring to the 32952
plans, specifications, estimate of cost, and tentative assessment, 32953
stating the place where they are on file and may be examined, and 32954
providing that the entire cost or a lesser designated part of the 32955
cost will be specially assessed against the benefited properties 32956
within the district and that any balance will be paid by the 32957
county at large from other available funds. The resolution also 32958
shall contain a description of the boundaries of that part of the 32959
district to be assessed and shall designate a time and place for 32960
objections to the improvement, to the tentative assessment, or to 32961
the boundaries of the assessment district to be heard by the 32962
board. The date of that hearing shall be not less than twenty-four 32963
days after the date of the first publication of the notice of the 32964
hearing required by this division. 32965

The board shall cause a notice of the hearing to be published 32966

once a week for two consecutive weeks in a newspaper of general 32967
circulation in the county, and on or before the date of the second 32968
publication, it shall cause to be sent by first class or certified 32969
mail a copy of the notice to every owner of property to be 32970
assessed for the improvement whose address is known. 32971

The notice shall set forth the time and place of the hearing, 32972
a summary description of the proposed improvement, including its 32973
general route and termini, a summary description of the area 32974
constituting the assessment district, and the place where the 32975
plans, specifications, estimate of cost, and tentative assessment 32976
are on file and may be examined. Each mailed notice also shall 32977
include a statement that the property of the addressee will be 32978
assessed for the improvement. The notice also shall be sent by 32979
first class or certified mail, on or before the date of the second 32980
publication, to the clerk, or to the official discharging the 32981
duties of a clerk, of any municipal corporation any part of which 32982
lies within the assessment district and shall state whether or not 32983
any property belonging to the municipal corporation is to be 32984
assessed and, if so, shall identify that property. 32985

At the hearing, or at any adjournment of the hearing, of 32986
which no further published or mailed notice need be given, the 32987
board shall hear all parties whose properties are proposed to be 32988
assessed. Written objections to or endorsements of the proposed 32989
improvement, its character and termini, the boundaries of the 32990
assessment district, or the tentative assessment shall be received 32991
by the board for a period of five days after the completion of the 32992
hearing, and no action shall be taken by the board in the matter 32993
until after that period has elapsed. The minutes of the hearing 32994
shall be entered on the journal of the board, showing the persons 32995
who appear in person or by attorney, and all written objections 32996
shall be preserved and filed in the office of the board. 32997

Sec. 6117.25. (A) The board of county commissioners may pay 32998
the whole or any part of the cost of constructing, maintaining, 32999
repairing, or operating any improvement provided for in this 33000
chapter, including the payment of a county sanitary engineer and 33001
~~his~~ the sanitary engineer's assistants and other necessary 33002
expenses. Insofar as such expenses relate to the construction of a 33003
permanent improvement, they may be considered as part of the cost 33004
of such improvement and bonds may be issued therefor. ~~Bonds~~ 33005

(B) Bonds and notes in anticipation thereof, including bonds 33006
issued in anticipation of the collection of assessments deferred 33007
pursuant to sections 6117.061 and 6117.33 of the Revised Code, may 33008
be issued by the board pursuant to Chapter 133. of the Revised 33009
Code, to finance any such improvement⁺, provided that where a 33010
separate issue of bonds is issued in anticipation of the 33011
collection of deferred assessments, the first principal maturity 33012
of such bonds may be not later than five years from the date of 33013
such bonds. Bonds issued in anticipation of the collection of 33014
assessments deferred pursuant to sections 6117.061 and 6117.33 of 33015
the Revised Code and notes issued in anticipation of such bonds 33016
shall be considered for all purposes under this chapter and 33017
Chapter 133. of the Revised Code as being bonds or notes issued in 33018
anticipation of the levy or collection of special assessments. 33019

(C) Bonds may be issued by the board under Chapter 165. of 33020
the Revised Code to finance such improvements payable solely from 33021
revenues generated by the improvements. 33022

Sec. 6117.251. (A) After the establishment of any county 33023
sewer district, the board of county commissioners may determine by 33024
resolution that it is necessary to provide sanitary or drainage 33025
facility improvements or prevention or replacement facility 33026
improvements and to maintain and operate the improvements within 33027
the district or a designated portion of the district, that the 33028

improvements, which shall be generally described in the 33029
resolution, shall be constructed, that funds are required to pay 33030
the preliminary costs of the improvements to be incurred prior to 33031
the commencement of the proceedings for their construction, and 33032
that those funds shall be provided in accordance with this 33033
section. 33034

(B) Prior to the adoption of the resolution, the board shall 33035
give notice of its pendency and of the proposed determination of 33036
the necessity of the improvements generally described in the 33037
resolution. The notice shall set forth a description of the 33038
properties to be benefited by the improvements and the time and 33039
place of a hearing of objections to and endorsements of the 33040
improvements. The notice shall be given either by publication in a 33041
newspaper of general circulation in the county once a week for two 33042
consecutive weeks, or by mailing a copy of the notice by first 33043
class or certified mail to the owners of the properties proposed 33044
to be assessed at their respective tax mailing addresses, or by 33045
both manners, the first publication to be made or the mailing to 33046
occur at least two weeks prior to the date set for the hearing. At 33047
the hearing, or at any adjournment of the hearing, of which no 33048
further published or mailed notice need be given, the board shall 33049
hear all persons whose properties are proposed to be assessed and 33050
the evidence it considers to be necessary. The board then shall 33051
determine the necessity of the proposed improvements and whether 33052
the improvements shall be made by the board and, if they are to be 33053
made, shall direct the preparation of tentative assessments upon 33054
the benefited properties and by whom they shall be prepared. 33055

(C) In order to obtain funds for the preparation of a general 33056
or revised general plan of sewerage or drainage for the district 33057
or part of the district, for the preparation of the detailed 33058
plans, specifications, estimate of cost, and tentative assessment 33059
for the proposed improvements, and for the cost of financing and 33060

legal services incident to the preparation of all of those plans 33061
and a plan of financing the proposed improvements, the board may 33062
levy upon the properties to be benefited in the district a 33063
preliminary assessment apportioned according to benefits or to tax 33064
valuation or partly by one method and partly by the other method 33065
as the board may determine. The assessments shall be in the amount 33066
determined to be necessary to obtain funds for the general and 33067
detailed plans and the cost of financing and legal services and 33068
shall be payable in the number of years that the board shall 33069
determine, not to exceed twenty years, together with interest on 33070
any public obligations that may be issued or incurred in 33071
anticipation of the collection of the assessments. 33072

(D) The board shall have power at any time to levy additional 33073
assessments according to benefits or to tax valuation or partly by 33074
one method and partly by the other method as the board may 33075
determine for the purposes described in division (C) of this 33076
section upon the benefited properties to complete the payment of 33077
the costs described in division (C) of this section or to pay the 33078
cost of any additional plans, specifications, estimate of cost, or 33079
tentative assessment and the cost of financing and legal services 33080
incident to the preparation of those plans and the plan of 33081
financing, which additional assessments shall be payable in the 33082
number of years that the board shall determine, not to exceed 33083
twenty years, together with interest on any public obligations 33084
that may be issued or incurred in anticipation of the collection 33085
of the additional assessments. 33086

(E) Prior to the adoption of a resolution levying assessments 33087
under this section, the board shall give notice either by one 33088
publication in a newspaper of general circulation in the county, 33089
or by mailing a copy of the notice by first class or certified 33090
mail to the owners of the properties proposed to be assessed at 33091
their respective tax mailing addresses, or by both manners, the 33092

publication to be made or the mailing to occur at least ten days 33093
prior to the date of the meeting at which the resolution shall be 33094
taken up for consideration; that notice shall state the time and 33095
place of the meeting at which the resolution is to be considered. 33096
At the time and place of the meeting, or at any adjournment of the 33097
meeting, of which no further published or mailed notice need be 33098
given, the board shall hear all persons whose properties are 33099
proposed to be assessed, shall correct any errors and make any 33100
revisions that appear to be necessary or just, and then may adopt 33101
a resolution levying upon the properties determined to be 33102
benefited the assessments as so corrected and revised. 33103

The assessments levied by the resolution shall be certified 33104
to the county auditor for collection in the same manner as taxes 33105
in the year or years in which they are payable. 33106

(F) Upon the adoption of the resolution described in division 33107
(E) of this section, no further action shall be taken or work done 33108
until ten days have elapsed. If, at the expiration of that period, 33109
no appeal has been effected by any property owner as provided in 33110
this division, the action of the board shall be final. If, at the 33111
end of that ten days, any owner of property to be assessed for the 33112
improvements has effected an appeal, no further action shall be 33113
taken and no work done in connection with the improvements under 33114
the resolution until the matters appealed from have been disposed 33115
of in court. 33116

Any owner of property to be assessed may appeal as provided 33117
and upon the grounds stated in sections 6117.09 to 6117.24 of the 33118
Revised Code. 33119

If no appeal has been perfected or if on appeal the 33120
resolution of the board is sustained, the board may authorize and 33121
enter into contracts to carry out the purposes for which the 33122
assessments have been levied without the prior issuance of notes, 33123
provided that the payments under those contracts do not fall due 33124

prior to the time by which the assessments are to be collected. 33125
The board may issue and sell bonds with a maximum maturity of 33126
twenty years in anticipation of the collection of the assessments 33127
and may issue notes in anticipation of the issuance of the bonds, 33128
which notes and bonds, as public obligations, shall be issued and 33129
sold as provided in Chapter 133. of the Revised Code. 33130

Sec. 6117.28. Whenever the owners of all the lots and lands 33131
to be assessed for any sanitary or drainage facility improvement 33132
or any prevention or replacement facility improvement provided for 33133
in this chapter, by petition in writing, request the board of 33134
county commissioners to provide for the acquisition or 33135
construction, maintenance, and operation of the improvement, 33136
describing the improvement and the lots and lands owned by them 33137
respectively to be assessed to pay the cost of acquisition or 33138
construction, maintenance, and operation of the improvement and 33139
consenting that their lots and lands may be assessed to pay the 33140
cost of the acquisition or construction of the improvement and of 33141
its maintenance and operation as provided in this chapter, and 33142
waive all legal notices otherwise required, the board may have the 33143
county sanitary engineer prepare, or otherwise cause to be 33144
prepared, the necessary plans, specifications, and estimate of 33145
cost of the acquisition or construction, maintenance, and 33146
operation of the improvement and a tentative assessment. When the 33147
owners state, in writing, that they have examined the estimate of 33148
cost and tentative assessment, that they have no objections to 33149
them, and that, in case bonds are proposed to be issued prior to 33150
the acquisition or construction of the improvement, they waive 33151
their right or option to pay the assessments in cash, the board 33152
may proceed as provided in this chapter to cause the improvement 33153
to be acquired or constructed and to cause provision to be made 33154
for the payment of the cost of its acquisition or construction, 33155
maintenance, and operation, except that none of the notices 33156

otherwise required by law need be given and no opportunity need be 33157
provided for the filing of objections to the improvement, its 33158
character and termini, the boundaries of the assessment district, 33159
or the tentative assessment or, if bonds are issued prior to the 33160
acquisition or construction of the improvement, for paying the 33161
assessments in cash. The board may proceed to issue or incur 33162
public obligations in the required amount, complete the 33163
acquisition or construction of the improvement, and levy and 33164
collect the assessments authorized by this chapter. No person or 33165
public agency shall have the right to appeal from any decision or 33166
action of the board in the matter except refusal by the board to 33167
proceed with the improvement. 33168

The tentative assessment provided for in this section shall 33169
be for the information of property owners and shall not be levied 33170
or certified to the county auditor for collection. On completion 33171
of the improvement, its cost shall be determined, and the county 33172
sanitary engineer shall prepare, or otherwise cause to be 33173
prepared, a revised assessment based on the actual cost and in 33174
substantially the same proportion as the tentative assessment. The 33175
board shall confirm and levy the revised assessment and certify it 33176
to the county auditor for collection. 33177

Sec. 6117.30. The cost of the acquisition or construction of 33178
sanitary or drainage facilities or prevention or replacement 33179
facilities to be paid by assessments shall be assessed, as an 33180
assessment district assessment, upon all the property within the 33181
county sewer district found to be benefited in accordance with the 33182
special benefits conferred, less any part of the cost that is paid 33183
by the county at large from other available funds. State land so 33184
benefited shall bear its portion of the assessed cost. 33185

Sec. 6117.34. Whenever the legislative authority or board of 33186
health, or the officers performing the duties of the legislative 33187

authority or board of health, of a municipal corporation, the 33188
board of health of a general health district, or a board of 33189
township trustees makes complaint, in writing, to the 33190
environmental protection agency that unsanitary conditions exist 33191
in any county, the agency's director forthwith shall inquire into 33192
and investigate the conditions complained of. If, upon 33193
investigation of the complaint, the director finds that it is 33194
necessary for the public health and welfare that sanitary or 33195
drainage facilities or prevention or replacement facilities be 33196
acquired or constructed, maintained, and operated to serve any 33197
territory outside municipal corporations in any county, the 33198
director shall notify the board of county commissioners of the 33199
county of that finding and order that corrective action be taken. 33200
The board shall obey the order and proceed as provided in this 33201
chapter to establish a county sewer district, if required, to 33202
provide the necessary funds, to acquire or construct the 33203
facilities, and to maintain and operate the facilities, as 33204
required by the order and in a manner that is satisfactory to the 33205
director. Any part or all of the cost of the facilities or of the 33206
maintenance and operation of the facilities may be assessed upon 33207
the benefited properties as provided in this chapter. 33208

Sec. 6117.38. (A) At any time after the formation of any 33209
county sewer district, the board of county commissioners, when it 33210
considers it appropriate, on application by a person or public 33211
agency for the provision of sewerage or drainage to properties of 33212
the person or public agency located outside of the district, may 33213
contract with the person or public agency for depositing sewage or 33214
drainage from those properties in facilities acquired or 33215
constructed or to be acquired or constructed by the county to 33216
serve the district and for the treatment, disposal, and 33217
disposition of the sewage or drainage, on terms that the board 33218
considers equitable. The amount to be paid by the person or public 33219

agency to reimburse the county for costs of acquiring or 33220
constructing those facilities shall not be less than the original 33221
or comparable assessment for similar property within the district 33222
or, in the absence of an original or comparable assessment, an 33223
amount that is found by the board to be reasonable and fairly 33224
reflective of that portion of the cost of those facilities 33225
attributable to the properties to be served. The board shall 33226
appropriate any moneys received for that service to and for the 33227
use and benefit of the district. The board may collect the amount 33228
to be paid by the person or public agency in full, in cash or in 33229
installments as a part of a connection charge to be collected in 33230
accordance with division (B) or (D) of section 6117.02 of the 33231
Revised Code, or if the properties to be served are located within 33232
the county, the same amount may be assessed against those 33233
properties, and, in that event, the manner of making the 33234
assessment, together with the notice of it, shall be as provided 33235
in this chapter. 33236

(B) Whenever sanitary or drainage facilities or prevention or 33237
replacement facilities have been acquired or constructed by, and 33238
at the expense of, a person or public agency and the board 33239
considers it appropriate to acquire the facilities or any part of 33240
them for the purpose of providing sewerage or drainage service to 33241
territory within a sewer district, the county sanitary engineer, 33242
at the direction of the board, shall examine the facilities. If 33243
the county sanitary engineer finds the facilities properly 33244
designed and constructed, the county sanitary engineer shall 33245
certify that fact to the board. The board may determine to 33246
purchase the facilities or any part of them at a cost that, after 33247
consultation with the county sanitary engineer, it finds to be 33248
reasonable. 33249

Subject to and in accordance with this division and division 33250
(B) or divisions (C), (D), and (E) of section 6117.06 of the 33251

Revised Code, the board may purchase the facilities or any part of 33252
them by negotiation. For the purpose of paying the cost of their 33253
acquisition, the board may issue or incur public obligations and 33254
assess the entire cost, or a lesser designated part of the cost, 33255
of their acquisition against the benefited properties in the 33256
manner provided in this chapter for the construction of original 33257
or comparable facilities. 33258

Sec. 6117.41. At any time after the formation of any county 33259
sewer district, the board of county commissioners may enter into a 33260
contract, upon the terms and for the period of time that are 33261
mutually agreed upon, with any other public agency to prepare all 33262
necessary plans and estimates of cost and to acquire or construct 33263
any sanitary or drainage facilities or any prevention or 33264
replacement facilities that are to be used jointly by the 33265
contracting parties, and to provide for the maintenance, 33266
operation, and joint use by the contracting parties of those 33267
facilities or the maintenance, operation, and joint use of any 33268
suitable existing sanitary or drainage facilities or prevention or 33269
replacement facilities belonging to either of the contracting 33270
parties. 33271

Sec. 6117.42. All contracts under section 6117.41 of the 33272
Revised Code shall provide for the payment of compensation to the 33273
county or other public agency owning, acquiring, or constructing, 33274
or agreeing to acquire or construct, the sanitary or drainage 33275
facilities or prevention or replacement facilities to be jointly 33276
used in an amount agreed upon as the other party's share of the 33277
cost of acquiring or constructing the facilities. The contract 33278
also shall provide for payment of compensation to the county or 33279
other public agency owning, acquiring, or constructing the 33280
facilities and operating and maintaining them in an amount agreed 33281
upon as the other party's share of the cost of operating and 33282

maintaining them or, in lieu of all other or differing payments, 33283
and agreed price per unit of flow. A county or other public agency 33284
owning, acquiring, or constructing, or agreeing to acquire or 33285
construct, any of the facilities and agreeing to their use by 33286
another public agency shall retain full control and management of 33287
the acquisition, construction, maintenance, and operation of the 33288
facilities, unless otherwise provided in the contract and except, 33289
in the case of a county, when conveyed to a municipal corporation 33290
as provided in division (B) of section 6117.05 of the Revised 33291
Code. 33292

Sec. 6117.43. A county or other public agency contracting as 33293
provided in sections 6117.41 and 6117.42 of the Revised Code for 33294
the joint use of any sanitary or drainage facilities or any 33295
prevention or replacement facilities acquired or constructed, or 33296
to be acquired or constructed, by another public agency may 33297
provide for payment of the agreed compensation by the levy of 33298
taxes or special assessments or from sanitary sewer or drainage 33299
rates and charges, if and to the extent that the public agency is 33300
authorized by the laws governing it in the acquisition, 33301
construction, maintenance, or operation of the facilities to 33302
provide for payment of the costs in respect of which the 33303
compensation is due from those sources, and may issue or incur 33304
public obligations as provided by those laws and pay the debt 33305
charges on those obligations from those sources if and to the 33306
extent so authorized. 33307

Sec. 6117.44. A county or other public agency receiving the 33308
compensation provided for in section 6117.42 of the Revised Code 33309
shall credit the amount so received to the proper fund to be used 33310
for the acquisition, construction, or operation and maintenance, 33311
as the case may be, of the sanitary or drainage facilities or the 33312
prevention or replacement facilities or for other authorized 33313

purposes. 33314

Sec. 6117.45. No person or public agency shall tamper with or 33315
damage any sanitary or drainage facility or any prevention or 33316
replacement facility acquired or constructed by a county under 33317
this chapter or any apparatus or accessory connected with it or 33318
pertaining to it, or make any connection into or with the 33319
facility, without the permission of the board of county 33320
commissioners or in a manner or for a use other than as prescribed 33321
by the board. No person or public agency shall refuse to permit 33322
the inspection by the county sanitary engineer of any such 33323
connection. No person or public agency shall violate any other 33324
provision of this chapter. 33325

All fines collected under section 6117.99 of the Revised Code 33326
shall be paid to the county treasurer and credited to the fund 33327
that the board determines to be most appropriate after 33328
consideration of the nature and extent of the particular 33329
violations. 33330

Sec. 6117.49. (A) If the board of county commissioners 33331
determines by resolution that the best interests of the county and 33332
those served by the sanitary or drainage facilities or the 33333
prevention or replacement facilities of a county sewer district so 33334
require, the board may sell or otherwise dispose of the facilities 33335
to another public agency or a person. The resolution declaring the 33336
necessity of that disposition shall recite the reasons for the 33337
sale or other disposition and shall establish any conditions or 33338
terms that the board may impose, including, but not limited to, a 33339
minimum sales price if a sale is proposed, a requirement for the 33340
submission by bidders of the schedule of rates and charges 33341
initially proposed to be paid for the services of the facilities, 33342
and other pertinent conditions or terms relating to the sale or 33343
other disposition. The resolution also shall designate a time and 33344

place for the hearing of objections to the sale or other 33345
disposition by the board. Notice of the adoption of the resolution 33346
and the time and place of the hearing shall be published once a 33347
week for two consecutive weeks in a newspaper of general 33348
circulation in the sewer district and in the county. The public 33349
hearing on the sale or other disposition shall be held not less 33350
than twenty-four days following the date of first publication of 33351
the notice. A copy of the notice also shall be sent by first class 33352
or certified mail, on or before the date of the second 33353
publication, to any public agency within the area served by the 33354
facilities. At the public hearing, or at any adjournment of it, of 33355
which no further published or mailed notice need be given, the 33356
board shall hear all interested parties. A period of five days 33357
shall be given following the completion of the hearing for the 33358
filing of written objections by any interested persons or public 33359
agencies to the sale or other disposition, after which the board 33360
shall consider any objections and by resolution determine whether 33361
or not to proceed with the sale or other disposition. If the board 33362
determines to proceed with the sale or other disposition, it shall 33363
receive bids after advertising once a week for four consecutive 33364
weeks in a newspaper of general circulation in the county and, 33365
subject to the right of the board to reject any or all bids, may 33366
make an award to a responsible bidder whose proposal is determined 33367
by the board to be in the best interests of the county and those 33368
served by the facilities. 33369

(B) A conveyance of sanitary or drainage facilities or of 33370
prevention or replacement facilities by a county to a municipal 33371
corporation in accordance with division (B) of section 6117.05 of 33372
the Revised Code may be made without regard to division (A) of 33373
this section. 33374

Sec. 6121.045. With respect to a loan made under this 33375
chapter, the Ohio water development authority shall not charge any 33376

fees or fines that, in the aggregate, exceed an amount equal to 33377
the principal amount of the loan. 33378

Sec. 6123.042. With respect to a loan made under this 33379
chapter, the Ohio water development authority shall not charge any 33380
fees or fines that, in the aggregate, exceed an amount equal to 33381
the principal amount of the loan. 33382

Section 101.02. That existing sections 9.231, 9.24, 9.835, 33383
105.41, 109.71, 113.061, 113.40, 117.11, 117.13, 117.38, 120.08, 33384
121.31, 122.171, 125.02, 125.021, 125.022, 125.04, 125.041, 33385
125.05, 125.06, 125.07, 125.18, 125.25, 127.16, 133.08, 135.61, 33386
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6117.01, 6117.011, 6117.012, 6117.04, 6117.05, 6117.06, 6117.25, 33426
6117.251, 6117.28, 6117.30, 6117.34, 6117.38, 6117.41, 6117.42, 33427
6117.43, 6117.44, 6117.45, and 6117.49 of the Revised Code are 33428
hereby repealed. 33429

33430

33431

Section 105.01. That sections 124.821, 3314.086, 3317.161, 33432
3353.23, 3353.24, 3353.25, 3353.30, 5111.88, 5111.881, 5111.882, 33433
5111.883, 5111.884, 5111.885, 5111.886, 5111.887, 5111.888, 33434
5111.889, 5111.8810, 5111.8811, 5111.8812, 5111.8813, 5111.8814, 33435
5111.8815, 5111.8816, 5111.8817, 5112.311, and 5739.213 of the 33436
Revised Code are hereby repealed. 33437

Section 201.10. The items set forth in this section are 33438
hereby appropriated out of any moneys in the state treasury to the 33439
credit of the Nursing Home - Federal Fund (Fund 3190) that are not 33440
otherwise appropriated. 33441

Appropriations

	OVH OHIO VETERANS' HOME AGENCY		33442
C43019	G-Life Safety & Security	\$ 310,700	33443
C43020	G-Critical Power & Grounds	\$ 510,250	33444
C43021	S-S/G Tub Room & Nurse Call	\$ 1,856,712	33445
C43022	S-G Renovate Giffin First Floor	\$ 418,015	33446
C43023	S-S/G Floor Replacement	\$ 579,270	33447
C43024	S-S. VH HVAC Upgrade	\$ 1,362,936	33448
C43025	S-Network Infrastructure	\$ 488,807	33449
C43026	G-HVAC Controls Upgrade	\$ 357,500	33450
	Total Ohio Veterans' Home Agency	\$ 5,884,190	33451
	TOTAL Nursing Home - Federal Fund	\$ 5,884,190	33452

Section 203.10. The items set forth in this section are 33454
hereby appropriated out of any moneys in the state treasury to the 33455
credit of the Army National Guard Service Contract Fund (Fund 33456
3420) that are not otherwise appropriated. 33457

Appropriations

	ADJ ADJUTANT GENERAL		33458
C74519	Energy Conservation - Federal Share	\$ 107,792	33459
	Total Adjutant General	\$ 107,792	33460
	TOTAL Army National Guard Service Contract Fund	\$ 107,792	33461

Section 205.10. The items set forth in this section are 33463
hereby appropriated out of any moneys in the state treasury to the 33464
credit of the Special Administrative Fund (Fund 4A90) that are not 33465
otherwise appropriated. 33466

Appropriations

	JFS DEPARTMENT OF JOB AND FAMILY SERVICES		33467
C60000	Various Renovations - Local Offices	\$ 537,869	33468
C60001	145 South Front Renovation	\$ 6,500,000	33469
	Total Department of Job and Family Services	\$ 7,037,869	33470
	TOTAL Special Administrative Fund	\$ 7,037,869	33471

Section 207.10. The items set forth in this section are 33473
hereby appropriated out of any moneys in the state treasury to the 33474
credit of the State Fire Marshal Fund (Fund 5460) that are not 33475
otherwise appropriated. 33476

Appropriations

	COM DEPARTMENT OF COMMERCE		33477
C80002	MARCS Radios	\$ 50,000	33478
C80010	Security Enhancements	\$ 200,000	33479
C80011	Gas Line Replacement	\$ 80,000	33480
C80012	Roof Replacement Main & Training	\$ 800,000	33481
C80013	ADAMS Data Imaging System	\$ 35,000	33482
C80014	Mobile Fire Behavior Lab	\$ 75,000	33483
C80015	Gas Chromatograph/Mass Spec	\$ 90,000	33484
C80016	Search & Rescue Training Module	\$ 70,000	33485
C80017	Fiber-optic Installation with AGR	\$ 200,000	33486
	Total Department of Commerce	\$ 1,600,000	33487
	TOTAL State Fire Marshal Fund	\$ 1,600,000	33488

Section 209.10. The items set forth in this section are 33490
hereby appropriated out of any moneys in the state treasury to the 33491
credit of the Veterans' Home Improvement Fund (Fund 6040) that are 33492
not otherwise appropriated. 33493

Appropriations

	OVH OHIO VETERANS' HOME AGENCY		33494
C43027	G-Life Safety & Security	\$ 167,300	33495
C43028	G-Critical Power & Grounds	\$ 274,750	33496
C43029	S-S/G Tub Room & Nurse Call	\$ 999,768	33497

C43030	S-G Renovate Giffin First Floor	\$	225,085	33498
C43031	S-S/G Floor Replacement	\$	311,915	33499
C43032	S-S. VH HVAC Upgrade	\$	733,889	33500
C43033	S-Network Infrastructure	\$	263,204	33501
C43034	G-HVAC Controls Upgrade	\$	192,500	33502
C43035	S-Replace Wanderguard System	\$	261,000	33503
	Total Ohio Veterans' Home Agency	\$	3,429,411	33504
	TOTAL Veterans' Home Improvement Fund	\$	3,429,411	33505

Section 211.10. The items set forth in this section are 33507
hereby appropriated out of any moneys in the state treasury to the 33508
credit of the Highway Safety Fund (Fund 7036) that are not 33509
otherwise appropriated. 33510

Appropriations

	DPS DEPARTMENT OF PUBLIC SAFETY			33511
C76021	Academy Maintenance and Repair	\$	1,696,345	33512
	Total Department of Public Safety	\$	1,696,345	33513
	TOTAL Highway Safety Fund	\$	1,696,345	33514

Section 213.10. The items set forth in this section are 33516
hereby appropriated out of any moneys in the state treasury to the 33517
credit of the State Capital Improvements Revolving Loan Fund (Fund 33518
7040). Revenues to the State Capital Improvements Revolving Loan 33519
Fund shall consist of all repayments of loans made to local 33520
subdivisions for capital improvements, investment earnings on 33521
moneys in the fund, and moneys obtained from federal or private 33522
grants or from other sources for the purpose of making loans for 33523
the purpose of financing or assisting in the financing of the cost 33524
of capital improvement projects of local subdivisions. 33525

Appropriations

	PWC PUBLIC WORKS COMMISSION			33526
C15030	Revolving Loan	\$	39,500,000	33527
	Total Public Works Commission	\$	39,500,000	33528

TOTAL Waterways Safety Fund \$ 11,650,000 33556

Section 217.10. The items set forth in this section are 33558
hereby appropriated out of any moneys in the state treasury to the 33559
credit of the Clean Ohio Revitalization Fund (Fund 7003) that are 33560
not otherwise appropriated: 33561

Appropriations

DEV DEPARTMENT OF DEVELOPMENT 33562

C19500 Clean Ohio Revitalization \$ 32,000,000 33563

C19501 Clean Ohio Assistance \$ 8,000,000 33564

Total Department of Development \$ 40,000,000 33565

TOTAL Clean Ohio Assistance Fund \$ 40,000,000 33566

Section 217.11. CLEAN OHIO REVITALIZATION 33568

The Treasurer of State is hereby authorized to issue and 33569
sell, in accordance with Section 20 of Article VIII, Ohio 33570
Constitution, and pursuant to sections 151.01 and 151.40 of the 33571
Revised Code, original obligations in an aggregate principal 33572
amount not to exceed \$40,000,000 in addition to the original 33573
issuance of obligations heretofore authorized by prior acts of the 33574
General Assembly. These authorized obligations shall be issued and 33575
sold from time to time, subject to applicable constitutional and 33576
statutory limitations, as needed to ensure sufficient moneys to 33577
the credit of the Clean Ohio Revitalization Fund (Fund 7003) to 33578
pay costs of revitalization projects. 33579

Section 219.10. The items set forth in this section are 33580
hereby appropriated out of any moneys in the state treasury to the 33581
credit of the Job Ready Site Development Fund (Fund 7012) that are 33582
not otherwise appropriated: 33583

Appropriations

DEV DEPARTMENT OF DEVELOPMENT 33584

C19502 Job Ready Sites \$ 30,000,000 33585

Total Department of Development	\$ 30,000,000	33586
TOTAL Job Ready Site Development Fund	\$ 30,000,000	33587

Section 219.11. JOB READY SITE DEVELOPMENT 33589

The Ohio Public Facilities Commission, upon request of the 33590
Department of Development, is hereby authorized to issue and sell, 33591
in accordance with Section 2p of Article VIII, Ohio Constitution, 33592
and pursuant to sections 151.01 and 151.11 of the Revised Code, 33593
original obligations of the State of Ohio in an aggregate amount 33594
not to exceed \$30,000,000 in addition to the original issuance of 33595
obligations heretofore authorized by prior acts of the General 33596
Assembly. These authorized obligations shall be issued and sold 33597
from time to time, subject to applicable constitutional and 33598
statutory limitations, as needed to ensure sufficient moneys to 33599
the credit of the Job Ready Site Development Fund (Fund 7012) to 33600
pay costs of sites and facilities. 33601

Section 221.10. The items set forth in the sections of this 33602
act prefixed with the section number "221" are hereby appropriated 33603
out of any moneys in the state treasury to the credit of the 33604
Administrative Building Fund (Fund 7026) that are not otherwise 33605
appropriated. 33606

Appropriations

Section 221.10.10. ADJ ADJUTANT GENERAL 33607

C74502	Roof Replacement - Various Facilities	\$ 583,874	33608
C74503	Electrical Systems - Various Facilities	\$ 348,079	33609
C74504	Camp Perry Facility/Infrastructure	\$ 500,000	33610
	Improvements		
C74505	Replace Windows and Doors - Various	\$ 341,342	33611
	Facilities		
C74506	Plumbing Renovations - Various	\$ 523,241	33612
	Facilities		

C74507	Paving Renovations - Various Facilities	\$	527,733	33613
C74508	HVAC Systems - Various Facilities	\$	1,387,939	33614
C74510	Masonry Renovations - Various Facilities	\$	180,000	33615
C74526	Energy Conservation - Various Facilities	\$	107,792	33616
C74527	Mansfield Lahm Air National Guard Facility	\$	200,000	33617
C74528	Camp Perry Improvements	\$	1,000,000	33618
C74531	Rickenbacker Radar Project	\$	1,125,000	33619
Total Adjutant General		\$	6,825,000	33620

Appropriations

Section 221.10.20. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 33622

C10010	Surface Road Building Renovations	\$	400,000	33623
C10013	Energy Conservation Projects	\$	2,100,000	33624
C10015	SOCC Renovations	\$	5,000,000	33625
C10020	North High Street Complex Renovations	\$	12,500,000	33626
C10030	Broadband Ohio	\$	5,000,000	33627
C10031	Operations Facilities Improvements	\$	2,800,000	33628
C10032	Columbus Downtown Development - Sky Bridge Project	\$	2,500,000	33629
Total Department of Administrative Services		\$	30,300,000	33630

Appropriations

Section 221.10.30. AGR DEPARTMENT OF AGRICULTURE 33632

C70007	Building and Grounds Renovation	\$	650,000	33633
C70014	Grounds Security and Emergency Power	\$	200,000	33634
C70015	Fiber Installation for Infrastructure ODA/SFM	\$	200,000	33635
C70016	ODA/SFM Shared Driveway/Entrance	\$	50,000	33636
C70017	Raze Building #2	\$	265,000	33637
Total Department of Agriculture		\$	1,365,000	33638

Appropriations

Section 221.10.40. CSR CAPITOL SQUARE REVIEW AND ADVISORY			33640
BOARD			33641
C87406	Grounds Improvement	\$ 221,000	33642
C87407	Sound and Lighting Systems	\$ 145,000	33643
C87408	HVAC Improvement	\$ 628,381	33644
C87412	Security and Safety Upgrades	\$ 337,000	33645
C87413	Education Center	\$ 540,367	33646
C87414	CSRAB Warehouse	\$ 450,000	33647
C87415	Interior Repairs and Replacements	\$ 186,000	33648
Total Capitol Square Review and Advisory Board			\$ 2,507,748 33649

Appropriations

Section 221.10.50. EXP EXPOSITIONS COMMISSION			33651
C72300	Electric Upgrade	\$ 2,100,000	33652
C72303	Building Renovations and Repairs	\$ 11,900,000	33653
C72312	Emergency Renovations and Equipment Replacement	\$ 1,000,000	33654
C72315	North Parking Lot Improvements and Paving	\$ 5,000,000	33655
Total Expositions Commission			\$ 20,000,000 33656

Appropriations

Section 221.10.60. LIB STATE LIBRARY BOARD			33658
C35001	OPLIN Router Replacement Project	\$ 200,000	33659
Total State Library Board			\$ 200,000 33660

Appropriations

Section 221.10.70. DNR DEPARTMENT OF NATURAL RESOURCES			33662
C725D5	Fountain Square Building and Telephone System Improvements	\$ 1,000,000	33663
C725D7	MARCS	\$ 425,000	33664

C725E0	DNR Fairgrounds Area - General Upgrading	\$	500,000	33665
	- Fairgrounds Site Improvements			
C725N7	Operations Facilities Development	\$	300,000	33666
Total Department of Natural Resources		\$	2,225,000	33667

Appropriations

Section 221.10.80. DPS DEPARTMENT OF PUBLIC SAFETY				33669
C76017	Replacement Mission Critical Building	\$	725,250	33670
	System			
C76022	American Red Cross Facility - Cincinnati	\$	1,000,000	33671
C76023	Red Cross Muskingum Lakes Chapter	\$	500,000	33672
C76024	American Red Cross Facility - Tuscarawas	\$	250,000	33673
C76025	Family Services of Cincinnati	\$	50,000	33674
C76026	Tallmadge Shooting Range	\$	500,000	33675
C76027	Southeast Ohio Emergency Responder	\$	25,000	33676
	Facility			
Total Department of Public Safety		\$	3,050,250	33677

Appropriations

Section 221.10.90. OSB SCHOOL FOR THE BLIND				33679
C22618	Front Entry Renovations	\$	112,500	33680
C22619	Public Address System Replacement	\$	77,000	33681
C22620	School HVAC Renovation	\$	215,000	33682
C22621	Renovations to Cottage C1	\$	125,000	33683
C22622	Track Shelter	\$	45,000	33684
Total School for the Blind		\$	574,500	33685

Appropriations

Section 221.20.10. OSD SCHOOL FOR THE DEAF				33687
C22108	High School Window Replacement	\$	123,000	33688
C22109	High School HVAC	\$	117,500	33689
C22110	Gymnasium Floor & Lighting	\$	237,000	33690
C22111	Staff Building Windows and Repairs	\$	97,000	33691

C22112	Alumni Park Preservation	\$	62,500	33692
	Total School for the Deaf	\$	637,000	33693

Appropriations

	Section 221.20.20. DOT DEPARTMENT OF TRANSPORTATION			33694
C77701	Chillicothe Transit Facility - District	\$	550,000	33695
	9			
	Total Department of Transportation	\$	550,000	33696
	TOTAL Administrative Building Fund	\$	68,234,498	33697

Section 221.20.30. The Ohio Building Authority is hereby 33699
authorized to issue and sell, in accordance with Section 2i of 33700
Article VIII, Ohio Constitution, and Chapter 152. and other 33701
applicable sections of the Revised Code, original obligations in 33702
an aggregate principal amount not to exceed \$48,000,000 in 33703
addition to the original issuance of obligations heretofore 33704
authorized by prior acts of the General Assembly. These authorized 33705
obligations shall be issued, subject to applicable constitutional 33706
and statutory limitations, to pay costs associated with previously 33707
authorized capital facilities and the capital facilities referred 33708
to in Sections 221.10.10 to 221.20.10 of this act. 33709

Section 222.10. DEBT SERVICE PAYMENTS TO THE OHIO BUILDING 33710
AUTHORITY 33711

If the Capitol Square Review and Adivsory Board purchases a 33712
warehouse under section 105.41 of the Revised Code, the Ohio 33713
Building Authority shall bill the Board, either annually or 33714
semiannually, an amount equal to the debt service charges relating 33715
to \$450,000 in additional appropriation authority for the purchase 33716
and improvement of the warehouse in which to store items of the 33717
Capitol Collection Trust and, whenever necessary, equipment or 33718
other property of the Board. The total amount billed each fiscal 33719
year shall not exceed \$50,000. The Capitol Square Review and 33720

Advisory Board shall pay such billed amounts from state 33721
 underground parking garage fees, receipts, and revenues. 33722
 33723

Section 223.10. The items set forth in this section are 33724
 hereby appropriated out of any moneys in the state treasury to the 33725
 credit of the Adult Correctional Building Fund (Fund 7027) that 33726
 are not otherwise appropriated. 33727

Appropriations

DRC DEPARTMENT OF REHABILITATION AND CORRECTION			33728
STATEWIDE AND CENTRAL OFFICE PROJECTS			33729
C50101	Community Based Correctional Facilities	\$ 1,600,000	33730
C50103	Asbestos Abatement - SW	\$ 1,000,000	33731
C50104	Power House/Utility Improvements - SW	\$ 1,400,000	33732
C50105	Water System/Plant Improvements - SW	\$ 6,000,000	33733
C50110	Security Improvements - SW	\$ 10,434,897	33734
C50136	General Building Renovations - SW	\$ 42,665,103	33735
C50175	Mandown Alert Communication - SW	\$ 4,800,000	33736
C501B3	Electrical System Upgrade - SW	\$ 4,100,000	33737
Total Statewide and Central Office Projects		\$ 72,000,000	33738
TOTAL Department of Rehabilitation and Correction		\$ 72,000,000	33739
TOTAL Adult Correctional Building Fund		\$ 72,000,000	33740

Section 223.11. The Ohio Building Authority is hereby 33742
 authorized to issue and sell, in accordance with Section 2i of 33743
 Article VIII, Ohio Constitution, and Chapter 152. and section 33744
 307.021 of the Revised Code, original obligations in an aggregate 33745
 principal amount not to exceed \$62,000,000 in addition to the 33746
 original issuance of obligations heretofore authorized by prior 33747
 acts of the General Assembly. These authorized obligations shall 33748
 be issued, subject to applicable constitutional and statutory 33749
 limitations, to pay costs associated with previously authorized 33750
 capital facilities and the capital facilities referred to in 33751

Section 223.10 of this act for the Department of Rehabilitation 33752
and Correction. 33753

Section 225.10. The items set forth in this section are 33754
hereby appropriated out of any moneys in the state treasury to the 33755
credit of the Juvenile Correctional Building Fund (Fund 7028) that 33756
are not otherwise appropriated. 33757

			Appropriations	
DYS DEPARTMENT OF YOUTH SERVICES				33758
C47001	Fire Suppression, Safety and Security	\$ 4,036,125		33759
C47002	General Institutional Renovations	\$ 4,424,725		33760
C47003	CCF Renovations/Maintenance	\$ 2,000,000		33761
C47007	Juvenile Detention Centers	\$ 4,980,000		33762
C47016	Shower Renovation - SJCF	\$ 1,642,000		33763
C47017	Roof Replacement - SJCF	\$ 1,508,650		33764
C47018	Educational Annex - CHJCF	\$ 1,408,500		33765
C47019	Lawrence County Youth Facility	\$ 500,000		33766
	Relocation			
Total Department of Youth Services			\$ 20,500,000	33767
TOTAL Juvenile Correctional Building Fund			\$ 20,500,000	33768

Section 225.11. The Ohio Building Authority is hereby 33770
authorized to issue and sell, in accordance with Section 2i of 33771
Article VIII, Ohio Constitution, and Chapter 152. and other 33772
applicable sections of the Revised Code, original obligations in 33773
an aggregate principal amount not to exceed \$19,000,000 in 33774
addition to the original issuance of obligations heretofore 33775
authorized by prior acts of the General Assembly. These authorized 33776
obligations shall be issued, subject to applicable constitutional 33777
and statutory limitations, to pay the costs associated with 33778
previously authorized capital facilities and the capital 33779
facilities referred to in Section 225.10 of this act for the 33780

Department of Youth Services. 33781

Section 227.10. The items set forth in this section are 33782
hereby appropriated out of any moneys in the state treasury to the 33783
credit of the Cultural and Sports Facilities Building Fund (Fund 33784
7030) that are not otherwise appropriated. 33785

Appropriations

	AFC CULTURAL FACILITIES COMMISSION		33786
C37118	Statewide Site Repairs	\$ 650,000	33787
C37120	Cincinnati Museum Center	\$ 2,500,000	33788
C37122	Akron Art Museum	\$ 700,000	33789
C37123	Youngstown Symphony Orchestra	\$ 675,000	33790
C37127	Cedar Bog	\$ 50,000	33791
C37139	Stan Hywet Hall & Gardens	\$ 1,050,000	33792
C37140	McKinley Museum Improvements	\$ 200,000	33793
C37142	Midland Theatre Improvements	\$ 300,000	33794
C37148	Hayes Presidential Center	\$ 150,000	33795
C37152	Zoar Village Building Restoration	\$ 90,000	33796
C37153	Basic Renovations and Emergency Repairs	\$ 850,000	33797
C37158	Rankin House Restoration and Development	\$ 242,000	33798
C37163	Harding Home and Tomb	\$ 340,000	33799
C37165	Ohio Historical Center Rehabilitation	\$ 514,000	33800
C37187	Renaissance Theatre	\$ 900,000	33801
C37188	Trumpet in the Land Facility	\$ 150,000	33802
C371A3	Voice of America Museum Facility	\$ 500,000	33803
C371A9	Western Reserve Historical Society	\$ 300,000	33804
C371C7	Music Hall Facility	\$ 1,100,000	33805
C371E5	Pro Football Hall of Fame	\$ 500,000	33806
C371F6	Colony Theater	\$ 250,000	33807
C371G4	Collections Storage Facility and Learning Center	\$ 1,240,000	33808
C371G6	Lockington Locks Stabilization	\$ 462,000	33809

C371H2	National Underground Railroad Freedom Center	\$	850,000	33810
C371H5	Heritage Center of Dayton Manufacturing & Entrepreneurship	\$	1,000,000	33811
C371H7	COSI - Columbus	\$	500,000	33812
C371H8	Columbus Museum of Art	\$	1,500,000	33813
C371J3	Davis-Shai Historical Facility	\$	725,000	33814
C371J4	Massillon Museum Improvements	\$	150,000	33815
C371J6	Peggy McConnell Arts Center - Worthington	\$	475,000	33816
C371J9	Stambaugh Auditorium	\$	675,000	33817
C371K3	Cincinnati Ballet	\$	250,000	33818
C371L3	Ukrainian Museum	\$	50,000	33819
C371L4	Gordon Square Arts District	\$	1,800,000	33820
C371M8	Hale Farm and Village	\$	200,000	33821
C371O9	Historic Site-Signage - Phase II	\$	50,000	33822
C371P4	Cleveland Playhouse	\$	150,000	33823
C371P9	Civil War Site Improvements	\$	475,000	33824
C371Q0	On-Line Portal to Ohio's Heritage	\$	427,000	33825
C371Q1	Lucas County Multi-purpose Sports Arena	\$	2,200,000	33826
C371Q2	Ballpark Village project	\$	2,000,000	33827
C371Q5	Cincinnati Zoo	\$	1,500,000	33828
C371Q6	Cincinnati Art Museum	\$	1,500,000	33829
C371R0	King Arts Complex	\$	861,000	33830
C371R3	Loudonville Opera House	\$	600,000	33831
C371R4	Eagles Palace Theater	\$	410,000	33832
C371R6	Historic McCook House	\$	500,000	33833
C371R7	Jeffrey Mansion in Bexley	\$	475,000	33834
C371R8	Columbus Zoo and Aquarium	\$	500,000	33835
C371S0	Towpath Trail	\$	500,000	33836
C371S1	Museum of Contemporary Art Cleveland	\$	450,000	33837
C371S2	Arts in Stark Cultural Center	\$	150,000	33838
C371S3	Ohio Genealogical Society	\$	350,000	33839

C371S5	The Fine Arts Association	\$	300,000	33840
C371S7	Maltz Museum of Jewish Heritage	\$	300,000	33841
C371S8	Allen County Historical Society Museum Renovation	\$	280,000	33842
C371S9	Portsmouth Mural	\$	250,000	33843
C371T0	Mt. Vernon - Nazarene University Arts Center	\$	300,000	33844
C371T2	Bucyrus Little Theater Restoration Project	\$	250,000	33845
C371T3	Boonshoft Museum of Discovery	\$	250,000	33846
C371T5	Cliffton Cultural Arts Center	\$	250,000	33847
C371T6	Baltimore Theatre	\$	50,000	33848
C371T7	Rock Mill Park Improvements	\$	150,000	33849
C371T9	Cozad-Bates House Historic Project	\$	100,000	33850
C371U3	Lake Erie Nature & Science Center	\$	200,000	33851
C371U4	Great Lakes Science Center	\$	300,000	33852
C371U5	Cleveland Zoological Society	\$	150,000	33853
C371U8	Kidron Historical Society - Sonnenberg Village project	\$	200,000	33854
C371V0	Chesterhill Union Hall Theatre	\$	25,000	33855
C371V1	Geauga County Historical Society - Maple Museum	\$	20,000	33856
C371V2	Hallsville Historical Society	\$	100,000	33857
C371V3	Fayette County Historical Society	\$	150,000	33858
C371V4	Covedale Theatre	\$	100,000	33859
C371V5	Mariemont City - Women's Cultural Arts Center	\$	220,000	33860
C371V6	Madeira Historical Society/Miller House	\$	60,000	33861
C371V7	Sylvania Historic Village restoration	\$	200,000	33862
C371V9	Henry County Historical Society museum	\$	59,000	33863
C371W0	Antwerp Railroad Depot historic building	\$	106,000	33864
C371W1	Village of Edinburg Veterans Memorial	\$	35,000	33865
C371W2	Lorain County Historical Society Horace	\$	200,000	33866

	Starr House			
C371W3	North Ridgeville Historic Community Theater	\$	175,000	33867
C371W4	Redbrick Center for the Arts	\$	200,000	33868
C371W5	Irene Lawrence Fuller Historic House	\$	250,000	33869
C371W6	Preble County Historical Society Amphitheater	\$	250,000	33870
C371W7	BalletTech	\$	200,000	33871
C371W8	Cincinnati Museum Center - Eulett Center	\$	150,000	33872
C371W9	Rickenbacker Boyhood Home	\$	139,000	33873
C371X0	Rivers Edge Amphitheater project	\$	100,000	33874
C371X1	Variety Theater	\$	85,000	33875
C371X2	Morgan Township Historical Society	\$	80,000	33876
C371X3	Salem Community Theater	\$	53,000	33877
C371X4	Our House State Memorial	\$	50,000	33878
C371X5	Belle's Opera House Improvements	\$	50,000	33879
C371X6	Warren Veterans memorial	\$	50,000	33880
C371X7	Huntington Playhouse	\$	40,000	33881
C371X8	Cambridge Performing Arts Center	\$	37,500	33882
C371X9	Old Harvey Historic School Restoration	\$	25,000	33883
C371Y0	Dalton Community Historical Society	\$	10,000	33884
C371Y1	Mohawk Veterans' Memorial	\$	15,000	33885
C371Y2	Cleveland Museum of Natural History	\$	150,000	33886
C371Y3	Fire Museum	\$	83,334	33887
C371Y4	New Town Indian Artifact Museum	\$	300,000	33888
C371Y5	City of Perrysburg Fort Meigs	\$	200,000	33889
C371Y6	Historic League Park Restoration	\$	150,000	33890
C371Y8	Madisonville Arts Center of Hamilton County	\$	36,000	33891
C371Z0	Marietta Citizens Armory Cultural Center	\$	200,000	33892
C371Z1	Great Lakes Historical Museum	\$	200,000	33893
C371Z3	Port of Lorain Foundation - Lorain Lighthouse Restoration	\$	190,000	33894

Total Cultural Facilities Commission	\$ 43,059,834	33895
TOTAL Cultural and Sports Facilities Building Fund	\$ 43,059,834	33896

Of the foregoing appropriation item C371Q5, Cincinnati Zoo, 33897
 \$750,000 shall be used for the Cat Canyon/Small Cat Reproduction 33898
 Center project. 33899

Section 227.11. The Treasurer of State is hereby authorized 33900
 to issue and sell, in accordance with Section 2i of Article VIII, 33901
 Ohio Constitution, and Chapter 154. and other applicable sections 33902
 of the Revised Code, original obligations in an aggregate 33903
 principal amount not to exceed \$42,000,000 in addition to the 33904
 original issuance of obligations heretofore authorized by prior 33905
 acts of the General Assembly. These authorized obligations shall 33906
 be issued, subject to applicable constitutional and statutory 33907
 limitations, to pay costs of capital facilities as defined in 33908
 section 154.01 of the Revised Code, including construction as 33909
 defined in division (H) of section 3383.01 of the Revised Code, of 33910
 the Ohio cultural facilities designated in Section 227.10 of this 33911
 act. 33912

Section 229.10. The items set forth in this section are 33913
 hereby appropriated out of any moneys in the state treasury to the 33914
 credit of the Ohio Parks and Natural Resources Fund (Fund 7031) 33915
 that are not otherwise appropriated. 33916

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES		33917
STATEWIDE AND LOCAL PROJECTS		33918
C72512 Land Acquisition - Department	\$ 2,600,000	33919
C72549 Operations Facilities Development	\$ 1,500,000	33920
C725B7 Underground Fuel Storage Tank	\$ 750,000	33921
Removal/Replacement - Department		
C725C0 Cap Abandoned Water Wells	\$ 50,000	33922
C725E1 NatureWorks Local Park Grants	\$ 3,800,000	33923

C725E5	Project Planning	\$	1,100,000	33924
C725J0	Natural Areas and Preserves Maintenance	\$	200,000	33925
	Facility Development - Springville Marsh			
	Carbon Rod Removal			
C725M0	Dam Rehabilitation - Department	\$	10,000,000	33926
C725N1	Handicapped Accessibility - Department	\$	250,000	33927
C725N5	Wastewater/Water Systems Upgrade -	\$	3,000,000	33928
	Department			
C725O1	The Wilds	\$	1,000,000	33929
C725P9	Boundary Protection	\$	150,000	33930
C725R6	Blanchard River Flood Mitigation Efforts	\$	3,000,000	33931
C725R7	Lake Alma Restroom and Shower Upgrades	\$	750,000	33932
C725R8	Indian Lake Dredging	\$	200,000	33933
C725R9	Wabash Watershed - Grand Lake St. Marys	\$	150,000	33934
	Dredging			
C725S0	Historic Pittsburgh Marion & Chicago	\$	145,000	33935
	Train Station Bike Trail			
C725S1	Addyston Boat Ramp	\$	100,000	33936
C725S2	Sylvania Retaining Wall Project	\$	200,000	33937
	Total Statewide and Local Projects	\$	29,245,000	33938
	Total Department of Natural Resources	\$	28,945,000	33939
	TOTAL Ohio Parks and Natural Resources Fund	\$	28,945,000	33940

Of the foregoing appropriation item C72512, Land Acquisition 33941
- Department, \$2,100,000 shall be used for the acquisition of the 33942
Vinton Furnace Experimental Forest. 33943

The foregoing appropriation item C725R6, Blanchard River 33944
Flood Mitigation Efforts, shall be used in conjunction with the 33945
U.S. Army Corps of Engineers plan to address continuing flooding 33946
of the Blanchard River in Putnam, Hancock, Hardin, Wyandot, Allen, 33947
and Seneca Counties as part of the nonfederal share. 33948

Section 229.11. The Ohio Public Facilities Commission, upon 33949
the request of the Director of Natural Resources, is hereby 33950

authorized to issue and sell, in accordance with Section 21 of 33951
Article VIII, Ohio Constitution, and Chapter 151. and particularly 33952
sections 151.01 and 151.05 of the Revised Code, original 33953
obligations in an aggregate principal amount not to exceed 33954
\$28,000,000 in addition to the original issuance of obligations 33955
heretofore authorized by prior acts of the General Assembly. These 33956
authorized obligations shall be issued, subject to applicable 33957
constitutional and statutory limitations, as needed to provide 33958
sufficient moneys to the credit of the Ohio Parks and Natural 33959
Resources Fund (Fund 7031) to pay costs of capital facilities as 33960
defined in sections 151.01 and 151.05 of the Revised Code. 33961

Section 231.10. The items set forth in the sections of this 33962
act prefixed with the number "231" are hereby appropriated out of 33963
any moneys in the state treasury to the credit of the Mental 33964
Health Facilities Improvement Fund (Fund 7033) that are not 33965
otherwise appropriated. 33966

Appropriations

Section 231.10.10. ADA DEPARTMENT OF ALCOHOL AND DRUG 33967
ADDICTION SERVICES 33968

C03804	Rehab Center of North Central Ohio	\$	300,000	33969
C03805	Prevention and Recovery Board - Jefferson County	\$	300,000	33970
C03806	Lorain County Alcohol and Drug Abuse Services	\$	250,000	33971
C03807	First Step Home	\$	200,000	33972
C03808	Glenbeigh Extended Residential Care	\$	500,000	33973
Total Department of Alcohol and Drug Addiction Services		\$	1,550,000	33974

Appropriations

Section 231.10.20. DMH DEPARTMENT OF MENTAL HEALTH 33976

C58000	Hazardous Material Abatement	\$	500,000	33977
C58001	Community Assistance Projects	\$	9,160,000	33978
C58006	Patient Care Environment Improvement	\$	3,700,000	33979
C58007	Infrastructure Improvements	\$	4,600,000	33980
C58010	Campus Consolidation	\$	83,700,000	33981
C58017	Bellefaire Jewish Children's Bureau	\$	400,000	33982
C58018	Safety and Security Improvements	\$	1,460,000	33983
C58019	Energy Conservation Projects	\$	750,000	33984
C58020	Mandel Jewish Community Center	\$	210,000	33985
C58021	Providence House	\$	200,000	33986
Total Department of Mental Health		\$	104,680,000	33987

COMMUNITY ASSISTANCE PROJECTS 33988

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				34000
DEVELOPMENTAL DISABILITIES				34001
STATEWIDE AND CENTRAL OFFICE PROJECTS				34002
C59004	Community Assistance Projects	\$	13,301,537	34003
C59022	Razing of Buildings	\$	200,000	34004
C59024	Telecommunications	\$	400,000	34005
C59029	Generator Replacement	\$	1,000,000	34006

C59034	Statewide Developmental Centers	\$	4,294,237	34007
C59050	Emergency Improvements	\$	500,000	34008
C59051	Energy Conservation	\$	500,000	34009
C59052	Guernsey County MRDD Boiler Replacement	\$	275,000	34010
C59053	Magnolia Clubhouse	\$	250,000	34011
C59054	Recreation Unlimited Life Center - Delaware	\$	150,000	34012
C59055	Camp McKinley Improvements	\$	30,000	34013
C59056	The Hope Learning Center	\$	250,000	34014
C59057	North Olmstead Welcome House	\$	150,000	34015
	Total Statewide and Central Office Projects	\$	21,300,774	34016
	TOTAL Department of Mental Retardation and Developmental Disabilities	\$	21,300,774	34017
	TOTAL Mental Health Facilities Improvement Fund	\$	127,330,774	34018
	COMMUNITY ASSISTANCE PROJECTS			34019
	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.			34020 34021 34022 34023 34024 34025 34026 34027 34028 34029 34030 34031 34032
	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,			34033 34034 34035 34036

may be used for facilities constructed or to be constructed 34037
pursuant to Chapter 340., 3793., 5119., 5123., or 5126. of the 34038
Revised Code or the authority granted by section 154.20 of the 34039
Revised Code and the rules issued pursuant to those chapters and 34040
shall be distributed by the Department of Mental Health and the 34041
Department of Mental Retardation and Developmental Disabilities, 34042
all subject to Controlling Board approval. 34043

Section 231.30.20. (A) No capital improvement appropriations 34044
made in Sections 231.10.10 to 231.30.10 of this act shall be 34045
released for planning or for improvement, renovation, or 34046
construction or acquisition of capital facilities if a 34047
governmental agency, as defined in section 154.01 of the Revised 34048
Code, does not own the real property that constitutes the capital 34049
facilities or on which the capital facilities are or will be 34050
located. This restriction does not apply in any of the following 34051
circumstances: 34052

(1) The governmental agency has a long-term (at least fifteen 34053
years) lease of, or other interest (such as an easement) in, the 34054
real property. 34055

(2) In the case of an appropriation for capital facilities 34056
that, because of their uniqueness or location, will be owned or 34057
be part of facilities owned by a separate nonprofit organization 34058
and made available to the governmental agency for its use or 34059
operated by the nonprofit organization under contract with the 34060
governmental agency, the nonprofit organization either owns or has 34061
a long-term (at least fifteen years) lease of the real property or 34062
other capital facility to be improved, renovated, constructed, or 34063
acquired and has entered into a joint or cooperative use 34064
agreement, approved by the Department of Mental Health or the 34065
Department of Mental Retardation and Developmental Disabilities, 34066
whichever is applicable, with the governmental agency for that 34067

agency's use of and right to use the capital facilities to be 34068
financed and, if applicable, improved, the value of such use or 34069
right to use being, as determined by the parties, reasonably 34070
related to the amount of the appropriation. 34071

(B) In the case of capital facilities referred to in division 34072
(A)(2) of this section, the joint or cooperative use agreement 34073
shall include, at a minimum, provisions that: 34074

(1) Specify the extent and nature of that joint or 34075
cooperative use, extending for not fewer than fifteen years, with 34076
the value of such use or right to use to be, as determined by the 34077
parties and approved by the approving department, reasonably 34078
related to the amount of the appropriation; 34079

(2) Provide for pro rata reimbursement to the state should 34080
the arrangement for joint or cooperative use by a governmental 34081
agency be terminated; 34082

(3) Provide that procedures to be followed during the capital 34083
improvement process will comply with applicable state statutes and 34084
rules, including the provisions of this act. 34085

Section 231.40.10. The Treasurer of State is hereby 34086
authorized to issue and sell in accordance with Section 2i of 34087
Article VIII, Ohio Constitution, and Chapter 154. of the Revised 34088
Code, particularly section 154.20 of the Revised Code, original 34089
obligations in an aggregate principal amount not to exceed 34090
\$128,000,000 in addition to the original issuance of obligations 34091
heretofore authorized by prior acts of the General Assembly. These 34092
authorized obligations shall be issued, subject to applicable 34093
constitutional and statutory limitations, to pay costs of capital 34094
facilities as defined in section 154.01 of the Revised Code for 34095
mental hygiene and retardation. 34096

Section 233.10. The items set forth in the sections of this 34097

act prefixed with the section number "233" are hereby appropriated 34098
out of any moneys in the state treasury to the credit of the 34099
Higher Education Improvement Fund (Fund 7034) that are not 34100
otherwise appropriated. 34101

Appropriations

Section 233.10.10. ETC ETECH OHIO 34102

C37403	OGT Camera and Cabling Replacement	\$	725,000	34103
C37404	Digital Conversion	\$	525,000	34104
C37405	Digital Conversion for Public Television	\$	9,000,000	34105
Total eTech Ohio		\$	10,250,000	34106

Appropriations

Section 233.20.10. BOARD OF REGENTS AND STATE INSTITUTIONS OF 34108

HIGHER EDUCATION 34109

BOR BOARD OF REGENTS 34110

C23501	Ohio Supercomputer Center Expansion	\$	2,000,000	34111
C23502	Research Facility Action and Investment Funds	\$	5,500,000	34112
C23506	Third Frontier Wright Capital	\$	100,000,000	34113
C23516	Ohio Library and Information Network	\$	9,910,000	34114
C23519	315 Corridor/SciTech	\$	500,000	34115
C23524	Supplemental Renovations - Library Depositories	\$	5,500,000	34116
C23529	Non-credit Job Training Facilities	\$	2,350,000	34117
C23530	Technology Initiatives	\$	3,741,000	34118
C23531	Ohio Aerospace Institute	\$	200,000	34119
C23532	Dark Fiber/OARnet	\$	2,000,000	34120
C23533	Instructional and Data Processing Equipment	\$	20,799,000	34121
C23534	Central State Student Activity Center	\$	14,000,000	34122
C23535	CWRU Energy Center	\$	333,333	34123

Total Board of Regents	\$ 166,833,333	34124
Section 233.20.20. RESEARCH FACILITY ACTION AND INVESTMENT FUNDS		34126
		34127
The foregoing appropriation item C23502, Research Facility Action and Investment Funds, shall be used for a program of grants to be administered by the Board of Regents to provide timely availability of capital facilities for research programs and research-oriented instructional programs at or involving state-supported and state-assisted institutions of higher education.		34128 34129 34130 34131 34132 34133 34134
Section 233.20.30. THIRD FRONTIER WRIGHT CAPITAL		34135
The foregoing appropriation item C23506, Third Frontier Wright Capital, shall be used to acquire, renovate, or construct facilities and purchase equipment for research programs, technology development, product development, and commercialization programs at or involving state-supported and state-assisted institutions of higher education. The funds shall be used to make grants, which shall be awarded on a competitive basis, and shall be administered by the Third Frontier Commission. Expenditure of these funds shall comply with Section 2n of Article VIII, Ohio Constitution, and sections 151.01 and 151.04 of the Revised Code and shall be for the period beginning July 1, 2008, and ending June 30, 2010.		34136 34137 34138 34139 34140 34141 34142 34143 34144 34145 34146 34147
The Third Frontier Commission shall develop guidelines relative to the application for and selection of projects funded from appropriation item C23506, Third Frontier Wright Capital. The Commission may develop the guidelines in consultation with other interested parties. The Board of Regents and all state-assisted and state-supported institutions of higher education shall take all actions necessary to implement grants awarded by the Third		34148 34149 34150 34151 34152 34153 34154

Frontier Commission.	34155
The foregoing appropriation item C23506, Third Frontier Wright Capital, consists of proceeds of obligations in the Higher Education Improvement Fund (Fund 7034) that are to be applied to capital improvements and capital facilities for state-supported and state-assisted institutions of higher education.	34156 34157 34158 34159 34160

Appropriations

Section 233.30.10. UAK UNIVERSITY OF AKRON	34161
C25000 Basic Renovations	\$ 5,056,161 34162
C25002 Wayne College Renovations/Expansion	\$ 258,182 34163
C25033 Polymer Processing Center - Phase II	\$ 7,363,281 34164
C25038 College of Education	\$ 5,000,000 34165
C25039 Campus Implementation	\$ 1,452,047 34166
C25040 Replacement of Gym Floor	\$ 150,000 34167
C25041 Maintenance Building	\$ 250,000 34168
C25042 Property Management Projects	\$ 150,000 34169
C25043 Akron Canton Regional Foodbank	\$ 200,000 34170
C25044 Hiram College James A. Garfield Institute	\$ 500,000 34171
Total University of Akron	\$ 20,379,671 34172

Appropriations

Section 233.30.20. BGU BOWLING GREEN STATE UNIVERSITY	34174
C24000 Basic Renovations	\$ 4,354,164 34175
C24001 Basic Renovations - Firelands	\$ 298,536 34176
C24021 Fine Art and Theater Complex	\$ 6,116,000 34177
C24037 Academic Buildings Rehabilitation	\$ 6,857,801 34178
C24038 Health Sciences Building	\$ 934,363 34179
C24039 Wood County Health District Facility	\$ 1,200,000 34180
C24040 James H. McBride Arboretum at BGSU Firelands	\$ 378,000 34181

Total Bowling Green University \$ 20,138,864 34182

Appropriations

Section 233.30.30. CSU CENTRAL STATE UNIVERSITY 34184

C25500 Basic Renovations \$ 1,100,972 34185

C25503 Center for Education & Natural Sciences \$ 1,000,000 34186

C25507 Campus Master Plan \$ 500,000 34187

C25508 Emery Hall \$ 545,746 34188

Total Central State University \$ 3,146,718 34189

Appropriations

Section 233.30.40. UCN UNIVERSITY OF CINCINNATI 34190

C26500 Basic Renovations \$ 10,720,621 34191

C26501 Basic Renovations - Clermont \$ 326,112 34192

C26502 Raymond Walters Renovations \$ 501,195 34193

C26530 Medical Science Building Renovation & Expansion \$ 26,412,509 34194

C26607 Consolidated Communication Project of Clermont County \$ 475,000 34195

C26612 Clermont Renovations \$ 751,132 34196

C26613 New Building \$ 1,582,233 34197

C26614 Barrett Cancer Center \$ 1,500,000 34198

C26615 Beech Acres \$ 125,000 34199

C26616 Forest Park Homeland Security Facility \$ 50,000 34200

C26617 Health Care Connection - Lincoln Heights \$ 150,000 34201

C26618 People Working Cooperatively \$ 120,000 34202

C26619 Sharonville Convention Center \$ 950,000 34203

C26620 Society for the Prevention of Cruelty to Animals - Facility \$ 100,000 34204

C26621 Mayerson Center \$ 200,000 34205

Total University of Cincinnati \$ 43,963,802 34206

Appropriations

Section 233.30.50. CLS CLEVELAND STATE UNIVERSITY			34208
C26000	Basic Renovations	\$ 6,431,121	34209
C26035	Cleveland Institute of Art	\$ 500,000	34210
C26048	Rhodes Tower Renovation	\$ 4,030,166	34211
C26049	Basic Science Building HVAC and Electrical Upgrade	\$ 1,125,000	34212
C26050	Law Building Renovation	\$ 3,500,000	34213
C26051	Cleveland Hearing and Speech Center	\$ 125,000	34214
C26052	University Hospitals Ireland Cancer Center	\$ 3,000,000	34215
C26053	Playhouse Square Center	\$ 350,000	34216
Total Cleveland State University		\$ 19,061,287	34217

Appropriations

Section 233.30.60. KSU KENT STATE UNIVERSITY			34219
C27000	Basic Renovations	\$ 5,220,323	34220
C27002	Basic Renovations - East Liverpool	\$ 177,231	34221
C27004	Basic Renovations - Salem	\$ 136,423	34222
C27005	Basic Renovations - Stark	\$ 491,417	34223
C27006	Basic Renovations - Ashtabula	\$ 281,425	34224
C27007	Basic Renovations - Trumbull	\$ 463,939	34225
C27008	Basic Renovations - Tuscarawas	\$ 310,510	34226
C27072	Gym Renovations for Health Sciences, Construction Phase	\$ 486,469	34227
C27076	Performing Arts Center	\$ 933,027	34228
C27087	Electrical Infrastructure Improvements	\$ 1,407,000	34229
C27088	Oscar Ritchie Hall Rehabilitation	\$ 6,715,000	34230
C27090	Music and Speech Center Renovations/Addition	\$ 5,781,158	34231
C27093	Science and Nursing Building	\$ 1,600,286	34232
C27096	Blossom Music Center	\$ 1,000,000	34233
C270A5	Basic Renovations - Geauga	\$ 93,152	34234
C270A6	Main Hall Renovations	\$ 768,084	34235

C270A7	Classroom Building Interior Renovations, Phase 2	\$	333,435	34236
C270A8	Classroom Building HVAC and Energy Conservation Improvements	\$	259,027	34237
C270A9	Art Building Roof Replacement	\$	1,000,000	34238
C270B0	Classroom Building Interior Renovations	\$	854,608	34239
C270B1	University Hospitals Geauga Medical Center	\$	1,000,000	34240
C270B2	Cleveland Orchestra - Severance Hall	\$	750,000	34241
Total Kent State University		\$	30,062,514	34242

Appropriations

Section 233.30.70. MUN MIAMI UNIVERSITY 34244

C28500	Basic Renovations	\$	5,615,288	34245
C28502	Basic Renovations - Hamilton	\$	686,759	34246
C28503	Basic Renovations - Middletown	\$	588,815	34247
C28556	Upham Hall North Wing Rehabilitation	\$	3,600,000	34248
C28559	Academic/Administrative & General Improvement Projects	\$	1,153,217	34249
C28560	Academic/Administrative & General Improvement Projects	\$	1,286,226	34250
C28564	Laws Hall Rehabilitation	\$	6,250,000	34251
C28565	Hughes Hall "C" Wing (design)	\$	700,000	34252
C28566	Western Steam Distribution Project	\$	1,500,000	34253
Total Miami University		\$	21,380,305	34254

Appropriations

Section 233.30.80. OSU OHIO STATE UNIVERSITY 34256

C31500	Basic Renovations	\$	22,999,842	34257
C31598	Main Library Rehabilitation/Expansion	\$	8,660,000	34258
C315R4	Founders Hall and Hopewell Hall Renovations	\$	1,003,812	34259
C315R7	Stone Lab Classroom Improvements	\$	250,000	34260

C315T4	Basic Renovations - Agricultural Technical Institute	\$	623,680	34261
C315T5	Basic Renovations - Lima	\$	311,913	34262
C315T6	Basic Renovations - Mansfield	\$	374,760	34263
C315T7	Basic Renovations - Marion	\$	312,878	34264
C315T8	Basic Renovations - Newark	\$	361,499	34265
C315T9	Basic Renovations - OARDC	\$	2,118,042	34266
C315U0	Horticultural Operations Center	\$	6,855,787	34267
C315U1	New Maintenance Facility	\$	2,000,000	34268
C315U2	Academic Core - North	\$	37,756,725	34269
C315U3	Cunz Hall Renovation	\$	6,540,000	34270
C315U4	College of Medicine Renovation/Addition	\$	6,000,000	34271
C315U5	Animal & Plant Biology Level 3 Isolate Facility	\$	6,220,796	34272
C315U7	Nationwide Children's Hospital Capital Equipment	\$	2,500,000	34273
C315U8	OSU African American & African Studies Community Center	\$	750,000	34274
C315U9	Flying Horse Pediatric Facility	\$	250,000	34275
Total Ohio State University		\$	105,889,734	34276

Appropriations

Section 233.30.90. OHU OHIO UNIVERSITY			34278	
C30000	Basic Renovations	\$	5,043,296	34279
C30004	Basic Renovations - Eastern	\$	218,674	34280
C30006	Basic Renovations - Zanesville	\$	297,309	34281
C30007	Basic Renovations - Chillicothe	\$	266,629	34282
C30008	Basic Renovations - Ironton	\$	232,932	34283
C30021	Brasee Hall Library/Gymnasium Renovation	\$	801,485	34284
C30048	Clippinger Laboratory Renovation - 2nd & 3rd Floors	\$	3,400,000	34285
C30051	Lausche Heating Plant Completion	\$	4,410,000	34286
C30053	Parking and Roadway Improvements	\$	502,542	34287

C30058	Integrated Learning and Research Facility	\$	9,000,000	34288
C30062	Shannon Hall Interior Renovations - Learning Commons	\$	609,112	34289
C30064	Stevenson Center Learning Commons	\$	500,000	34290
C30069	Elson Hall 2nd Floor Partial Renovation	\$	1,129,666	34291
C30073	Land Acquisition	\$	170,830	34292
C30074	Basic Renovations - Lancaster	\$	306,577	34293
C30075	Infrastructure Improvements	\$	1,900,000	34294
C30076	Campus Entry & Grounds Improvements	\$	325,000	34295
C30077	Academic Building Laboratory & Classroom Renovation Planning	\$	58,491	34296
C30078	OU Southern Proctorville Campus Upgrades	\$	50,000	34297
C30079	OU Southern Horse Park	\$	325,000	34298
Total Ohio University		\$	29,547,543	34299

Appropriations

Section 233.33.10. SSC SHAWNEE STATE UNIVERSITY 34301

C32400	Basic Renovations	\$	1,036,884	34302
C32415	Land Acquisition	\$	200,000	34303
C32423	Administration Building Renovation	\$	1,443,831	34304
Total Shawnee State University		\$	2,680,715	34305

Appropriations

Section 233.33.20. UTO UNIVERSITY OF TOLEDO 34307

C34000	Basic Renovations	\$	5,800,643	34308
C34033	CBLE - Stranahan Hall Addition	\$	4,600,000	34309
C34036	North Engineering Renovation	\$	4,750,000	34310
C34038	MCO - Core Research Facility	\$	1,800,000	34311
C34040	MCO - Clinical Academic Renovation	\$	900,000	34312
C34041	MCO - Resource & Community Learning Center	\$	900,000	34313
C34044	Campus Infrastructure Improvements	\$	3,750,000	34314

C34045	Building Demolition	\$	1,400,000	34315
C34046	MCO - Basic Renovations	\$	2,013,792	34316
C34047	Center for Equal Justice	\$	1,000,000	34317
C34048	Mercy College Technology and Infomatics Center	\$	225,000	34318
Total University of Toledo		\$	27,139,435	34319

Appropriations

Section 233.33.30. WSU WRIGHT STATE UNIVERSITY				34321
C27500	Basic Renovations	\$	3,759,018	34322
C27501	Basic Renovations - Lake	\$	132,481	34323
C27513	Science Laboratory Renovations	\$	8,521,508	34324
C27526	Lake Campus Rehabilitation and Addition	\$	461,750	34325
C27527	Advanced Technical Intelligence Center (ATIC)	\$	2,500,000	34326
C27533	Auditorium/Classroom Upgrades	\$	1,084,769	34327
C27534	Student Academic Success Center Renovation	\$	250,000	34328
C27535	Air Force Advanced Manufacturing Facility	\$	1,500,000	34329
C27536	Nursing Institute Facility	\$	500,000	34330
C27537	Calamityville Lab Facilities (WPAFB)	\$	3,000,000	34331
Total Wright State University		\$	21,709,526	34332

Appropriations

Section 233.33.40. YSU YOUNGSTOWN STATE UNIVERSITY				34334
C34500	Basic Renovations	\$	3,473,188	34335
C34518	Building System Upgrades	\$	624,834	34336
C34523	Campus Development	\$	1,500,000	34337
C34524	Instructional Space Upgrades	\$	850,000	34338
C34525	College of Business	\$	5,100,000	34339
C34526	Trumbull County Business Incubator	\$	500,000	34340
Total Youngstown State University		\$	12,048,022	34341

Appropriations

Section 233.33.50. NEM NORTHEASTERN OHIO UNIVERSITIES COLLEGE			34343
OF MEDICINE			34344
C30500	Basic Renovations	\$ 637,463	34345
C30517	Building Expansion Sitework	\$ 1,473,952	34346
Total Northeastern Ohio Universities College of Medicine			\$ 2,111,415 34347

Appropriations

Section 233.40.10. CTC CINCINNATI STATE COMMUNITY COLLEGE			34349
C36101	Basic Renovations	\$ 1,255,923	34350
C36107	Classroom Upgrade Project	\$ 270,000	34351
C36113	Freestore Food Bank	\$ 100,000	34352
C36114	Lot C Parking Lot	\$ 250,000	34353
C36115	Ceiling Replacement	\$ 75,000	34354
C36116	Electrical Surge Protection	\$ 100,000	34355
C36117	Campus Signage	\$ 75,000	34356
C36118	Window and Garage Doors	\$ 175,659	34357
C36119	Window Replacement	\$ 100,000	34358
C36120	Blue Ash City Conference Center	\$ 150,000	34359
C36121	Hebrew Union College Archives	\$ 185,000	34360
Total Cincinnati State Community College			\$ 2,736,582 34361

Appropriations

Section 233.40.20. CLT CLARK STATE COMMUNITY COLLEGE			34363
C38512	Basic Renovations	\$ 536,990	34364
C38513	Clark State Arts Center	\$ 300,000	34365
C38514	Center City Park in Springfield - Phase	\$ 1,500,000	34366
II			
Total Clark State Community College			\$ 2,336,990 34367

Appropriations

Section 233.40.30. CTI COLUMBUS STATE COMMUNITY COLLEGE			34369
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C38400	Basic Renovations	\$	1,691,834	34370
C38411	Columbus Hall Renovation	\$	5,470,913	34371
C38412	Painters Apprenticeship Council	\$	500,000	34372
C38413	Jewish Community Center NE Initiative	\$	575,000	34373
C38414	Somali Community Center	\$	100,000	34374
Total Columbus State Community College		\$	8,337,747	34375

Appropriations

Section 233.40.40. CCC CUYAHOGA COMMUNITY COLLEGE 34377

C37800	Basic Renovations	\$	3,482,709	34378
C37807	Cleveland Museum of Art	\$	3,100,000	34379
C37818	Health Care Technology Building, Eastern Campus	\$	9,775,889	34380
C37824	Rock and Roll Hall of Fame	\$	1,000,000	34381
C37829	College of Podiatric Medicine	\$	250,000	34382
C37830	Cuyahoga Community College Auto Lab Improvements	\$	100,000	34383
C37831	Visiting Nurse Association	\$	150,000	34384
C37832	Western Reserve Hospice Center	\$	100,000	34385
Total Cuyahoga Community College		\$	17,958,598	34386

Appropriations

Section 233.40.50. ESC EDISON STATE COMMUNITY COLLEGE 34388

C39000	Basic Renovations	\$	688,818	34389
Total Edison State Community College		\$	688,818	34390

Appropriations

Section 233.40.60. JTC JEFFERSON COMMUNITY COLLEGE 34392

C38600	Basic Renovations	\$	269,043	34393
C39608	Second Floor Pugliese Training Center	\$	887,025	34394
Total Jefferson Community College		\$	1,156,068	34395

Appropriations

Section 233.40.70. LCC LAKELAND COMMUNITY COLLEGE 34397

C37900	Basic Renovations	\$	1,132,835	34398
C37912	C Building East End	\$	1,896,964	34399
Total Lakeland Community College		\$	3,029,799	34400

Appropriations

Section 233.40.80. LOR LORAIN COMMUNITY COLLEGE				34402
C38300	Basic Renovations	\$	1,275,420	34403
C38307	CC Rehabilitation - Student Center	\$	3,572,633	34404
Total Lorain Community College		\$	4,848,053	34405

Appropriations

Section 233.40.90. NTC NORTHWEST STATE COMMUNITY COLLEGE				34407
C38200	Basic Renovations	\$	104,798	34408
C38205	Allied Health and Public Service Building	\$	1,093,249	34409
C38206	Fulton County Wind Project	\$	250,000	34410
Total Northwest State Community College		\$	1,448,047	34411

Appropriations

Section 233.43.10. OTC OWENS COMMUNITY COLLEGE				34413
C38800	Basic Renovations	\$	1,778,419	34414
C38813	Energy Management Infrastructure	\$	2,000,000	34415
C38814	Required and Code Compliance Renovations for Penta Campus	\$	2,500,000	34416
C38815	City of Perrysburg & Owens Community College Firing Range	\$	200,000	34417
Total Owens Community College		\$	6,478,419	34418

Appropriations

Section 233.43.20. RGC RIO GRANDE COMMUNITY COLLEGE				34420
C35600	Basic Renovations	\$	495,799	34421
C35606	Louvee Theater Project	\$	450,000	34422
Total Rio Grande Community College		\$	945,799	34423

Appropriations

Section 233.43.30. SCC SINCLAIR COMMUNITY COLLEGE			34425
C37700	Basic Renovations	\$ 2,518,446	34426
C37709	National Composite Center	\$ 750,000	34427
C37710	Greentree Health Science Academy	\$ 1,000,000	34428
Total Sinclair Community College			\$ 4,268,446 34429

Appropriations

Section 233.43.40. SOC SOUTHERN STATE COMMUNITY COLLEGE			34431
C32200	Basic Renovations	\$ 404,599	34432
C32204	Laboratory and Classroom Building	\$ 100,000	34433
Total Southern State Community College			\$ 504,599 34434

Appropriations

Section 233.43.50. TTC TERRA STATE COMMUNITY COLLEGE			34436
C36400	Basic Renovations	\$ 368,589	34437
C36407	Skilled Trades Center	\$ 3,250,000	34438
C36408	Herbert Perna Center for Physical Health Studies	\$ 375,000	34439
Total Terra State Community College			\$ 3,993,589 34440

Appropriations

Section 233.43.60. WTC WASHINGTON STATE COMMUNITY COLLEGE			34442
C35800	Basic Renovations	\$ 328,895	34443
C35810	Health Science Education Facility	\$ 250,000	34444
Total Washington State Community College			\$ 578,895 34445

Appropriations

Section 233.50.10. BTC BELMONT TECHNICAL COLLEGE			34447
C36800	Basic Renovations	\$ 243,300	34448
Total Belmont Technical College			\$ 243,300 34449

Appropriations

Section 233.50.20. COT CENTRAL OHIO TECHNICAL COLLEGE			34451
C36900	Basic Renovations	\$ 306,291	34452
C36905	Founders Hall and Hopewell Hall Renovations	\$ 879,000	34453
C36907	COTC Expansion in Mt. Vernon	\$ 700,000	34454
Total Central Ohio Technical College			\$ 1,885,291 34455

Appropriations

Section 233.50.30. HTC HOCKING TECHNICAL COLLEGE			34457
C36300	Basic Renovations	\$ 654,837	34458
C36310	McClenaghan Center for Hospitality Training	\$ 1,400,000	34459
C36312	Energy Institute	\$ 300,226	34460
C36313	Perry County Community Health Center at Hocking College	\$ 200,000	34461
C36314	New Lexington Public Safety Training Facility	\$ 750,000	34462
Total Hocking Technical College			\$ 3,305,063 34463

Appropriations

Section 233.50.40. LTC JAMES RHODES STATE COLLEGE			34465
C38100	Basic Renovations	\$ 435,403	34466
C38110	Design Planning for Center of Excellence for Health Sciences	\$ 919,365	34467
Total James Rhodes State College			\$ 1,354,768 34468

Appropriations

Section 233.50.50. MTC MARION TECHNICAL COLLEGE			34470
C35900	Basic Renovations	\$ 139,497	34471
C35905	Technical Education Center Vacated Space Renovations	\$ 576,136	34472
Total Marion Technical College			\$ 715,633 34473

Appropriations

Section 233.50.60. MAT ZANE STATE COLLEGE			34475
C36200	Basic Renovations	\$ 294,447	34476
C36205	Willettt-Pratt Training Center Expansion	\$ 250,000	34477
C36207	College & Health Science Halls ESI Project, Phase II	\$ 500,000	34478
Total Zane State College			\$ 1,044,447 34479

Appropriations

Section 233.50.70. NCC NORTH CENTRAL TECHNICAL COLLEGE			34481
C38000	Basic Renovations	\$ 552,097	34482
C38010	North Central State College Kehoe Center	\$ 585,000	34483
C38011	North Central State College Fallerius Technology Center	\$ 150,000	34484
Total North Central Technical College			\$ 1,287,097 34485

Appropriations

Section 233.50.80. STC STARK TECHNICAL COLLEGE			34487
C38900	Basic Renovations	\$ 786,333	34488
C38913	Business Technologies Building	\$ 2,034,537	34489
C38914	Corporate and Community Services Facility	\$ 500,000	34490
Total Stark Technical College			\$ 3,320,870 34491
Total Board of Regents and Institutions of Higher Education			\$ 598,559,802 34493
TOTAL Higher Education Improvement Fund			\$ 608,809,802 34494

Section 233.60.10. DEBT SERVICE FORMULA ALLOCATION 34496

Based on the foregoing appropriations from the Higher Education Improvement Fund (Fund 7034), the following higher education institutions shall be responsible for the specified amounts as part of the debt service component of the instructional

Higher Education Improvement Fund (Fund 7034)	34497
the following higher education institutions shall be responsible for the specified	34498
amounts as part of the debt service component of the instructional	34499
	34500

subsidy beginning in fiscal year 2010:		34501
INSTITUTION	AMOUNT	34502
University of Akron	\$ 13,355,046	34503
University of Akron - Wayne	\$ 627,584	34504
Bowling Green State University	\$ 12,482,535	34505
Bowling Green State University - Firelands	\$ 942,492	34506
Central State University	\$ 2,045,746	34507
University of Cincinnati	\$ 26,412,509	34508
University of Cincinnati - Clermont	\$ 751,132	34509
University of Cincinnati - Walters	\$ 1,582,233	34510
Cleveland State University	\$ 10,760,269	34511
Kent State University	\$ 14,903,158	34512
Kent State University - Ashtabula	\$ 812,835	34513
Kent State University - East Liverpool	\$ 333,435	34514
Kent State University - Geauga	\$ 259,027	34515
Kent State University - Salem	\$ 486,469	34516
Kent State University - Stark	\$ 1,600,286	34517
Kent State University - Trumbull	\$ 854,608	34518
Kent State University - Tuscarawas	\$ 933,027	34519
Miami University	\$ 13,042,402	34520
Miami University - Hamilton	\$ 1,324,456	34521
Miami University - Middletown	\$ 1,405,890	34522
Ohio State University	\$ 58,956,725	34523
Ohio State University - ATI	\$ 6,855,787	34524
Ohio State University - Lima	\$ 2,000,000	34525
Ohio State University - Newark	\$ 1,030,695	34526
Ohio State University - OARDC	\$ 6,220,796	34527
Ohio University	\$ 17,406,578	34528
Ohio University - Eastern	\$ 609,112	34529
Ohio University - Chillicothe	\$ 1,002,542	34530
Ohio University - Southern	\$ 554,321	34531
Ohio University - Lancaster	\$ 801,485	34532
Ohio University - Zanesville	\$ 1,129,666	34533

Shawnee State University	\$	1,643,831	34534
University of Toledo	\$	17,839,425	34535
Wright State University	\$	9,856,277	34536
Wright State University - Lake	\$	461,750	34537
Youngstown State University	\$	8,144,264	34538
Northeastern Ohio Universities College of Medicine	\$	1,542,025	34539
Cincinnati State Community College	\$	924,024	34540
Columbus State Community College	\$	5,470,913	34541
Cuyahoga Community College	\$	9,775,889	34542
Edison State Community College	\$	373,982	34543
Jefferson Community College	\$	874,547	34544
Lakeland Community College	\$	2,529,285	34545
Lorain County Community College	\$	3,572,633	34546
Northwest State Community College	\$	848,720	34547
Owens Community College	\$	4,449,028	34548
Terra State Community College	\$	3,250,000	34549
Central Ohio Technical College	\$	907,644	34550
Hocking Technical College	\$	1,700,226	34551
James Rhodes State Technical College	\$	919,365	34552
Marion Technical College	\$	576,136	34553
Zane State College	\$	701,703	34554
North Central Technical College	\$	435,000	34555
Stark Technical College	\$	1,844,168	34556

Institutions not listed above do not have a debt service 34557
obligation as a result of these appropriations. 34558

Within sixty days after the effective date of this section, 34559
any institution of higher education may notify the Board of 34560
Regents of its intention not to proceed with any project 34561
appropriated in this act. Upon receiving such a notification, the 34562
Board of Regents may release the institution from its debt service 34563
obligation for the specific project. 34564

Section 233.60.20. For all of the foregoing appropriation 34565
items from the Higher Education Improvement Fund (Fund 7034) that 34566
require local funds to be contributed by any state-supported or 34567
state-assisted institution of higher education, the Board of 34568
Regents shall not recommend that any funds be released until the 34569
recipient institution demonstrates to the Board of Regents and the 34570
Office of Budget and Management that the local funds contribution 34571
requirement has been secured or satisfied. The local funds are in 34572
addition to the foregoing appropriations. 34573

Section 233.60.30. The Ohio Public Facilities Commission is 34574
hereby authorized to issue and sell, in accordance with Section 2n 34575
of Article VIII, Ohio Constitution, and Chapter 151. and 34576
particularly sections 151.01 and 151.04 of the Revised Code, 34577
original obligations in an aggregate principal amount not to 34578
exceed \$606,000,000, in addition to the original issuance of 34579
obligations heretofore authorized by prior acts of the General 34580
Assembly. These authorized obligations shall be issued, subject to 34581
applicable constitutional and statutory limitations, to pay costs 34582
of capital facilities as defined in sections 151.01 and 151.04 of 34583
the Revised Code for state-supported and state-assisted 34584
institutions of higher education. 34585

Section 233.60.40. None of the foregoing capital improvements 34586
appropriations for state-supported or state-assisted institutions 34587
of higher education shall be expended until the particular 34588
appropriation has been recommended for release by the Board of 34589
Regents and released by the Director of Budget and Management or 34590
the Controlling Board. Either the institution concerned, or the 34591
Board of Regents with the concurrence of the institution 34592
concerned, may initiate the request to the Director of Budget and 34593
Management or the Controlling Board for the release of the 34594

particular appropriations. 34595

Section 233.60.50. (A) No capital improvement appropriations 34596
made in sections of this act prefixed with the section number 34597
"233" shall be released for planning or for improvement, 34598
renovation, construction, or acquisition of capital facilities if 34599
the institution of higher education or the state does not own the 34600
real property on which the capital facilities are or will be 34601
located. This restriction does not apply in any of the following 34602
circumstances: 34603

(1) The institution has a long-term (at least fifteen years) 34604
lease of, or other interest (such as an easement) in, the real 34605
property. 34606

(2) The Board of Regents certifies to the Controlling Board 34607
that undue delay will occur if planning does not proceed while the 34608
property or property interest acquisition process continues. In 34609
this case, funds may be released upon approval of the Controlling 34610
Board to pay for planning through the development of schematic 34611
drawings only. 34612

(3) In the case of an appropriation for capital facilities 34613
that, because of their unique nature or location, will be owned or 34614
will be part of facilities owned by a separate nonprofit 34615
organization or public body and will be made available to the 34616
institution of higher education for its use, the nonprofit 34617
organization or public body either owns or has a long-term (at 34618
least fifteen years) lease of the real property or other capital 34619
facility to be improved, renovated, constructed, or acquired and 34620
has entered into a joint or cooperative use agreement with the 34621
institution of higher education that meets the requirements of 34622
division (C) of this section. 34623

(B) Any foregoing appropriations that require cooperation 34624

between a technical college and a branch campus of a university 34625
may be released by the Controlling Board upon recommendation by 34626
the Board of Regents that the facilities proposed by the 34627
institutions are: 34628

(1) The result of a joint planning effort by the university 34629
and the technical college, satisfactory to the Board of Regents; 34630

(2) Facilities that will meet the needs of the region in 34631
terms of technical and general education, taking into 34632
consideration the totality of facilities that will be available 34633
after the completion of the projects; 34634

(3) Planned to permit maximum joint use by the university and 34635
technical college of the totality of facilities that will be 34636
available upon their completion; and 34637

(4) To be located on or adjacent to the branch campus of the 34638
university. 34639

(C) The Board of Regents shall adopt rules regarding the 34640
release of moneys from all the foregoing appropriations for 34641
capital facilities for all state-supported or state-assisted 34642
institutions of higher education. In the case of capital 34643
facilities referred to in division (A)(3) of this section, the 34644
joint or cooperative use agreements shall include, as a minimum, 34645
provisions that: 34646

(1) Specify the extent and nature of that joint or 34647
cooperative use, extending for not fewer than fifteen years, with 34648
the value of such use or right to use to be, as is determined by 34649
the parties and approved by the Board of Regents, reasonably 34650
related to the amount of the appropriations; 34651

(2) Provide for pro rata reimbursement to the state should 34652
the arrangement for joint or cooperative use be terminated; 34653

(3) Provide that procedures to be followed during the capital 34654

improvement process will comply with appropriate applicable state 34655
statutes and rules, including the provisions of this act; and 34656

(4) Provide for payment or reimbursement to the institution 34657
of its administrative costs incurred as a result of the facilities 34658
project, not to exceed 1.5 per cent of the appropriated amount. 34659

(D) Upon the recommendation of the Board of Regents, the 34660
Controlling Board may approve the transfer of appropriations for 34661
projects requiring cooperation between institutions from one 34662
institution to another institution with the approval of both 34663
institutions. 34664

(E) Notwithstanding section 127.14 of the Revised Code, the 34665
Controlling Board, upon the recommendation of the Board of 34666
Regents, may transfer amounts appropriated to the Board of Regents 34667
to accounts of state-supported or state-assisted institutions 34668
created for that same purpose. 34669

Section 233.60.60. The requirements of Chapters 123. and 153. 34670
of the Revised Code, with respect to the powers and duties of the 34671
Director of Administrative Services, and the requirements of 34672
section 127.16 of the Revised Code, with respect to the 34673
Controlling Board, do not apply to projects of community college 34674
districts, which include Cuyahoga Community College, Jefferson 34675
Community College, Lakeland Community College, Lorain Community 34676
College, Rio Grande Community College, and Sinclair Community 34677
College; and technical college districts, which include Belmont 34678
Technical College, Central Ohio Technical College, Hocking 34679
Technical College, James Rhodes State College, Marion Technical 34680
College, Zane State College, North Central Technical College, and 34681
Stark Technical College. 34682

Section 233.60.70. Those institutions locally administering 34683
capital improvement projects pursuant to section 3345.50 of the 34684

Revised Code may:			34685
(A) Establish charges for recovering costs directly related			34686
to project administration as defined by the Director of			34687
Administrative Services. The Department of Administrative Services			34688
shall review and approve these administrative charges when the			34689
charges are in excess of 1.5 per cent of the total construction			34690
budget.			34691
(B) Seek reimbursement from state capital appropriations to			34692
the institution for the in-house design services performed by the			34693
institution for the capital projects. Acceptable charges are			34694
limited to design document preparation work that is done by the			34695
institution. These reimbursable design costs shall be shown as			34696
"A/E fees" within the project's budget that is submitted to the			34697
Controlling Board or the Director of Budget and Management as part			34698
of a request for release of funds. The reimbursement for in-house			34699
design shall not exceed seven per cent of the estimated			34700
construction cost.			34701
Section 235.10. The items set forth in this section are			34702
hereby appropriated out of any moneys in the state treasury to the			34703
credit of the Parks and Recreation Improvement Fund (Fund 7035)			34704
that are not otherwise appropriated.			34705
		Appropriations	
	DNR DEPARTMENT OF NATURAL RESOURCES		34706
C725A0	State Parks, Campgrounds, Cabins, & Lodges	\$ 5,150,000	34707
C725A9	Park Boating Facilities - Shawnee Marina	\$ 1,000,000	34708
C725B8	Upgrade Underground Fuel Storage Tanks - Statewide	\$ 250,000	34709
C725E2	Local Parks Projects	\$ 26,227,333	34710
C725E6	Project Planning	\$ 500,000	34711

C725L8	Statewide Trails Program - Hocking Hills Trails Rehabilitation Phase II	\$ 1,000,000	34712
C725M5	Middle Bass Island State Park - Marina	\$ 4,000,000	34713
C725N0	Handicapped Accessibility - Statewide	\$ 100,000	34714
C725N4	Hazardous Waste/Asbestos Abatement - Statewide	\$ 150,000	34715
C725N6	Statewide Wastewater/Water Systems Upgrade	\$ 3,000,000	34716
C725R3	State Park Renovations/Upgrading - Statewide Beach Bath House Replacement	\$ 1,000,000	34717
	Total Department of Natural Resources	\$ 42,377,333	34718
	TOTAL Parks and Recreation Improvement Fund	\$ 42,377,333	34719
	FEDERAL REIMBURSEMENT		34720
	All reimbursements received from the federal government for any expenditures made pursuant to this section shall be deposited in the state treasury to the credit of the Parks and Recreation Improvement Fund (Fund 7035).		34721 34722 34723 34724
	LOCAL PARKS PROJECTS		34725
	Of the foregoing appropriation item C725E2, Local Parks Projects, an amount equal to two per cent of the projects listed may be used by the Department of Natural Resources for the administration of local projects, \$3,050,000 shall be used for the Scioto Mile Development, \$2,000,000 shall be used for the Riverfront Park, \$2,000,000 shall be used for the Goodyear Park, \$1,090,000 shall be used for the Sterling Park, \$1,000,000 shall be used for the Little Miami Trail extension - Hamilton County Park District, \$675,000 shall be used for the Anthony Wayne Youth Foundation Recreation area, \$100,000 shall be used for the Euclid Beach Pier, \$500,000 shall be used for the Euclid Marina Breakwater Project, \$500,000 shall be used for the Columbus Crew Facility - Hilliard, \$500,000 shall be used for the Franklin Park Conservatory, \$500,000 shall be used for the Colerain Township		34726 34727 34728 34729 34730 34731 34732 34733 34734 34735 34736 34737 34738 34739

Park, \$500,000 shall be used for the Green Township Legacy Place 34740
Park, \$475,000 shall be used for the Dublin Emerald Fields Special 34741
Needs Playground, \$450,000 shall be used for the Sippo Lake Park 34742
improvements, \$400,000 shall be used for the Mentor Beach Park or 34743
Mentor Lagoons Marina, \$400,000 shall be used for the Harrison 34744
Park - Wick District - Smoky, \$400,000 shall be used for the Wayne 34745
County Rails to Trails Project, \$350,000 shall be used by Franklin 34746
County Metro Parks for the Whittier Peninsula Park, \$350,000 shall 34747
be used for the Perry Township Park, \$733,333 shall be used for 34748
the East Bank of the Flats, \$175,000 shall be used for the New 34749
Richmond Park, \$300,000 shall be used for the Beaver creek Wildlife 34750
Education Center, \$300,000 shall be used for the Versailles Park 34751
Project, \$300,000 shall be used for the Madison Township Park, 34752
\$284,000 shall be used for the Bike and Pedestrian Path - 34753
Sugar Tree Corridor, \$275,000 shall be used for the Montville 34754
Township Park Project, \$250,000 shall be used for the Grand Lake 34755
St. Mary's Shoreline Rip Rap Project, \$250,000 shall be used for 34756
the West Chester Beckett Park Improvements, \$250,000 shall be used 34757
for the City of Strongsville Family Aquatic Center, \$250,000 shall 34758
be used for the Reis Park improvements, \$250,000 shall be used for 34759
the McIntyre Park Hiking and Biking Trails, \$250,000 shall be used 34760
for the Circleville Community Park Project, \$250,000 shall be used 34761
for the Fremont Area Foundation Park athletic facilities, \$250,000 34762
shall be used for the Alliance Park, \$250,000 shall be used for 34763
the Audubon Ohio Nature Center, \$200,000 shall be used for the 34764
Maple Heights Pool/Park improvements, \$200,000 shall be used for 34765
the Lancaster Community Parks revitalization, \$200,000 shall be 34766
used for the Grandview Yard Public Park, \$200,000 shall be used 34767
for the Wyoming City Regional Park, \$200,000 shall be used for the 34768
Chagrin River Lakefront Park, \$200,000 shall be used for the 34769
Aullwood Audubon Center, \$400,000 shall be used for the Austin 34770
Pike Project - land acquisition, \$200,000 shall be used for the 34771
Mary Virginia Crites Hammum Community Park, \$500,000 shall be used 34772

for the Canton Water Facilities Park Project, \$150,000 shall be 34773
used for the Lima Historic Athletic Field, \$150,000 shall be used 34774
for the Myers Memorial Bandshell, \$150,000 shall be used for the 34775
City of Logan Park/Pool improvements, \$150,000 shall be used for 34776
the Houston Fisher Memorial Park improvements, \$150,000 shall be 34777
used for the Indian Lake State Park Campground Electrical 34778
Improvements, \$150,000 shall be used for the Avon Lake Veterans 34779
Park improvements, \$125,000 shall be used for the York Township 34780
Park land acquisition, \$124,500 shall be used for the Salt Fork 34781
Concession Stand, \$100,000 shall be used for the Monroe Veterans' 34782
Memorial Park, \$100,000 shall be used for the Rivers Edge Bikeway, 34783
\$100,000 shall be used for the Mayfield Heights Park Facility 34784
improvement, \$100,000 shall be used for the Auburn Township 34785
Community Park, \$100,000 shall be used for the Kidron Community 34786
Park Improvements, \$100,000 shall be used for the Lucas County 34787
Marina, \$100,000 shall be used for the Youngstown City Park, 34788
\$100,000 shall be used for the Salisbury Township Park 34789
improvements/land acquisition, \$100,000 shall be used for the 34790
Community Built Playground, \$100,000 shall be used for the Burkes 34791
Point Park, \$100,000 shall be used for the Barberton Newton Park, 34792
\$100,000 shall be used for the Crown Point Conservation Easement, 34793
\$100,000 shall be used for the Mudbrook Trail and Greenway 34794
Project, \$100,000 shall be used for the Waddell Park in the City 34795
of Niles, \$100,000 shall be used for the Moonville Rail Trail 34796
Project, \$100,000 shall be used for the Springboro Park 34797
improvements, \$75,000 shall be used for the Ault Park 34798
improvements, \$75,000 shall be used for the Willard Soccer and 34799
Football Park Project, \$75,000 shall be used for the Austintown 34800
Nature Rooms, \$75,000 shall be used for the Meigs Local Enrichment 34801
Project Multi-Purpose Complex, \$75,000 shall be used for the 34802
Miracle League facility - Muskingum County, \$70,000 shall be used 34803
for the City of Nelsonville Park/land acquisition, \$65,000 shall 34804
be used for the Village of Jacksonville Park improvements, \$58,500 34805

shall be used by the Greene County Parks and Recreation Department 34806
to provide recreational opportunities, \$50,000 shall be used for 34807
the Ohio Wildlife Center, \$50,000 shall be used for the Kelley's 34808
Island Park Restroom PHASE II, \$50,000 shall be used for the 34809
Little League Challenger Field - Cambridge, \$50,000 shall be used 34810
for the Avon Isle Park improvements, \$50,000 shall be used for the 34811
Monroe Township, Clermont County Fair Oak Park, \$46,000 shall be 34812
used for the Huntington Township Park Projects, \$35,000 shall be 34813
used for the Village of Buchtel Park improvements, \$35,000 shall 34814
be used for the Village of Syracuse Park improvements, \$30,000 34815
shall be used for the Village of Albany Park improvements, \$30,000 34816
shall be used for the Village of Aberdeen Boat Dock, \$30,000 shall 34817
be used for the Village of Hamler Parks improvement, \$25,000 shall 34818
be used for the Coshocton Children's Park, \$25,000 shall be used 34819
for the Alt Park improvements, \$25,000 shall be used for the 34820
Cambridge Handicapped Playground, \$25,000 shall be used for the 34821
Murray City Community Parks improvement, \$25,000 shall be used for 34822
the Marblehead Lighthouse State Park - Replica Life Boat Station, 34823
\$25,000 shall be used for the Village of Attica Park Maintenance, 34824
\$20,000 shall be used for the Village of Stockport Park 34825
improvements, \$15,000 shall be used for the Village of Salineville 34826
Baseball Field, \$15,000 shall be used for the City of Parma 34827
Heights Greenbriar Commons Park Walking Trail, \$10,000 shall be 34828
used for the Village of Albany Bike Paths, \$10,000 shall be used 34829
for the Salem Park Board, \$10,000 shall be used for the Village of 34830
Pomeroy Mini Park improvements, \$10,000 shall be used for the 34831
Skyvue Outdoor Classroom, and \$6,000 shall be used for the 34832
Wadsworth Skate Park. 34833
34834
34835

Section 235.11. For the appropriations in Section 235.10 of 34836
this act, the Department of Natural Resources shall periodically 34837

prepare and submit to the Director of Budget and Management the 34838
estimated design, planning, and engineering costs of 34839
capital-related work to be done by the Department for each 34840
project. Based on the estimates, the Director of Budget and 34841
Management may release appropriations from the foregoing 34842
appropriation item C725E6, Project Planning, within the Parks and 34843
Recreation Improvement Fund (Fund 7035), to pay for design, 34844
planning, and engineering costs incurred by the Department for the 34845
projects. Upon release of the appropriations by the Director of 34846
Budget and Management, the Department shall pay for these expenses 34847
from the Parks Capital Expenses Fund (Fund 2270), and shall be 34848
reimbursed from the Parks and Recreation Improvement Fund (Fund 34849
7035) using an intrastate voucher. 34850

Section 235.12. The Treasurer of State is hereby authorized 34851
to issue and sell, in accordance with Section 2i of Article VIII, 34852
Ohio Constitution, and Chapter 154. of the Revised Code, 34853
particularly section 154.22 of the Revised Code, original 34854
obligations in an aggregate principal amount not to exceed 34855
\$41,000,000, in addition to the original issuance of obligations 34856
heretofore authorized by prior acts of the General Assembly. These 34857
authorized obligations shall be issued, subject to applicable 34858
constitutional and statutory limitations, to pay the costs of 34859
capital facilities for parks and recreation as defined in section 34860
154.01 of the Revised Code. 34861

Section 235.13. (A) No capital improvement appropriations 34862
made in Section 235.10 of this act shall be released for planning 34863
or for improvement, renovation, or construction or acquisition of 34864
capital facilities if a governmental agency, as defined in section 34865
154.01 of the Revised Code, does not own the real property that 34866
constitutes the capital facilities or on which the capital 34867

facilities are or will be located. This restriction does not apply 34868
in any of the following circumstances: 34869

(1) The governmental agency has a long-term (at least fifteen 34870
years) lease of, or other interest (such as an easement) in, the 34871
real property. 34872

(2) In the case of an appropriation for capital facilities 34873
for parks and recreation that, because of their unique nature or 34874
location, will be owned or be part of facilities owned by a 34875
separate nonprofit organization and made available to the 34876
governmental agency for its use or operated by the nonprofit 34877
organization under contract with the governmental agency, the 34878
nonprofit organization either owns or has a long-term (at least 34879
fifteen years) lease of the real property or other capital 34880
facility to be improved, renovated, constructed, or acquired and 34881
has entered into a joint or cooperative use agreement, approved by 34882
the Department of Natural Resources, with the governmental agency 34883
for that agency's use of and right to use the capital facilities 34884
to be financed and, if applicable, improved, the value of such use 34885
or right to use being, as determined by the parties, reasonably 34886
related to the amount of the appropriation. 34887

(B) In the case of capital facilities referred to in division 34888
(A)(2) of this section, the joint or cooperative use agreement 34889
shall include, as a minimum, provisions that: 34890

(1) Specify the extent and nature of that joint or 34891
cooperative use, extending for not fewer than fifteen years, with 34892
the value of such use or right to use to be, as determined by the 34893
parties and approved by the approving department, reasonably 34894
related to the amount of the appropriation; 34895

(2) Provide for pro rata reimbursement to the state should 34896
the arrangement for joint or cooperative use by a governmental 34897
agency be terminated; and 34898

(3) Provide that procedures to be followed during the capital 34899
improvement process will comply with appropriate applicable state 34900
statutes and rules, including the provisions of this act. 34901

Section 237.10. The items set forth in this section are 34902
hereby appropriated out of any moneys in the state treasury to the 34903
credit of the State Capital Improvements Fund (Fund 7038) that are 34904
not otherwise appropriated. 34905

Appropriations

	PWC PUBLIC WORKS COMMISSION		34906
C15000	Local Public Infrastructure	\$ 120,000,000	34907
	Total Public Works Commission	\$ 120,000,000	34908
	TOTAL State Capital Improvements Fund	\$ 120,000,000	34909

The foregoing appropriation item C15000, Local Public 34910
Infrastructure, shall be used in accordance with sections 164.01 34911
to 164.12 of the Revised Code. The Director of the Public Works 34912
Commission may certify to the Director of Budget and Management 34913
that a need exists to appropriate investment earnings to be used 34914
in accordance with sections 164.01 to 164.12 of the Revised Code. 34915
If the Director of Budget and Management determines pursuant to 34916
division (D) of section 164.08 and section 164.12 of the Revised 34917
Code that investment earnings are available to support additional 34918
appropriations, such amounts are hereby appropriated. 34919

If the Public Works Commission receives refunds due to 34920
project overpayments that are discovered during a post-project 34921
audit, the Director of the Public Works Commission may certify to 34922
the Director of Budget and Management that refunds have been 34923
received. In certifying the refunds, the Director of the Public 34924
Works Commission shall provide the Director of Budget and 34925
Management information on the project refunds. The certification 34926
shall detail by project the source and amount of project 34927
overpayments received and include any supporting documentation 34928

required or requested by the Director of Budget and Management. 34929
 Upon receipt of the certification, the Director of Budget and 34930
 Management shall determine if the project refunds are necessary to 34931
 support existing appropriations. If the project refunds are 34932
 available to support additional appropriations, these amounts are 34933
 hereby appropriated to appropriation item C15030, Revolving Loan. 34934

Section 237.11. The Ohio Public Facilities Commission is 34935
 hereby authorized to issue and sell, in accordance with Section 2p 34936
 of Article VIII, Ohio Constitution, and sections 151.01 and 151.08 34937
 of the Revised Code, original obligations of the state, in an 34938
 aggregate principal amount not to exceed \$120,000,000, in addition 34939
 to the original obligations heretofore authorized by prior acts of 34940
 the General Assembly. These authorized obligations shall be issued 34941
 and sold from time to time and in amounts necessary to ensure 34942
 sufficient moneys to the credit of the State Capital Improvements 34943
 Fund (Fund 7038) to pay costs of capital improvement projects of 34944
 local subdivisions. 34945

Section 239.10. The items set forth in this section are 34946
 hereby appropriated out of any moneys in the state treasury to the 34947
 credit of the Clean Ohio Conservation Fund (Fund 7056) that are 34948
 not otherwise appropriated. 34949

		Appropriations	
PWC PUBLIC WORKS COMMISSION			34950
C15060	Clean Ohio Conservation	\$ 30,000,000	34951
Total Public Works Commission		\$ 30,000,000	34952
TOTAL Clean Ohio Conservation Fund		\$ 30,000,000	34953

The foregoing appropriation item C15060, Clean Ohio 34954
 Conservation, shall be used in accordance with sections 164.20 to 34955
 164.27 of the Revised Code. If the Public Works Commission 34956
 receives refunds due to project overpayments that are discovered 34957
 during the post-project audit, the Director of the Public Works 34958

Commission may certify to the Director of Budget and Management 34959
that refunds have been received. If the Director of Budget and 34960
Management determines that the project refunds are available to 34961
support additional appropriations, such amounts are hereby 34962
appropriated. 34963

Section 241.10. The items set forth in this section are 34964
hereby appropriated out of any moneys in the state treasury to the 34965
credit of the Clean Ohio Agricultural Easement Fund (Fund 7057) 34966
that are not otherwise appropriated. 34967

Appropriations

AGR DEPARTMENT OF AGRICULTURE 34968
C70009 Clean Ohio Agricultural Easements \$ 5,000,000 34969
Total Department of Agriculture \$ 5,000,000 34970
TOTAL Clean Ohio Agricultural Easement Fund \$ 5,000,000 34971

Section 243.10. The items set forth in this section are 34973
hereby appropriated out of any moneys in the state treasury to the 34974
credit of the Clean Ohio Trail Fund (Fund 7061) that are not 34975
otherwise appropriated. 34976

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 34977
C72514 Clean Ohio Trail - Grants \$ 5,000,000 34978
Total Department of Natural Resources \$ 5,000,000 34979
TOTAL Clean Ohio Trail Fund \$ 5,000,000 34980

Section 243.11. The Ohio Public Facilities Commission is 34982
hereby authorized to issue and sell, in accordance with Section 2o 34983
of Article VIII, Ohio Constitution, and pursuant to sections 34984
151.01 and 151.09 of the Revised Code, original obligations of the 34985
state in an aggregate principal amount not to exceed \$40,000,000 34986
in addition to the original issuance of obligations heretofore 34987
authorized by prior acts of the General Assembly. These authorized 34988

obligations shall be issued and sold from time to time, subject to 34989
applicable constitutional and statutory limitations, as needed to 34990
ensure sufficient moneys to the credit of the Clean Ohio 34991
Conservation Fund (Fund 7056), the Clean Ohio Agricultural 34992
Easement Fund (Fund 7057), and the Clean Ohio Trail Fund (Fund 34993
7061) to pay costs of conservation projects. 34994

Section 245.10. Notwithstanding any provision of law to the 34995
contrary, the Director of Budget and Management, with the written 34996
concurrence of the Director of Public Safety, may transfer cash 34997
temporarily from the Highway Safety Fund (Fund 7036) to the 34998
Highway Safety Building Fund (Fund 7025), and the cash may be used 34999
to fund projects previously appropriated by acts of the General 35000
Assembly. The transfers shall be made for the purpose of providing 35001
cash to support appropriations or encumbrances that exist on the 35002
effective date of this section. At such time as obligations are 35003
issued for Highway Safety Building Fund projects, the Director of 35004
Budget and Management shall transfer from the Highway Safety 35005
Building Fund to the Highway Safety Fund any amounts originally 35006
transferred to the Highway Safety Building Fund under this 35007
section. 35008

Section 247.10. CERTIFICATION OF AVAILABILITY OF MONEYS 35009

Moneys that require release shall not be expended from any 35010
appropriation contained in this act without certification of the 35011
Director of Budget and Management that there are sufficient moneys 35012
in the state treasury in the fund from which the appropriation is 35013
made. Such certification shall be based on estimates of revenue, 35014
receipts, and expenses. Nothing in this section limits the 35015
authority granted to the Director of Budget and Management in 35016
section 126.07 of the Revised Code. 35017

Section 249.10. LIMITATION ON USE OF CAPITAL APPROPRIATIONS	35018
The appropriations made in this act, excluding those made to	35019
the State Capital Improvement Fund (Fund 7038) and the State	35020
Capital Improvements Revolving Loan Fund (Fund 7040) for buildings	35021
or structures, including remodeling and renovations, are limited	35022
to:	35023
(A) Acquisition of real property or interests in real	35024
property;	35025
(B) Buildings and structures, which include construction,	35026
demolition, complete heating, lighting and lighting fixtures, all	35027
necessary utilities, and ventilating, plumbing, sprinkling, and	35028
sewer systems, when such systems are authorized or necessary;	35029
(C) Architectural, engineering, and professional services	35030
expenses directly related to the projects;	35031
(D) Machinery that is a part of structures at the time of	35032
initial acquisition or construction;	35033
(E) Acquisition, development, and deployment of new computer	35034
systems, including the redevelopment or integration of existing	35035
and new computer systems, but excluding regular or ongoing	35036
maintenance or support agreements;	35037
(F) Equipment that meets all the following criteria:	35038
(1) The equipment is essential in bringing the facility up to	35039
its intended use;	35040
(2) The unit cost of the equipment, and not the individual	35041
parts of a unit, is about \$100 or more;	35042
(3) The equipment has a useful life of five years or more;	35043
and	35044
(4) The equipment is necessary for the functioning of the	35045
particular facility or project.	35046

Equipment shall not be paid for from these appropriations 35047
that is not an integral part of or directly related to the basic 35048
purpose or function of a project for which moneys are 35049
appropriated. This paragraph does not apply to appropriation items 35050
specifically for equipment. 35051

Section 251.10. CONTINGENCY RESERVE REQUIREMENT 35052

Any request for release of capital appropriations by the 35053
Director of Budget and Management or the Controlling Board of 35054
capital appropriations for projects, the contracts for which are 35055
awarded by the Department of Administrative Services, shall 35056
contain a contingency reserve, the amount of which shall be 35057
determined by the Department of Administrative Services, for 35058
payment of unanticipated project expenses. Any amount deducted 35059
from the encumbrance for a contractor's contract as an assessment 35060
for liquidated damages shall be added to the encumbrance for the 35061
contingency reserve. Contingency reserve funds shall be used to 35062
pay costs resulting from unanticipated job conditions, to comply 35063
with rulings regarding building and other codes, to pay costs 35064
related to errors or omissions in contract documents, to pay costs 35065
associated with changes in the scope of work, and to pay the cost 35066
of settlements and judgments related to the project. 35067

Any funds remaining upon completion of a project may, upon 35068
approval of the Controlling Board, be released for the use of the 35069
agency or instrumentality to which the appropriation was made for 35070
other capital facilities projects. 35071

Section 253.10. AGENCY ADMINISTRATION OF CAPITAL FACILITIES 35072
PROJECTS 35073

Notwithstanding sections 123.01 and 123.15 of the Revised 35074
Code, the Director of Administrative Services may authorize the 35075
Departments of Mental Health, Mental Retardation and Developmental 35076

Disabilities, Agriculture, Job and Family Services, Rehabilitation 35077
and Correction, Youth Services, Public Safety, Transportation, and 35078
the Ohio Veterans' Home to administer any capital facilities 35079
projects, the estimated cost of which, including design fees, 35080
construction, equipment, and contingency amounts, is less than 35081
\$1,500,000. Requests for authorization to administer capital 35082
facilities projects shall be made in writing to the Director of 35083
Administrative Services by the applicable state agency within 35084
sixty days after the effective date of the section of law in which 35085
the General Assembly initially makes an appropriation for the 35086
project. Upon the release of funds for the projects by the 35087
Controlling Board or the Director of Budget and Management, the 35088
agency may administer the capital project or projects for which 35089
agency administration has been authorized without the supervision, 35090
control, or approval of the Director of Administrative Services. 35091

A state agency authorized by the Director of Administrative 35092
Services to administer capital facilities projects pursuant to 35093
this section shall comply with the applicable procedures and 35094
guidelines established in Chapter 153. of the Revised Code. 35095

Section 255.10. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 35096
AGAINST THE STATE 35097

Except as otherwise provided in this section, an 35098
appropriation contained in this act or in any other act may be 35099
used for the purpose of satisfying judgments, settlements, or 35100
administrative awards ordered or approved by the Court of Claims 35101
or by any other court of competent jurisdiction in connection with 35102
civil actions against the state. This authorization does not apply 35103
to appropriations that are to be applied to or used for payment of 35104
guarantees by or on behalf of the state, or for payments under 35105
lease agreements relating to or debt service on bonds, notes, or 35106
other obligations of the state. Notwithstanding any other section 35107

of law to the contrary, this authorization includes appropriations 35108
from funds into which proceeds or direct obligations of the state 35109
are deposited only to the extent that the judgment, settlement, or 35110
administrative award is for or represents capital costs for which 35111
the appropriation may otherwise be used and is consistent with the 35112
purpose for which any related obligations were issued or entered 35113
into. Nothing contained in this section is intended to subject the 35114
state to suit in any forum in which it is not otherwise subject to 35115
suit, and it is not intended to waive or compromise any defense or 35116
right available to the state in any suit against it. 35117

Section 257.10. CAPITAL RELEASES BY THE DIRECTOR OF BUDGET 35118
AND MANAGEMENT 35119

Notwithstanding section 126.14 of the Revised Code, 35120
appropriations for appropriation item C50101, Community-Based 35121
Correctional Facilities, appropriated from the Adult Correctional 35122
Building Fund (Fund 7027) to the Department of Rehabilitation and 35123
Correction, shall be released upon the written approval of the 35124
Director of Budget and Management. The appropriations from the 35125
Public School Building Fund (Fund 7021) and the School Building 35126
Program Assistance Fund (Fund 7032) to the School Facilities 35127
Commission, from the Clean Ohio Conservation Fund (Fund 7056), the 35128
State Capital Improvement Fund (Fund 7038), the Local 35129
Infrastructure Development Fund (Fund 7039), and the State Capital 35130
Improvements Revolving Loan Fund (Fund 7040) to the Public Works 35131
Commission, shall be released upon presentation of a request to 35132
release the funds, by the agency to which the appropriation has 35133
been made, to the Director of Budget and Management. 35134

Section 259.10. PREVAILING WAGE REQUIREMENT 35135

Except as provided in section 4115.04 of the Revised Code, 35136
moneys appropriated or reappropriated by the 127th General 35137

Assembly shall not be used for the construction of public 35138
improvements, as defined in section 4115.03 of the Revised Code, 35139
unless the mechanics, laborers, or workers engaged therein are 35140
paid the prevailing rate of wages prescribed in section 4115.04 of 35141
the Revised Code. Nothing in this section affects the wages and 35142
salaries established for state employees under Chapter 124. of the 35143
Revised Code, or collective bargaining agreements entered into by 35144
the state under Chapter 4117. of the Revised Code, while engaged 35145
on force account work, nor does this section interfere with the 35146
use of inmate and patient labor by the state. 35147

Section 261.10. CAPITAL FACILITIES LEASES 35148

Capital facilities for which appropriations are made from the 35149
Highway Safety Building Fund (Fund 7025), the Administrative 35150
Building Fund (Fund 7026), the Adult Correctional Building Fund 35151
(Fund 7027), and the Juvenile Correctional Building Fund (Fund 35152
7028) may be leased by the Ohio Building Authority to the 35153
Department of Public Safety, the Department of Youth Services, the 35154
Department of Administrative Services, and the Department of 35155
Rehabilitation and Correction, and other agreements may be made by 35156
the Ohio Building Authority and the departments with respect to 35157
the use or purchase of such capital facilities, or, subject to the 35158
approval of the director of the department or the commission, the 35159
Ohio Building Authority may lease the capital facilities to, and 35160
make other agreements with respect to the use or purchase of the 35161
capital facilities with, any governmental agency or nonprofit 35162
corporation having authority under law to own, lease, or operate 35163
the capital facilities. The director of the department or the 35164
commission may sublease the capital facilities to, and make other 35165
agreements with respect to the use or purchase of the capital 35166
facilities with, any such governmental agency or nonprofit 35167
corporation, which agreements may include provisions for 35168
transmittal of receipts of the agency or nonprofit corporation of 35169

any charges for the use of the facilities, all upon such terms and 35170
conditions as the parties may agree upon and subject to any other 35171
provision of law affecting the leasing, acquisition, or 35172
disposition of capital facilities by the parties. 35173

Section 263.10. AUTHORIZATION OF THE DIRECTOR OF BUDGET AND 35174
MANAGEMENT 35175

The Director of Budget and Management shall authorize both of 35176
the following: 35177

(A) The initial release of moneys for projects from the funds 35178
into which proceeds of direct obligations of the state are 35179
deposited; and 35180

(B) The expenditure or encumbrance of moneys from funds into 35181
which proceeds of direct obligations are deposited, but only after 35182
determining to the director's satisfaction that either of the 35183
following applies: 35184

(1) The application of the moneys to the particular project 35185
will not negatively affect any exemption or exclusion from federal 35186
income tax of the interest or interest equivalent on obligations 35187
issued to provide moneys to the particular fund. 35188

(2) Moneys for the project will come from the proceeds of 35189
obligations, the interest on which is not so excluded or exempt 35190
and which have been authorized as "taxable obligations" by the 35191
issuing authority. 35192

The director shall report any nonrelease of moneys pursuant 35193
to this section to the Governor, to the Speaker of the House of 35194
Representatives, to the President of the Senate, and to the agency 35195
for the use of which the project is intended. 35196

Section 265.10. SCHOOL FACILITIES ENCUMBRANCES AND 35197
REAPPROPRIATION 35198

At the request of the Executive Director of the Ohio School
Facilities Commission, the Director of Budget and Management may
cancel encumbrances for school district projects from a previous
biennium if the district has not raised its local share of project
costs within one year after receiving Controlling Board approval
in accordance with section 3318.05 of the Revised Code. The
Executive Director of the Ohio School Facilities Commission shall
certify the amounts of these canceled encumbrances to the Director
of Budget and Management on a quarterly basis. The amounts of the
canceled encumbrances are hereby appropriated.

Section 267.10. CERTIFICATE OF NEED REQUIREMENT

An appropriation for a health care facility authorized under
this act may not be released until the requirements of sections
3702.51 to 3702.62 of the Revised Code have been met.

**Section 269.10. DISTRIBUTION OF PROCEEDS FROM ASBESTOS
ABATEMENT LITIGATION**

All proceeds received by the state as a result of litigation,
judgments, settlements, or claims, filed by or on behalf of any
state agency, as defined by section 1.60 of the Revised Code, or
state-supported or state-assisted institution of higher education,
for damages or costs resulting from the use, removal, or hazard
abatement of asbestos materials shall be deposited in the Asbestos
Abatement Distribution Fund (Fund 6740). All funds deposited into
the Asbestos Abatement Distribution Fund are hereby appropriated
to the Attorney General. To the extent practicable, the proceeds
placed in the Asbestos Abatement Distribution Fund shall be
divided among the state agencies and state-supported or
state-assisted institutions of higher education in accordance with
the general provisions of the litigation regarding the percentage
of recovery. Distribution of the proceeds to each state agency or

state-supported or state-assisted institution of higher education 35229
shall be made in accordance with the Asbestos Abatement 35230
Distribution Plan to be developed by the Attorney General, the 35231
General Services Division within the Department of Administrative 35232
Services, and the Office of Budget and Management. 35233

In those circumstances where asbestos litigation proceeds are 35234
for reimbursement of expenditures made with funds outside the 35235
state treasury or damages to buildings not constructed with state 35236
appropriations, direct payments shall be made to the affected 35237
institutions of higher education. Any proceeds received for 35238
reimbursement of expenditures made with funds within the state 35239
treasury or damages to buildings occupied by state agencies shall 35240
be distributed to the affected agencies with an intrastate 35241
transfer voucher to the funds identified in the Asbestos Abatement 35242
Distribution Plan. 35243

These proceeds shall be used for additional asbestos 35244
abatement or encapsulation projects, or for other capital 35245
improvements, except that proceeds distributed to the General 35246
Revenue Fund and other funds that are not bond improvement funds 35247
may be used for any purpose. The Controlling Board may, for bond 35248
improvement funds, create appropriation items or increase 35249
appropriation authority in existing appropriation items equaling 35250
the amount of the proceeds. The amounts approved by the 35251
Controlling Board are hereby appropriated. The proceeds deposited 35252
in bond improvement funds shall not be expended until released by 35253
the Controlling Board, which shall require certification by the 35254
Director of Budget and Management that the proceeds are sufficient 35255
and available to fund the additional anticipated expenditures. 35256

Section 271.10. OBLIGATIONS ISSUED UNDER CHAPTER 151. OF THE 35257
REVISED CODE 35258

The capital improvements for which appropriations are made in 35259

this act from the Third Frontier Research and Development Fund 35260
(Fund 7011), the Job Ready Site Development Fund (Fund 7012), the 35261
Ohio Parks and Natural Resources Fund (Fund 7031), the School 35262
Building Program Assistance Fund (Fund 7032), the Higher Education 35263
Improvement Fund (Fund 7034), the State Capital Improvements Fund 35264
(Fund 7038), the Clean Ohio Conservation Fund (Fund 7056), the 35265
Clean Ohio Agricultural Easement Fund (Fund 7057), and the Clean 35266
Ohio Trail Fund (Fund 7061) are determined to be capital 35267
improvements and capital facilities for research and development, 35268
preparation of sites, natural resources, a statewide system of 35269
common schools, state-supported and state-assisted institutions of 35270
higher education, local subdivision capital improvement projects, 35271
and conservation purposes (under the Clean Ohio Program) and are 35272
designated as capital facilities to which proceeds of obligations 35273
issued under Chapter 151. of the Revised Code are to be applied. 35274
35275

Section 273.10. OBLIGATIONS ISSUED UNDER CHAPTER 152. OF THE 35276
REVISED CODE 35277

The capital improvements for which appropriations are made in 35278
this act from the Highway Safety Building Fund (Fund 7025), the 35279
Administrative Building Fund (Fund 7026), the Adult Correctional 35280
Building Fund (Fund 7027), the Juvenile Correctional Building Fund 35281
(Fund 7028), and the Transportation Building Fund (Fund 7029) are 35282
determined to be capital improvements and capital facilities for 35283
housing state agencies and branches of state government and are 35284
designated as capital facilities to which proceeds of obligations 35285
issued under Chapter 152. of the Revised Code are to be applied. 35286

Section 273.20. OBLIGATIONS ISSUED UNDER CHAPTER 154. OF THE 35287
REVISED CODE 35288

The capital improvements for which appropriations are made in 35289

this act from the Cultural and Sports Facilities Building Fund 35290
(Fund 7030), the Mental Health Facilities Improvement Fund (Fund 35291
7033), and the Parks and Recreation Improvement Fund (Fund 7035) 35292
are determined to be capital improvements and capital facilities 35293
for housing state agencies and branches of government, mental 35294
hygiene and retardation, and parks and recreation and are 35295
designated as capital facilities to which proceeds of obligations 35296
issued under Chapter 154. of the Revised Code are to be applied. 35297

Section 275.10. TRANSFER OF OPEN ENCUMBRANCES 35298

Upon the request of the agency to which a capital project 35299
appropriation item is appropriated, the Director of Budget and 35300
Management may transfer open encumbrance amounts between separate 35301
encumbrances for the project appropriation item to the extent that 35302
any reductions in encumbrances are agreed to by the contracting 35303
vendor and the agency. 35304

Section 277.10. LITIGATION PROCEEDS TO THE ADMINISTRATIVE 35305
BUILDING FUND 35306

Any proceeds received by the state as the result of 35307
litigation or a settlement agreement related to any liability for 35308
the planning, design, engineering, construction, or construction 35309
management of facilities operated by the Department of 35310
Administrative Services shall be deposited into the Administrative 35311
Building Fund (Fund 7026). 35312

Section 279.10. COAL RESEARCH AND DEVELOPMENT BONDS 35313

The Ohio Public Facilities Commission, upon the request of 35314
the Director of the Ohio Coal Development Office with the advice 35315
of the Technical Advisory Committee created in section 1551.35 of 35316
the Revised Code and with the approval of the Director of the Air 35317
Quality Development Authority, is hereby authorized to issue and 35318

sell, in accordance with Section 15 of Article VIII, Ohio 35319
Constitution, and Chapter 151. of the Revised Code, and 35320
particularly sections 151.01 and 151.07 and other applicable 35321
sections of the Revised Code, bonds or other obligations of the 35322
state heretofore authorized by prior acts of the General Assembly. 35323
The obligations shall be issued, subject to applicable 35324
constitutional and statutory limitations, to provide sufficient 35325
moneys to the credit of the Coal Research and Development Fund 35326
created in section 1555.15 of the Revised Code to pay costs 35327
charged to the fund when due as estimated by the Director of the 35328
Ohio Coal Development Office. 35329

Section 281.10. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM PROJECT 35330

The Ohio Administrative Knowledge System (OAKS) shall be an 35331
enterprise resource planning system that replaces the state's 35332
central services infrastructure systems, including the Central 35333
Accounting System, the Human Resources/Payroll System, the Capital 35334
Improvements Projects Tracking System, the Fixed Assets Management 35335
System, and the Procurement System. The Department of 35336
Administrative Services, in conjunction with the Office of Budget 35337
and Management, may acquire the system, including, but not limited 35338
to, the enterprise resource planning software and installation and 35339
implementation thereof, pursuant to Chapter 125. of the Revised 35340
Code. Any lease-purchase arrangement utilized under Chapter 125. 35341
of the Revised Code, including any fractionalized interest therein 35342
as defined in division (N) of section 133.01 of the Revised Code, 35343
shall provide at the end of the lease period that OAKS shall 35344
become the property of the state. 35345

Section 283.10. Sections of this act prefixed with a section 35346
number in the 200s are and remain in full force and effect 35347
commencing on July 1, 2008, and terminating on June 30, 2010, for 35348
the purpose of drawing money from the state treasury in payment of 35349

liabilities lawfully incurred under those sections, and on June 30, 2010, and not before, the moneys hereby appropriated lapse into the funds from which they are severally appropriated. If, under Section 1c of Article II, Ohio Constitution, the sections of this act prefixed with a section number in the 200s do not take effect until after July 1, 2008, the sections are and remain in full force and effect commencing on that effective date.

Section 503.10. GENERAL OBLIGATIONS ADJUSTMENTS TO REFLECT TOBACCO SECURITIZATION

In accordance with divisions (A)(5) and (6) of Section 518.03 of H.B. 119 of the 127th General Assembly, the existing authorizations granted in prior acts of the General Assembly to issue and sell obligations under Section 2n of Article VIII, Ohio Constitution, to pay costs of facilities for (1) a system of common schools throughout the state is hereby reduced from \$4,145,000,000 to \$3,345,000,000, and (2) state-supported and state-assisted institutions of higher education is hereby reduced from \$2,957,000,000 to \$2,007,000,000.

Section 503.20. OHIO DENTIST AND PHYSICIAN LOAN REPAYMENT PROGRAMS

On July 1, 2008, or as soon as possible thereafter, the Director of Budget and Management shall cancel any existing encumbrances against the Board of Regents' appropriation item 235624, Ohio Dentist Loan Repayment, and re-establish them against the Department of Health's appropriation item 440624, Ohio Dentist Loan Repayment. The amounts of the re-established encumbrances are hereby appropriated.

On July 1, 2008, or as soon as possible thereafter, the Chancellor of the Board of Regents shall certify to the Director

of Budget and Management the amount of cash and any outstanding 35380
encumbrances for the Dentist and Physician Loan Repayment Programs 35381
remaining in the National Health Services Corps - Ohio Loan 35382
Repayment Fund (Fund 3T00). The Director of Budget and Management 35383
shall transfer this amount in cash from the National Health 35384
Services Corps - Ohio Loan Repayment Fund (Fund 3T00) to the 35385
Federal Public Health Programs Fund (Fund 3920). In addition, the 35386
Director of Budget and Management shall cancel the outstanding 35387
Dentist and Physician Loan Repayment Programs encumbrances in the 35388
National Health Services Corps - Ohio Loan Repayment Fund (Fund 35389
3T00) and re-establish these encumbrances in the Federal Public 35390
Health Programs Fund (Fund 3920). The amounts of the 35391
re-established encumbrances are hereby appropriated. 35392

On and after the effective date of this section, 35393
administration of the Dentist Loan Repayment Program is the 35394
responsibility of the Department of Health. 35395

Section 503.30. OHIO PHYSICIAN LOAN REPAYMENT PROGRAM 35396

On July 1, 2008, the Director of Budget and Management shall 35397
cancel any existing encumbrances against appropriation item 35398
235604, Physician Loan Repayment, and re-establish them against 35399
appropriation item 440628, Ohio Physician Loan Repayment. The 35400
amounts of the re-established encumbrances are hereby 35401
appropriated. 35402

On and after the effective date of this section, 35403
administration of the Physician Loan Repayment Program is the 35404
responsibility of the Department of Health. 35405

Section 503.40. All appropriation items in this section are 35406
appropriated out of the money in the state treasury to the credit 35407
of the designated fund. For all appropriations made in this 35408
section, the amounts in the first column are for fiscal year 2008 35409

and the amounts in the second column are for fiscal year 2009.	35410
LSC LEGISLATIVE SERVICE COMMISSION	35411
General Revenue Fund	35412
GRF 035-321 Operating Expenses \$ 0 \$ 200,000	35413
GRF 035-407 Legislative Taskforce \$ 0 \$ 750,000	35414
on Redistricting	
TOTAL GRF General Revenue Fund \$ 0 \$ 950,000	35415
TOTAL ALL BUDGET FUND GROUPS \$ 0 \$ 950,000	35416
COMMISSION ON CUYAHOGA COUNTY GOVERNMENT REFORM	35417
The foregoing appropriation item 035-321, Operating Expenses,	35418
shall be used to support the Commission on Cuyahoga County	35419
Government Reform created in this act.	35420
LEGISLATIVE TASKFORCE ON REDISTRICTING	35421
An amount equal to the unexpended, unencumbered portion of	35422
the foregoing appropriation item 035-407, Legislative Taskforce on	35423
Redistricting, at the end of fiscal year 2009 is hereby	35424
reappropriated to the Legislative Service Commission for the same	35425
purpose for fiscal year 2010.	35426
The appropriations made in this section are subject to all	35427
the provisions of Am. Sub. H.B. 119 of the 127th General Assembly	35428
that are generally applicable to such appropriations except for	35429
Section 809.03 of Am. Sub. H.B. 119 of the 127th General Assembly.	35430
Expenditures from appropriations contained in this section shall	35431
be accounted for as though made in Am. Sub. H.B. 119 of the 127th	35432
General Assembly.	35433
Section 515.10. SCHOOL FACILITIES COMMISSION REIMBURSEMENT	35434
FROM PROCEEDS OF TOBACCO SETTLEMENT BONDS	35435
Prior to January 1, 2009, the Executive Director of the Ohio	35436
School Facilities Commission shall report to the Director of	35437

Budget and Management the amount of funds expended between 35438
September 1, 2007, and June 30, 2008, from the Education 35439
Facilities Trust Fund (Fund N087) and from the Public School 35440
Building Fund (Fund 7021) that were eligible to be financed from 35441
the proceeds of the tax-exempt tobacco settlement bonds issued 35442
pursuant to section 183.51 of the Revised Code and were deposited 35443
into the School Building Program Assistance Fund (Fund 7032). Upon 35444
receipt of the report, the Director of Budget and Management may 35445
transfer cash, in the amount reported, from the tobacco settlement 35446
bond proceeds to each of the funds. Appropriations for the funds 35447
are hereby adjusted by the amounts of the cash transfers. 35448

35449

Section 515.20. CORRECTIVE CASH TRANSFER 35450

On the effective date of this section, or as soon as possible 35451
thereafter, the Director of Budget and Management may transfer 35452
\$34,549.45 in cash from the Coal Research and Development Bond 35453
Services Fund (Fund 7076) into the Coal Research and Development 35454
Fund (Fund 7046) to correct deposits that were mistakenly 35455
deposited into the Coal Research and Development Bond Services 35456
Fund (Fund 7076). 35457

Section 515.21. CORRECTIVE CASH TRANSFER 35458

On the effective date of this section, or as soon as possible 35459
thereafter, the Director of Budget and Management may transfer 35460
\$5,538.11 in cash from the Coal Research and Development Fund 35461
(Fund 7046) into the Coal Research and Development Bond Services 35462
Fund (Fund 7076) to correct deposits that were mistakenly 35463
deposited into the Coal Research and Development Fund (Fund 7046). 35464

Section 515.30. TRANSFER FROM THE GENERAL REIMBURSEMENT FUND 35465
TO THE PUBLIC HEALTH PRIORITY TRUST FUND 35466

Notwithstanding any provision of law to the contrary, on July 1, 2008, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$950,000 cash from the General Reimbursement Fund (Fund 1060) to the Public Health Priority Trust Fund (Fund L087). The amount transferred is hereby appropriated to appropriation item 440-432, Pneumococcal Vaccines for Children, in the Department of Health.

Section 515.40. BUDGET STABILIZATION FUND TRANSFERS

The Director of Budget and Management has directed the following agencies to reduce spending in the following General Revenue Fund appropriation items. Amounts listed in the first column are the reductions for fiscal year 2008 and amounts listed in the second column are the reductions for fiscal year 2009.

Department of Agriculture				35480
700-403 Animal Disease Control	\$	36,540	\$ 182,702	35481
700-410 Food Safety	\$	8,651	\$ 43,255	35482
Department of Health				35483
440-407 Animal Borne Disease and Prevention	\$	80,000	\$ 40,000	35484
440-418 Immunization	\$	80,000	\$ 40,000	35485
Department of Rehabilitation and Correction				35486
503-321 Parole and Community Operations	\$	1,327,100	\$ 5,433,321	35487
Department of Education				35488
200-503 Bus Purchase Allowance	\$	5,128,138	\$ 676,200	35489
Department of Job and Family Services				35490
600-502 Child Support Match	\$	0	\$ 3,401,410	35491
Rehabilitation Services Commission				35492

415-431 Office of People with Brain Injury	\$	22,601	\$	22,601	35493
Ohio School for the Blind					35494
226-100 Personal Services	\$	354,656	\$	375,966	35495
Ohio School for the Deaf					35496
221-100 Personal Services	\$	438,768	\$	463,193	35497
The Director of Budget and Management shall transfer					35498
\$7,476,454 cash in fiscal year 2008 and \$10,678,648 cash in fiscal					35499
year 2009 from the Budget Stabilization Fund to the General					35500
Revenue Fund to ensure the full amounts appropriated in Am. Sub.					35501
H.B. 119 of the 127th General Assembly to each of the foregoing					35502
appropriation items are available to the agencies for expenditure.					35503
					35504
Section 515.50. Notwithstanding division (A) of section					35505
169.05 of the Revised Code, on July 1, 2008, or as soon as					35506
possible thereafter, and upon the request of the Director of					35507
Budget and Management, the Director of Commerce shall transfer to					35508
the State Adoption Assistance Loan Fund, which is created in					35509
section 5101.143 of the Revised Code, \$500,000 of unclaimed funds					35510
that have been reported by holders of unclaimed funds under					35511
section 169.05 of the Revised Code, irrespective of the allocation					35512
of the unclaimed funds under that section. The amount transferred					35513
is hereby appropriated.					35514
Notwithstanding division (A) of section 169.05 of the Revised					35515
Code, on July 1, 2009, or as soon as possible thereafter, and upon					35516
the request of the Director of Budget and Management, the Director					35517
of Commerce shall transfer to the State Adoption Assistance Loan					35518
Fund, which is created in section 5101.143 of the Revised Code,					35519
\$500,000 of unclaimed funds that have been reported by holders of					35520
unclaimed funds under section 169.05 of the Revised Code,					35521
irrespective of the allocation of the unclaimed funds under that					35522

section. The amount transferred is hereby appropriated. 35523

The Director of Budget and Management shall establish 35524
accounts indicating the source and amount of funds for each 35525
appropriation made in this act, and shall determine the form and 35526
manner in which appropriation accounts shall be maintained. 35527

Section 515.60. CASH TRANSFER FROM AUTOMATED TITLE PROCESSING 35528
FUND TO TITLE DEFECT RESCISSION FUND 35529

Notwithstanding any other provision of law to the contrary, 35530
on July 1, 2008, or as soon as practicable thereafter, the 35531
Director of Budget and Management shall transfer \$1,000,000 in 35532
cash from the Automated Title Processing Fund (Fund 8490) to the 35533
Title Defect Rescission Fund (Fund 4Y70). 35534

Section 610.10. That Sections 223.10 and 315.10 of Am. Sub. 35535
H.B. 67 of the 127th General Assembly be amended to read as 35536
follows: 35537

Sec. 223.10. REVENUE DISTRIBUTION 35538

Holding Account Redistribution Fund Group				35539	
R24 762-619 Unidentified Motor	\$	1,885,000	\$	1,885,000	35540
Vehicle Receipts					
R52 762-623 Security Deposits	\$	350,000	\$	350,000	35541
TOTAL 090 Holding Account					35542
Redistribution Fund Group	\$	2,235,000	\$	2,235,000	35543
TOTAL ALL BUDGET FUND GROUPS -					35544
Revenue Distribution	\$	2,235,000	\$	2,235,000	35545
TOTAL Department of Public Safety					35546
TOTAL HSF State Highway Safety					35547
Fund Group	\$	510,027,743	\$	516,663,269	35548
				<u>527,863,269</u>	
TOTAL SSR State Special Revenue					35549

Fund Group	\$	5,937,415	\$	5,938,568	35550
TOTAL LCF Liquor Control					35551
Fund Group	\$	11,435,527	\$	11,546,052	35552
TOTAL GSF General Services					35553
Fund Group	\$	935,862	\$	989,149	35554
TOTAL FED Federal Special Revenue					35555
Fund Group	\$	151,728,179	\$	152,113,072	35556
TOTAL AGY Agency Fund Group	\$	1,500,000	\$	1,500,000	35557
TOTAL 090 Holding Account					35558
Redistribution Fund Group	\$	2,235,000	\$	2,235,000	35559
TOTAL ALL BUDGET FUND GROUPS	\$	683,799,726	\$	690,985,110	35560
				<u>702,185,110</u>	

Sec. 315.10. OHIO TURNPIKE COMMISSION NOISE MITIGATION PILOT PROJECT 35562
PROJECT 35563

~~There is hereby created the Community Resolution Fund, which shall be in the custody of the Treasurer of State but shall not be part of the state treasury.~~ Notwithstanding any other provision of law to the contrary, ~~on the first day of July in each of 2007 and 2008, or as soon as practicable thereafter in each of those years,~~ the Treasurer of State shall transfer cash in the amount of ~~\$250,000~~ the Department of Transportation shall enter into an agreement on a reimbursement basis with the Ohio Turnpike Commission for up to \$500,000 from the Highway Operating Fund (Fund 002) to the Community Resolution Fund. The Treasurer of State Under the agreement, the Department of Transportation shall pay up to \$250,000 from the fund early in fiscal year 2008 and up to \$250,000 early from the fund in fiscal year 2009 to the Ohio Turnpike Commission, which shall use the money for the study and pilot program required by the this section. 35564
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The Ohio Turnpike Commission shall perform a study of noise impact mitigation methods or techniques that may be used as an alternative to traditional sound barriers on the turnpike project. 35579
35580
35581

The study shall examine the viability of alternative noise impact mitigation methods or techniques that may be installed to alleviate traffic noise that is in excess of the criteria contained in the Ohio Department of Transportation's "Standard Procedures for the Analysis and Abatement of Highway Traffic Noise." After completing the study, but before ~~June 30~~ December 31, 2008, the Ohio Turnpike Commission shall commence a pilot program utilizing one or more alternative noise impact mitigation methods or techniques examined in the study, and shall submit a report containing the results of the pilot program and projected costs of further implementation to the Turnpike Legislative Review Committee not later than ~~December~~ June 30, ~~2008~~ 2009. ~~After the fiscal year 2009 payment of \$250,000 is made to the Ohio Turnpike Commission, the Community Resolution Fund is abolished, and the Treasurer of State shall transfer any cash balance that remains credited to that fund to the Highway Operating Fund.~~

Section 610.11. That existing Sections 223.10 and 315.10 of Am. Sub. H.B. 67 of the 127th General Assembly is hereby repealed.

Section 610.20. That Sections 203.50 and 209.10 of Am. Sub. H.B. 67 of the 127th General Assembly, as amended by Am. Sub. H.B. 119 of the 127th General Assembly, be amended to read as follows:

Sec. 203.50. PUBLIC ACCESS ROADS FOR STATE FACILITIES

Of the foregoing appropriation item 772-421, Highway Construction - State, \$5,000,000 shall be used in each fiscal year during the fiscal year 2008-2009 biennium by the Department of Transportation for the construction, reconstruction, or maintenance of public access roads, including support features, to

and within state facilities owned or operated by the Department of 35612
Natural Resources. 35613

Notwithstanding section 5511.06 of the Revised Code, of the 35614
foregoing appropriation item 772-421, Highway Construction - 35615
State, \$2,228,000 in each fiscal year of the fiscal year 2008-2009 35616
biennium shall be used by the Department of Transportation for the 35617
construction, reconstruction, or maintenance of park drives or 35618
park roads within the boundaries of metropolitan parks. 35619

Included in the foregoing appropriation item 772-421, Highway 35620
Construction - State, the department may perform related road work 35621
on behalf of the Ohio Expositions Commission at the state 35622
fairgrounds, including reconstruction or maintenance of public 35623
access roads and support features, to and within fairground 35624
facilities as requested by the commission and approved by the 35625
Director of Transportation. 35626

HIGHWAY CONSTRUCTION - FEDERAL 35627

Of the foregoing appropriation item 772-422, Highway 35628
Construction - Federal, \$200,000 in fiscal year 2008 shall be used 35629
for the Cleveland Metropolitan Park District West Creek Project. 35630

PUBLIC SCHOOL ENTRANCE IMPROVEMENTS 35631

Of the foregoing appropriation item 779-491, 35632
Administration-State, \$4,000,000 in fiscal year 2008~~7~~ shall be 35633
used by the Department of Transportation to make grants available 35634
for state highway improvements at public school entrances under 35635
the following conditions: 35636

(A) The school is receiving assistance from the Ohio School 35637
Facilities Commission for the renovation or construction of new 35638
school facilities. 35639

(B) The state highway improvements are to be made at 35640
entrances within school zones. 35641

Grant awards shall be limited to \$500,000 per school 35642
district, and are contingent on local government officials or the 35643
participating school district, or both, matching 25 per cent of 35644
the improvement cost. 35645

LIQUIDATION OF UNFORESEEN LIABILITIES 35646

Any appropriation made to the Department of Transportation, 35647
Highway Operating Fund, not otherwise restricted by law, is 35648
available to liquidate unforeseen liabilities arising from 35649
contractual agreements of prior years when the prior year 35650
encumbrance is insufficient. 35651

Sec. 209.10. ENFORCEMENT 35652

State Highway Safety Fund Group 35653

036 764-033 Minor Capital Projects \$ 1,250,000 \$ 1,250,000 35654

036 764-321 Operating Expense - \$ 253,967,276 \$ ~~267,539,597~~ 35655
Highway Patrol 278,739,597

036 764-605 Motor Carrier \$ 3,061,817 \$ 3,340,468 35656
Enforcement Expenses

83C 764-630 Contraband, \$ 622,894 \$ 622,894 35657
Forfeiture, Other

83F 764-657 Law Enforcement \$ 7,945,555 \$ 8,275,898 35658
Automated Data System

83G 764-633 OMVI \$ 650,000 \$ 650,000 35659
Enforcement/Education

83J 764-693 Highway Patrol Justice \$ 2,100,000 \$ 2,100,000 35660
Contraband

83T 764-694 Highway Patrol \$ 21,000 \$ 21,000 35661
Treasury Contraband

831 764-610 Patrol - Federal \$ 2,455,484 \$ 2,455,484 35662

831 764-659 Transportation \$ 5,665,690 \$ 6,132,592 35663
Enforcement - Federal

831 769-631 Homeland Security - \$ 1,500,000 \$ 1,552,500 35664

	Federal				
837 764-602	Turnpike Policing	\$	10,893,146	\$	11,553,959
					35665
838 764-606	Patrol Reimbursement	\$	175,000	\$	175,000
					35666
840 764-607	State Fair Security	\$	1,396,283	\$	1,396,283
					35667
840 764-617	Security and	\$	6,231,916	\$	6,155,385
					35668
	Investigations				
840 764-626	State Fairgrounds	\$	788,375	\$	788,375
					35669
	Police Force				
840 769-632	Homeland Security -	\$	1,913,276	\$	1,989,807
					35670
	Operating				
841 764-603	Salvage and Exchange -	\$	1,339,399	\$	1,339,399
					35671
	Highway Patrol				
TOTAL HSF State Highway Safety					35672
Fund Group		\$	301,977,111	\$	317,338,641
					<u>328,538,641</u>
General Services Fund Group					35674
4S2 764-660	MARCS Maintenance	\$	335,862	\$	389,149
					35675
TOTAL GSF General Services					35676
Fund Group		\$	335,862	\$	389,149
					35677
TOTAL ALL BUDGET FUND GROUPS -					35678
Enforcement		\$	302,312,973	\$	317,727,790
					<u>328,927,790</u>
COLLECTIVE BARGAINING INCREASES					35680
Notwithstanding division (D) of section 127.14 and division					35681
(B) of section 131.35 of the Revised Code, except for the General					35682
Revenue Fund, the Controlling Board may, upon the request of					35683
either the Director of Budget and Management, or the Department of					35684
Public Safety with the approval of the Director of Budget and					35685
Management, increase appropriations for any fund, as necessary for					35686
the Department of Public Safety, to assist in paying the costs of					35687
increases in employee compensation that have occurred pursuant to					35688
collective bargaining agreements under Chapter 4117. of the					35689

Revised Code and, for exempt employees, under section 124.152 of 35690
the Revised Code. 35691

TRAFFIC SAFETY OPERATING FUND 35692

On July 1, 2007, or as soon thereafter as possible, the 35693
Director of Budget and Management shall transfer the cash balance 35694
in the Traffic Safety Operating Fund (Fund 5AY) to the Highway 35695
Safety Fund (Fund 036). The Director of Budget and Management 35696
shall cancel any existing encumbrances against appropriation item 35697
764-688, Traffic Safety Operating, and re-establish them against 35698
appropriation item 764-321, Operating Expense - Highway Patrol. 35699
The amounts of the re-established encumbrances are hereby 35700
appropriated. Upon completion of these transfers, the Traffic 35701
Safety Operating Fund (Fund 5AY) is hereby abolished. 35702

CASH TRANSFER TO THE STATE HIGHWAY SAFETY FUND 35703

Effective July 1, 2007, the Treasurer of State, prior to 35704
making any of the distributions listed in sections 5735.23, 35705
5735.26, 5735.291, and 5735.30 of the Revised Code, shall deposit 35706
at least the first \$1,250,000 and up to \$1,600,000 received each 35707
month to the credit of the State Highway Safety Fund (Fund 036) 35708
pursuant to a schedule determined by the Director of Budget and 35709
Management. 35710

Section 610.21. That existing Sections 203.50 and 209.10 of 35711
Am. Sub. H.B. 67 of the 127th General Assembly, as amended by Am. 35712
Sub. H.B. 119 of the 127th General Assembly, are hereby repealed. 35713
35714

Section 610.30. That Section 201.10 of Am. Sub. H.B. 100 of 35715
the 127th General Assembly be amended to read as follows: 35716

Sec. 201.10. All items in this section are hereby 35717
appropriated out of any moneys in the state treasury to the credit 35718

of the designated fund. For all appropriations made in this act					35719
<u>Am. Sub. H.B. 100 of the 127th General Assembly</u> , those in the					35720
first column are for fiscal year 2008, and those in the second					35721
column are for fiscal year 2009.					35722
FND AI	AI TITLE	Appropriations			35723
	BWC BUREAU OF WORKERS' COMPENSATION				35724
Workers' Compensation Fund Group					35725
023 855-401	William Green Lease	\$ 20,436,600	\$ 20,686,500		35726
	Payments to OBA				
023 855-407	Claims, Risk & Medical	\$ 140,367,719	\$ 140,367,719		35727
	Management				
023 855-408	Fraud Prevention	\$ 11,772,551	\$ 11,772,551		35728
023 855-409	Administrative	\$ 122,962,388	\$ 122,962,388		35729
	Services				
023 855-410	Attorney General	\$ 4,444,085	\$ 4,444,085		35730
	Payments				
822 855-606	Coal Workers' Fund	\$ 91,894	\$ 91,894		35731
823 855-608	Marine Industry	\$ 53,952	\$ 53,952		35732
825 855-605	Disabled Workers	\$ 488,282	\$ 492,500		35733
	Relief Fund				
826 855-609	Safety & Hygiene	\$ 20,734,750	\$ 20,734,750		35734
	Operating				
826 855-610	Safety Grants Program	\$ 4,000,000	\$ 4,000,000		35735
			\$ <u>6,500,000</u>		
829 855-604	Long Term Care Loan	\$ 2,000,000	\$ 2,000,000		35736
	Program				
TOTAL WCF Workers' Compensation					35737
Fund Group		\$ 327,352,221	\$ 327,606,339		35738
			\$ <u>330,106,339</u>		
Federal Special Revenue Fund Group					35739
349 855-601	OSHA Enforcement	\$ 1,604,140	\$ 1,604,140		35740

TOTAL FED Federal Special Revenue	\$	1,604,140	\$	1,604,140	35741
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	328,956,361	\$	329,210,479	35742
				<u>331,710,479</u>	

WILLIAM GREEN LEASE PAYMENTS 35743

The foregoing appropriation item 855-401, William Green Lease 35744
Payments to OBA, shall be used for lease payments to the Ohio 35745
Building Authority, and these appropriations shall be used to meet 35746
all payments at the times they are required to be made during the 35747
period from July 1, 2007, to June 30, 2009, by the Bureau of 35748
Workers' Compensation to the Ohio Building Authority pursuant to 35749
leases and agreements made under Chapter 152. of the Revised Code 35750
and Section 6 of Am. Sub. H.B. 743 of the 118th General Assembly. 35751
Of the amounts received in Fund 023, appropriation item 855-401, 35752
William Green Lease Payments to OBA, up to \$41,123,100 shall be 35753
restricted for lease rental payments to the Ohio Building 35754
Authority. If it is determined that additional appropriations are 35755
necessary for such purpose, such amounts are hereby appropriated. 35756

Notwithstanding any other provision of law to the contrary, 35757
all tenants of the William Green Building not funded by the 35758
Workers' Compensation Fund (Fund 023) shall pay their fair share 35759
of the costs of lease payments to the Workers' Compensation Fund 35760
(Fund 023) by intrastate transfer voucher. 35761

WORKERS' COMPENSATION FRAUD UNIT 35762

The Workers' Compensation Section Fund (Fund 195) shall 35763
receive payments from the Bureau of Workers' Compensation at the 35764
beginning of each quarter of each fiscal year to fund expenses of 35765
the Workers' Compensation Fraud Unit of the Attorney General's 35766
Office. Of the foregoing appropriation item 855-410, Attorney 35767
General Payments, \$796,346 in fiscal year 2008 and \$796,346 in 35768
fiscal year 2009 shall be used to provide these payments. 35769

SAFETY AND HYGIENE 35770

Notwithstanding section 4121.37 of the Revised Code, the 35771
Administrator of Workers' Compensation shall transfer moneys from 35772
the State Insurance Fund so that appropriation item 855-609, 35773
Safety and Hygiene Operating, is provided \$20,734,750 in fiscal 35774
year 2008 and \$20,734,750 in fiscal year 2009. 35775

OSHA ON-SITE CONSULTATION PROGRAM 35776

The Bureau of Workers' Compensation may designate a portion 35777
of appropriation item 855-609, Safety and Hygiene Operating, to be 35778
used to match federal funding for the federal Occupational Safety 35779
and Health Administration's (OSHA) on-site consultation program. 35780

VOCATIONAL REHABILITATION 35781

The Bureau of Workers' Compensation and the Rehabilitation 35782
Services Commission shall enter into an interagency agreement for 35783
the provision of vocational rehabilitation services and staff to 35784
mutually eligible clients. The bureau shall provide \$605,407 in 35785
fiscal year 2008 and \$605,407 in fiscal year 2009 from the State 35786
Insurance Fund to fund vocational rehabilitation services and 35787
staff in accordance with the interagency agreement. 35788

FUND BALANCE 35789

Any unencumbered cash balance in excess of \$45,000,000 in the 35790
Workers' Compensation Fund (Fund 023) on the thirtieth day of June 35791
of each fiscal year shall be used to reduce the administrative 35792
cost rate charged to employers to cover appropriations for Bureau 35793
of Workers' Compensation operations. 35794

HOLDING ACCOUNT 35795

On July 1, 2007, or as soon as possible thereafter, the 35796
Director of Budget and Management shall transfer the remaining 35797
cash balance in the Camera Center Fund (Fund R46) to the 35798
Administrative Fund (Fund 023). After the transfer, the Camera 35799

Center Fund is abolished. 35800

Section 610.31. That existing Section 201.10 of Am. Sub. H.B. 35801
100 of the 127th General Assembly is hereby repealed. 35802

Section 610.40. That Sections 207.20.50, 207.20.70, 35803
207.30.10, 207.30.20, 207.30.30, 219.10, 235.10, 261.10, 263.10, 35804
263.20.10, 263.20.80, 263.30.10, 269.30.30, 269.30.70, 269.40.50, 35805
269.50.30, 275.10, 293.10, 299.10, 307.10, 309.10, 309.30.13, 35806
309.30.30, 309.30.40, 309.30.41, 309.30.42, 309.40.33, 337.30, 35807
337.30.43, 337.40, 337.40.15, 369.10, 375.10, 379.10, 393.10, 35808
405.10, 407.10, 512.03, 512.35, and 518.03 of Am. Sub. H.B. 119 of 35809
the 127th General Assembly be amended to read as follows: 35810

Sec. 207.20.50. MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM 35811

Effective with the implementation of the Multi-Agency Radio 35812
Communications System, the ~~State Chief Information Officer~~ 35813
Department of Administrative Services shall collect user fees from 35814
participants in the system. ~~The~~ Under the direction of the 35815
Director of Administrative Services, the State Chief Information 35816
Officer, with the advice of the Multi-Agency Radio Communications 35817
System Steering Committee and the Director of Budget and 35818
Management, shall determine the amount of the fees and the manner 35819
by which the fees shall be collected. Such user charges shall 35820
comply with the applicable cost principles issued by the federal 35821
Office of Management and Budget. All moneys from user charges and 35822
fees shall be deposited in the state treasury to the credit of the 35823
Multi-Agency Radio Communications System Administration Fund (Fund 35824
5C2), which is hereby established in the state treasury. All 35825
interest income derived from the investment of the fund shall 35826
accrue to the fund. 35827

Sec. 207.20.70. OAKS SUPPORT ORGANIZATION 35828

The foregoing appropriation item 100-635, OAKS Support Organization, shall be used by the ~~Office of Information Technology~~ Department of Administrative Services to support the operating costs associated with the implementation and maintenance of the state's enterprise resource planning system, OAKS, consistent with its responsibilities under this section and Chapters 125. and 126. of the Revised Code. The OAKS Support Organization shall operate and maintain the human capital management and financial management modules of the state's enterprise resource planning system to support statewide human resources and financial management activities administered by the Department of Administrative Services' human resources division and the Office of Budget and Management. The OAKS Support Organization shall recover the costs to establish, operate, and maintain the OAKS system through intrastate transfer voucher billings to the Department of Administrative Services and the Office of Budget and Management. Effective July 1, 2007, the Department of Administrative Services, with the approval of the Director of Budget and Management, shall include the recovery of the costs of administering the human capital management module of the OAKS System within the human resources services payroll rate. These revenues shall be deposited to the credit of the Human Resources Services Fund (Fund 125). Amounts deposited under this section are hereby appropriated to appropriation item 100-622, Human Resources Division-Operating. Not less than quarterly, the Department of Administrative Services shall process the intrastate transfer billings to transfer cash from the Human Resources Services Fund (Fund 125) to the OAKS Support Organization Fund (Fund 5EB) to pay for the OAKS Support Organization costs.

Sec. 207.30.10. CENTRALIZED GATEWAY ENHANCEMENTS FUND

(A) As used in this section, "Ohio Business Gateway" refers to the internet-based system operated by the ~~Office of Information~~

~~Technology~~ Department of Administrative Services with the advice 35861
of the Ohio Business Gateway Steering Committee established under 35862
section 5703.57 of the Revised Code. The Ohio Business Gateway is 35863
established to provide businesses a central web site where various 35864
filings and payments are submitted on-line to government. The 35865
information is then distributed to the various government entities 35866
that interact with the business community. 35867

(B) As used in this section: 35868

(1) "State Portal" refers to the official web site of the 35869
state, operated by the ~~Office of Information Technology~~ Department 35870
of Administrative Services. 35871

(2) "Shared Hosting Environment" refers to the computerized 35872
system operated by the ~~Office of Information Technology~~ Department 35873
of Administrative Services for the purpose of providing capability 35874
for state agencies to host web sites. 35875

(C) There is hereby created in the state treasury the 35876
Centralized Gateway Enhancements Fund (Fund 5X3). The foregoing 35877
appropriation item 100-634, Centralized Gateway Enhancements, 35878
shall be used by the ~~Office of Information Technology~~ Department 35879
of Administrative Services to pay the costs of enhancing, 35880
expanding, and operating the infrastructure of the Ohio Business 35881
Gateway, State Portal, and Shared Hosting Environment. ~~The~~ Under 35882
the direction of the Director of Administrative Services, the 35883
State Chief Information Officer shall submit periodic spending 35884
plans to the Director of Budget and Management to justify 35885
operating transfers to the fund from the General Revenue Fund. 35886
Upon approval, the Director of Budget and Management shall 35887
transfer approved amounts to the fund, not to exceed the amount of 35888
the annual appropriation in each fiscal year. The spending plans 35889
may be based on the recommendations of the Ohio Business Gateway 35890
Steering Committee or its successor. 35891

Sec. 207.30.20. MAJOR IT PURCHASES AND CONTRACTS 35892

The Director of Administrative Services shall, on the 35893
effective date of this amendment, replace the Director and Chief 35894
Information Officer of the Office of Information Technology in all 35895
contracts executed pursuant to section 125.18 of the Revised Code 35896
and in matters relating to those contracts. Contracts entered into 35897
prior to the effective date of this amendment shall remain in full 35898
force and effect. 35899

Under the direction of the Director of Administrative 35900
Services, the State Chief Information Officer shall compute the 35901
amount of revenue attributable to the amortization of all 35902
equipment purchases and capitalized systems from appropriation 35903
item 100-607, IT ~~Service~~ Services Delivery; appropriation item 35904
100-617, Major IT Purchases; and appropriation item CAP-837, Major 35905
IT Purchases, which is recovered by the Office of Information 35906
Technology as part of the rates charged by the IT Service Delivery 35907
Fund (Fund 133) created in section 125.15 of the Revised Code. The 35908
Director of Budget and Management may transfer cash in an amount 35909
not to exceed the amount of amortization computed from the IT 35910
Service Delivery Fund (Fund 133) to the Major IT Purchases Fund 35911
(Fund 4N6). 35912

On or before June 30, 2008, any unencumbered amounts of the 35913
foregoing appropriation item 100-607, IT Services Delivery, that 35914
are attributable to implementation of the NextGen Network for 35915
fiscal year 2008 are hereby appropriated for the same purpose for 35916
fiscal year 2009. 35917

Sec. 207.30.30. INFORMATION TECHNOLOGY ASSESSMENT 35918

The Under the direction of the Director of Administrative 35919
Services, the State Chief Information Officer, with the approval 35920
of the Director of Budget and Management, may establish an 35921

information technology assessment for the purpose of recovering 35922
the cost of selected infrastructure and statewide programs. Such 35923
assessment shall comply with applicable cost principles issued by 35924
the federal Office of Management and Budget. The information 35925
technology assessment shall be charged to all organized bodies, 35926
offices, or agencies established by the laws of the state for the 35927
exercise of any function of state government except for the 35928
General Assembly, any legislative agency, the Supreme Court, the 35929
other courts of record in Ohio, or any judicial agency, the 35930
Adjutant General, the Bureau of Workers' Compensation, and 35931
institutions administered by a board of trustees. Any state-entity 35932
exempted by this section may utilize the infrastructure or 35933
statewide program by participating in the information technology 35934
assessment. All charges for the information technology assessment 35935
shall be deposited to the credit of the IT Governance Fund (Fund 35936
229). 35937

Sec. 219.10. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 35938
SERVICES 35939

General Revenue Fund 35940

GRF 038-321 Operating Expenses	\$	1,071,861	\$	1,071,861	35941
GRF 038-401 Treatment Services	\$	38,661,063	\$	41,661,063	35942
GRF 038-404 Prevention Services	\$	1,052,127	\$	1,552,127	35943
TOTAL GRF General Revenue Fund	\$	40,785,051	\$	44,285,051	35944

General Services Fund 35945

5T9 038-616 Problem Gambling	\$	285,000	\$	285,000	35946
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Services

TOTAL GSF General Services Fund	\$	285,000	\$	285,000	35947
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Group

Federal Special Revenue Fund Group 35948

3G3 038-603 Drug Free Schools	\$	3,500,000	\$	3,500,000	35949
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3G4 038-614 Substance Abuse Block	\$	73,000,000	\$	73,000,000	35950
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		Grant				
3H8	038-609	Demonstration Grants	\$	7,093,075	\$	7,093,075 35951
3J8	038-610	Medicaid	\$	46,000,000	\$	46,000,000 35952
3N8	038-611	Administrative	\$	500,000	\$	500,000 35953
		Reimbursement				
		TOTAL FED Federal Special Revenue				35954
		Fund Group	\$	130,093,075	\$	130,093,075 35955
		State Special Revenue Fund Group				35956
475	038-621	Statewide Treatment	\$	18,000,000	\$	18,000,000 35957
		and Prevention				
5BR	038-406	Tobacco Use	\$	205,000	\$	205,000 35958
		Prevention and				
		Control Program				
5DH	038-620	Fetal Alcohol	\$	327,500	\$	327,500 35959
		Spectrum Disorder				
689	038-604	Education and	\$	350,000	\$	350,000 35960
		Conferences				
		TOTAL SSR State Special Revenue				35961
		Fund Group	\$	18,882,500	\$	18,882,500 35962
		TOTAL ALL BUDGET FUND GROUPS	\$	190,045,626	\$	193,545,626 35963
		TREATMENT SERVICES				35964
		Of the foregoing appropriation item 038-401, Treatment				35965
		Services, not more than \$8,190,000 shall be used by the Department				35966
		of Alcohol and Drug Addiction Services for program grants for				35967
		priority populations in each year of the biennium.				35968
		SUBSTANCE ABUSE SERVICES FOR FAMILIES OF AT RISK CHILDREN				35969
		Of the foregoing appropriation item 038-401, Treatment				35970
		Services, \$4 million in each fiscal year shall be used to provide				35971
		substance abuse services to families involved in the child welfare				35972
		system under the requirements of Am. Sub. H.B. 484 of the 122nd				35973
		General Assembly.				35974

THERAPEUTIC COMMUNITIES	35975
Of the foregoing appropriation item 038-401, Treatment Services, \$750,000 shall be used in each fiscal year for the Therapeutic Communities Program in the Department of Rehabilitation and Correction.	35976 35977 35978 35979
JUVENILE AFTERCARE PROGRAM	35980
Of the foregoing appropriation item 038-401, Treatment Services, \$2,500,000 shall be used in fiscal year 2009 for the Juvenile Aftercare Program to provide community-based alcohol and other drug treatment to parolees from the Department of Youth Services.	35981 35982 35983 35984 35985
<u>SERVICES FOR TANF ELIGIBLE INDIVIDUALS</u>	35986
Of the foregoing appropriation item 038-401, Treatment Services, \$5 million in each fiscal year shall be used for TANF-eligible expenses for substance abuse <u>prevention</u> and treatment services to children or their families whose income is at or below 200 per cent of the federal poverty level.	35987 35988 35989 35990 35991
INTERNAL REVIEW	35992
The Director of Alcohol and Drug Addiction Services shall consult with the Director of Budget and Management and representatives of local and county alcohol and drug addiction 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 shall be used for community-based care.	35993 35994 35995 35996 35997 35998 35999
The Director of Alcohol and Drug Addiction Services shall seek Controlling Board approval before expending any funds identified as a result of the internal review.	36000 36001 36002
Sec. 235.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD	36003

General Revenue Fund				36004
GRF 874-100 Personal Services	\$	2,057,000	\$ 2,057,000	36005
			<u>2,201,612</u>	
GRF 874-320 Maintenance and Equipment	\$	1,085,837	\$ 1,080,837	36006
TOTAL GRF General Revenue Fund	\$	3,142,837	\$ 3,137,837	36007
			<u>3,282,449</u>	
General Services Fund Group				36008
4G5 874-603 Capitol Square Education Center and Arts	\$	15,000	\$ 15,000	36009
4S7 874-602 Statehouse Gift Shop/Events	\$	650,484	\$ 650,484	36010
TOTAL GSF General Services Fund Group	\$	665,484	\$ 665,484	36011 36012
Underground Parking Garage				36013
208 874-601 Underground Parking Garage Operations	\$	2,706,993	\$ 2,706,993	36014
		<u>2,754,993</u>	<u>2,754,993</u>	
TOTAL UPG Underground Parking Garage	\$	2,706,993	\$ 2,706,993	36015 36016
		<u>2,754,993</u>	<u>2,754,993</u>	
TOTAL ALL BUDGET FUND GROUPS	\$	6,515,314	\$ 6,510,314	36017
		<u>6,563,314</u>	<u>6,702,926</u>	

WAREHOUSE PAYMENTS

36018

If the Capitol Square Review and Advisory Board purchases a 36019
warehouse under section 105.41 of the Revised Code, \$48,000 in 36020
each fiscal year of the foregoing appropriation item 874-601, 36021
Underground Parking Garage Operations, shall be used to meet all 36022
payments at the times they are required to be made during the 36023
period from July 1, 2007, to June 30, 2009, by the Board to the 36024
Ohio Building Authority for bond service charges relating to the 36025
purchase and improvement of the warehouse in which to store items 36026

of the Capitol Collection Trust and, whenever necessary, equipment 36027
or other property of the Board. 36028

Sec. 261.10. BDP BOARD OF DEPOSIT 36029

General Services Fund Group 36030

4M2 974-601 Board of Deposit	\$	1,676,000	\$	1,676,000	36031
				<u>1,876,000</u>	

TOTAL GSF General Services Fund 36032

Group	\$	1,676,000	\$	1,676,000	36033
				<u>1,876,000</u>	

TOTAL ALL BUDGET FUND GROUPS	\$	1,676,000	\$	1,676,000	36034
				<u>1,876,000</u>	

BOARD OF DEPOSIT EXPENSE FUND 36035

Upon receiving certification of expenses from the Treasurer 36036
of State, the Director of Budget and Management shall transfer 36037
cash from the Investment Earnings Redistribution Fund (Fund 608) 36038
to the Board of Deposit Expense Fund (Fund 4M2). The latter fund 36039
shall be used pursuant to section 135.02 of the Revised Code to 36040
pay for any and all necessary expenses of the Board of Deposit or 36041
for banking charges and fees required for the operation of the 36042
State of Ohio Regular Account. 36043

Sec. 263.10. DEV DEPARTMENT OF DEVELOPMENT 36044

General Revenue Fund 36045

GRF 195-401 Thomas Edison Program	\$	19,404,838	\$	17,978,483	36046
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GRF 195-404 Small Business	\$	1,740,722	\$	1,792,944	36047
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Development

GRF 195-405 Minority Business	\$	1,580,291	\$	1,627,700	36048
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Development Division

GRF 195-407 Travel and Tourism	\$	1,800,000	\$	1,800,000	36049
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GRF 195-410 Defense Conversion	\$	5,000,000	\$	0	36050
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Assistance

GRF	195-412	Rapid Outreach Grants	\$	10,750,000	\$	10,000,000	36051
GRF	195-415	Economic Development Division and Regional Offices	\$	5,894,975	\$	6,071,824	36052
GRF	195-416	Governor's Office of Appalachia	\$	4,746,043	\$	4,746,043	36053
GRF	195-422	Third Frontier Action Fund	\$	18,790,000	\$	16,790,000	36054
GRF	195-426	Clean Ohio Implementation	\$	300,000	\$	309,000	36055
GRF	195-432	International Trade	\$	4,650,501	\$	4,650,501	36056
GRF	195-434	Investment in Training Grants	\$	12,227,500	\$	12,594,325	36057
GRF	195-436	Labor/Management Cooperation	\$	836,225	\$	836,225	36058
GRF	195-497	CDBG Operating Match	\$	1,072,184	\$	1,072,184	36059
GRF	195-498	State Match Energy	\$	96,820	\$	96,820	36060
GRF	195-501	Appalachian Local Development Districts	\$	391,482	\$	391,482	36061
GRF	195-502	Appalachian Regional Commission Dues	\$	254,208	\$	254,208	36062
GRF	195-507	Travel and Tourism Grants	\$	1,130,000	\$	1,115,000 <u>1,165,000</u>	36063
GRF	195-516	Shovel Ready Sites	\$	1,000,000	\$	1,000,000	36064
GRF	195-520	Ohio Main Street Program	\$	750,000	\$	250,000	36065
GRF	195-521	Discover Ohio!	\$	7,182,845	\$	8,182,845	36066
GRF	195-905	Third Frontier Research & Development General Obligation Debt Service	\$	14,349,500	\$	24,523,400	36067
GRF	195-912	Job Ready Site	\$	4,359,400	\$	8,232,500	36068

		Development General					
		Obligation Debt					
		Service					
TOTAL GRF	General Revenue Fund		\$	118,307,534	\$	124,315,484	36069
						<u>124,365,484</u>	
General Services Fund Group							36070
135	195-684	Supportive Services	\$	11,699,404	\$	11,321,444	36071
5AD	195-667	Investment in	\$	2,000,000	\$	0	36072
		Training Expansion					
5AD	195-668	Workforce Guarantee	\$	1,000,000	\$	0	36073
		Program					
5AD	195-677	Economic Development	\$	5,000,000	\$	24,400,000	36074
		Contingency					
5W5	195-690	Travel and Tourism	\$	350,000	\$	350,000	36075
		Cooperative Projects					
5W6	195-691	International Trade	\$	300,000	\$	300,000	36076
		Cooperative Projects					
685	195-636	Direct Cost Recovery	\$	800,000	\$	800,000	36077
		Expenditures					
TOTAL GSF	General Services Fund						36078
Group			\$	21,149,404	\$	37,171,444	36079
Federal Special Revenue Fund Group							36080
3AE	195-643	Workforce Development	\$	5,839,900	\$	5,860,000	36081
		Initiatives					
3BJ	195-685	TANF Heating	\$	45,000,000	\$	15,000,000	36082
		Assistance					
3K8	195-613	Community Development	\$	65,000,000	\$	65,000,000	36083
		Block Grant					
3K9	195-611	Home Energy	\$	110,000,000	\$	110,000,000	36084
		Assistance Block					
		Grant					
3K9	195-614	HEAP Weatherization	\$	22,000,000	\$	22,000,000	36085

3L0	195-612	Community Services Block Grant	\$	25,235,000	\$	25,235,000	36086
3V1	195-601	HOME Program	\$	40,000,000	\$	40,000,000	36087
308	195-602	Appalachian Regional Commission	\$	475,000	\$	475,000	36088
308	195-603	Housing and Urban Development	\$	6,000,000	\$	6,000,000	36089
308	195-605	Federal Projects	\$	27,000,000	\$	27,000,000	36090
308	195-609	Small Business Administration	\$	4,296,381	\$	4,396,381	36091
308	195-618	Energy Federal Grants	\$	3,400,000	\$	3,400,000	36092
335	195-610	Energy Conservation and Emerging Technology	\$	2,200,000	\$	2,200,000	36093
TOTAL FED Federal Special Revenue							36094
Fund Group			\$	356,446,281	\$	326,566,381	36095
State Special Revenue Fund Group							36096
4F2	195-639	State Special Projects	\$	518,393	\$	518,393	36097
4F2	195-676	Marketing Initiatives	\$	5,000,000	\$	1,000,000	36098
4S0	195-630	Tax Incentive Programs	\$	650,800	\$	650,800	36099
4W1	195-646	Minority Business Enterprise Loan	\$	2,580,597	\$	2,580,597	36100
444	195-607	Water and Sewer Commission Loans	\$	523,775	\$	523,775	36101
450	195-624	Minority Business Bonding Program Administration	\$	53,967	\$	53,967	36102
451	195-625	Economic Development Financing Operating	\$	3,233,311	\$	3,233,311	36103
5AR	195-674	Industrial Site Improvements	\$	4,500,000	\$	4,500,000	36104
5CG	195-679	Alternative Fuel Transportation	\$	1,500,000	\$	1,000,000	36105

5DU	195-689	Energy Projects	\$	840,000	\$	840,000	36106
5M4	195-659	Low Income Energy Assistance	\$	245,000,000	\$	245,000,000	36107
5M5	195-660	Advanced Energy Programs	\$	17,000,000	\$	17,000,000	36108
5X1	195-651	Exempt Facility Inspection	\$	25,000	\$	25,000	36109
611	195-631	Water and Sewer Administration	\$	15,713	\$	15,713	36110
617	195-654	Volume Cap Administration	\$	200,000	\$	200,000	36111
646	195-638	Low- and Moderate-Income Housing Trust Fund	\$	53,000,000	\$	53,000,000	36112
TOTAL SSR State Special Revenue							36113
Fund Group			\$	334,641,556	\$	330,141,556	36114
Facilities Establishment Fund Group							36115
009	195-664	Innovation Ohio	\$	50,000,000	\$	50,000,000	36116
010	195-665	Research and Development	\$	50,000,000	\$	50,000,000	36117
037	195-615	Facilities Establishment	\$	110,000,000	\$	110,000,000	36118
4Z6	195-647	Rural Industrial Park Loan	\$	3,000,000	\$	3,000,000	36119
5D2	195-650	Urban Redevelopment Loans	\$	5,475,000	\$	5,475,000	36120
5S8	195-627	Rural Development Initiative	\$	3,000,000	\$	3,000,000	36121
5S9	195-628	Capital Access Loan Program	\$	3,000,000	\$	3,000,000	36122
TOTAL 037 Facilities Establishment Fund Group							36123
Establishment Fund Group			\$	224,475,000	\$	224,475,000	36124
Clean Ohio Revitalization Fund							36125

003	195-663	Clean Ohio Operating	\$	625,000	\$	550,000	36126
TOTAL	003	Clean Ohio Revitalization	\$	625,000	\$	550,000	36127
Fund							
Third Frontier Research & Development Fund Group							36128
011	195-686	Third Frontier	\$	1,932,056	\$	1,932,056	36129
Operating							
011	195-687	Third Frontier	\$	94,000,000	\$	72,000,000	36130
Research &							
Development Projects							
014	195-692	Research &	\$	28,000,000	\$	28,000,000	36131
Development Taxable							
Bond Projects							
TOTAL	011	Third Frontier Research &	\$	123,932,056	\$	101,932,056	36132
Development Fund Group							
Job Ready Site Development Fund Group							36133
012	195-688	Job Ready Site	\$	1,246,155	\$	1,246,155	36134
Operating							
TOTAL	012	Job Ready Site	\$	1,246,155	\$	1,246,155	36135
Development Fund Group							
TOTAL	ALL	BUDGET FUND GROUPS	\$	1,180,822,986	\$	1,146,398,076	36136
						<u>1,146,448,076</u>	

Sec. 263.20.10. TRAVEL AND TOURISM GRANTS 36138

The foregoing appropriation item 195-507, Travel and Tourism 36139
 Grants, shall be used to provide grants to local organizations to 36140
 support various local travel and tourism events in Ohio. 36141

Of the foregoing appropriation item 195-507, Travel and 36142
 Tourism Grants, \$50,000 in each fiscal year shall be used for the 36143
 Cleveland Film Bureau. 36144

Of the foregoing appropriation item 195-507, Travel and 36145
 Tourism Grants, \$50,000 in each fiscal year shall be used for the 36146
 Cincinnati Film Bureau. 36147

Of the foregoing appropriation item 195-507, Travel and 36148
Tourism Grants, \$500,000 in each fiscal year shall be used for 36149
grants to The International Center for the Preservation of Wild 36150
Animals. 36151

Of the foregoing appropriation item 195-507, Travel and 36152
Tourism Grants, \$50,000 in each fiscal year shall be used for the 36153
Greater Cleveland Sports Commission. 36154

Of the foregoing appropriation item 195-507, Travel and 36155
Tourism Grants, \$50,000 in each fiscal year shall be used for the 36156
Greater Columbus Sports Commission. 36157

Of the foregoing appropriation item 195-507, Travel and 36158
Tourism Grants, \$50,000 in each fiscal year ~~2008~~ shall be used for 36159
the Ohio Alliance of Science Centers. 36160

Of the foregoing appropriation item 195-507, Travel and 36161
Tourism Grants, \$100,000 in each fiscal year shall be used for the 36162
Harbor Heritage Society/Great Lakes Science Center in support of 36163
operations of the Steamship William G. Mather Maritime Museum, and 36164
\$100,000 in each fiscal year shall be used for the Great Lakes 36165
Historical Society. 36166

Of the foregoing appropriation item 195-507, Travel and 36167
Tourism Grants, \$35,000 in fiscal year 2009 shall be used for the 36168
Ohio Junior Angus Association to assist with costs associated with 36169
hosting the Eastern Regional Junior Angus Show in June 2009. 36170

Of the foregoing appropriation item 195-507, Travel and 36171
Tourism Grants, \$60,000 in each fiscal year shall be used for the 36172
Ohio River Trails program. 36173

Of the foregoing appropriation item 195-507, Travel and 36174
Tourism Grants, \$60,000 in each fiscal year shall be used to 36175
support the outdoor drama "Tecumseh!" 36176

Of the foregoing appropriation item 195-507, Travel and 36177

Tourism Grants, \$25,000 in each fiscal year shall be used for 36178
Ohio's Appalachian Country. 36179

Of the foregoing appropriation item 195-507, Travel and 36180
Tourism Grants, \$25,000 in each fiscal year shall be used for the 36181
Garst Museum. 36182

Of the foregoing appropriation item 195-507, Travel and 36183
Tourism Grants, \$10,000 in each fiscal year shall be used for the 36184
Pro Football Hall of Fame Festival. 36185

Sec. 263.20.80. FACILITIES ESTABLISHMENT FUND 36186

The foregoing appropriation item 195-615, Facilities 36187
Establishment (Fund 037), shall be used for the purposes of the 36188
Facilities Establishment Fund under Chapter 166. of the Revised 36189
Code. 36190

Notwithstanding Chapter 166. of the Revised Code, an amount 36191
not to exceed \$1,800,000 in cash each fiscal year may be 36192
transferred from the Facilities Establishment Fund (Fund 037) to 36193
the Economic Development Financing Operating Fund (Fund 451). The 36194
transfer is subject to Controlling Board approval under division 36195
(B) of section 166.03 of the Revised Code. 36196

Notwithstanding Chapter 166. of the Revised Code, an amount 36197
not to exceed \$5,475,000 in cash each fiscal year may be 36198
transferred during the biennium from the Facilities Establishment 36199
Fund (Fund 037) to the Urban Redevelopment Loans Fund (Fund 5D2) 36200
for the purpose of removing barriers to urban core redevelopment. 36201
The Director of Development shall develop program guidelines for 36202
the transfer and release of funds, including, but not limited to, 36203
the completion of all appropriate environmental assessments before 36204
state assistance is committed to a project. The transfers shall be 36205
subject to approval by the Controlling Board upon the submission 36206
of a request by the Department of Development. 36207

Notwithstanding Chapter 166. of the Revised Code, an amount 36208
not to exceed \$3,000,000 in cash each fiscal year may be 36209
transferred from the Facilities Establishment Fund (Fund 037) to 36210
the Rural Industrial Park Loan Fund (Fund 4Z6). The transfer is 36211
subject to Controlling Board approval under section 166.03 of the 36212
Revised Code. 36213

Notwithstanding Chapter 166. of the Revised Code, of the 36214
foregoing appropriation item 195-615, Facilities Establishment, 36215
\$1,500,000 in fiscal year 2008 shall be used for business 36216
development by any current or future port authority located in 36217
Clark County. 36218

Notwithstanding Chapter 166. of the Revised Code, on July 1, 36219
2007, or as soon as possible thereafter, the Director of Budget 36220
and Management, at the request of the Director of Development, 36221
shall transfer \$5,719,325 cash from the Facilities Establishment 36222
Fund (Fund 037) to the General Revenue Fund. Of the amount to be 36223
transferred, \$5,352,500 in fiscal year 2008 is hereby appropriated 36224
in appropriation item 195-412, Rapid Outreach Grants, and \$366,825 36225
in fiscal year 2008 is hereby appropriated in appropriation item 36226
195-434, Investment in Training Grants. 36227

Notwithstanding Chapter 166. of the Revised Code, on July 1, 36228
2008, or as soon as possible thereafter, the Director of Budget 36229
and Management may transfer up to \$2,000,000 cash from the 36230
Facilities Establishment Fund (Fund 037) to the Workforce 36231
Development Initiatives Fund (Fund 3AE). 36232

Notwithstanding Chapter 166. of the Revised Code, on July 1, 36233
2008, or as soon as possible thereafter, the Director of Budget 36234
and Management, at the request of the Director of Development, 36235
shall transfer \$6,102,500 cash from the Facilities Establishment 36236
Fund (Fund 037) to the General Revenue Fund. The amount 36237
transferred is hereby appropriated in appropriation item 195-412, 36238
Rapid Outreach Grants, for fiscal year 2009. 36239

Notwithstanding Chapter 166. of the Revised Code, on the 36240
first day of July of each year of the biennium, or as soon as 36241
possible thereafter, the Director of Budget and Management, at the 36242
request of the Director of Development, shall transfer \$4,275,000 36243
cash from the Facilities Establishment Fund (Fund 037) to the Job 36244
Development Initiatives Fund (Fund 5AD). The amount transferred is 36245
hereby appropriated in each fiscal year in appropriation item 36246
195-677, Economic Development Contingency. 36247

Notwithstanding Chapter 166. of the Revised Code, of the 36248
foregoing appropriation item 195-615, Facilities Establishment, 36249
\$1,500,000 in fiscal year 2008 shall be used for the City of 36250
Toledo's Marina District Development project. Disbursement of 36251
funds for this purpose shall not take precedence over any existing 36252
obligations from the Facilities Establishment Fund or any other 36253
provision in this section. 36254

ALTERNATIVE FUEL TRANSPORTATION GRANT FUND 36255

Notwithstanding Chapter 166. of the Revised Code, an amount 36256
not to exceed \$1,000,000 in cash each fiscal year shall be 36257
transferred from moneys in the Facilities Establishment Fund (Fund 36258
037) to the Alternative Fuel Transportation Grant Fund (Fund 5CG) 36259
in the Department of Development. 36260

RURAL DEVELOPMENT INITIATIVE FUND 36261

(A)(1) The Rural Development Initiative Fund (Fund 5S8) is 36262
entitled to receive moneys from the Facilities Establishment Fund 36263
(Fund 037). The Director of Development may make grants from the 36264
Rural Development Initiative Fund as specified in division (A)(2) 36265
of this section to eligible applicants in Appalachian counties and 36266
in rural counties in the state that are designated as distressed 36267
under section 122.25 of the Revised Code. Preference shall be 36268
given to eligible applicants located in Appalachian counties 36269
designated as distressed by the federal Appalachian Regional 36270

Commission. The Rural Development Initiative Fund (Fund 5S8) shall 36271
cease to exist after June 30, 2009. All moneys remaining in the 36272
Fund after that date shall revert to the Facilities Establishment 36273
Fund (Fund 037). 36274

(2) The Director of Development shall make grants from the 36275
Rural Development Initiative Fund (Fund 5S8) only to eligible 36276
applicants who also qualify for and receive funding under the 36277
Rural Industrial Park Loan Program as specified in sections 122.23 36278
to 122.27 of the Revised Code. Eligible applicants shall use the 36279
grants for the purposes specified in section 122.24 of the Revised 36280
Code. All projects supported by grants from the fund are subject 36281
to Chapter 4115. of the Revised Code as specified in division (E) 36282
of section 166.02 of the Revised Code. The Director shall develop 36283
program guidelines for the transfer and release of funds. The 36284
release of grant moneys to an eligible applicant is subject to 36285
Controlling Board approval. 36286

(B) Notwithstanding Chapter 166. of the Revised Code, the 36287
Director of Budget and Management may transfer an amount not to 36288
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 36289
at the request of the Director of Development from the Facilities 36290
Establishment Fund (Fund 037) to the Rural Development Initiative 36291
Fund (Fund 5S8). The transfer is subject to Controlling Board 36292
approval under section 166.03 of the Revised Code. 36293

CAPITAL ACCESS LOAN PROGRAM 36294

The foregoing appropriation item 195-628, Capital Access Loan 36295
Program, shall be used for operating, program, and administrative 36296
expenses of the program. Funds of the Capital Access Loan Program 36297
shall be used to assist participating financial institutions in 36298
making program loans to eligible businesses that face barriers in 36299
accessing working capital and obtaining fixed-asset financing. 36300

Notwithstanding Chapter 166. of the Revised Code, the 36301

Director of Budget and Management may transfer an amount not to 36302
exceed \$3,000,000 in cash each fiscal year on an as-needed basis 36303
at the request of the Director of Development from the Facilities 36304
Establishment Fund (Fund 037) to the Capital Access Loan Program 36305
Fund (Fund 5S9). The transfer is subject to Controlling Board 36306
approval under section 166.03 of the Revised Code. 36307

Sec. 263.30.10. UNCLAIMED FUNDS TRANSFER 36308

(A) Notwithstanding division (A) of section 169.05 of the 36309
Revised Code, upon the request of the Director of Budget and 36310
Management, the Director of Commerce, prior to June 30, 2008, 36311
shall transfer to the Job Development Initiatives Fund (Fund 5AD) 36312
an amount not to exceed \$5,000,000 in cash of the unclaimed funds 36313
that have been reported by the holders of unclaimed funds under 36314
section 169.05 of the Revised Code, regardless of the allocation 36315
of the unclaimed funds described under that section. 36316

Notwithstanding division (A) of section 169.05 of the Revised 36317
Code, upon the request of the Director of Budget and Management, 36318
the Director of Commerce, prior to June 30, 2009, shall transfer 36319
to the Job Development Initiatives Fund (Fund 5AD) an amount not 36320
to exceed \$24,400,000 in cash of the unclaimed funds that have 36321
been reported by the holders of unclaimed funds under section 36322
169.05 of the Revised Code, regardless of the allocation of the 36323
unclaimed funds described under that section. 36324

(B) Notwithstanding division (A) of section 169.05 of the 36325
Revised Code, upon the request of the Director of Budget and 36326
Management, the Director of Commerce, prior to June 30, 2008, 36327
shall transfer to the State Special Projects Fund (Fund 4F2) an 36328
amount not to exceed ~~\$2,500,000~~ \$5,000,000 of the unclaimed funds 36329
that have been reported by the holders of unclaimed funds under 36330
section 169.05 of the Revised Code, regardless of the allocation 36331
of the unclaimed funds described under that section. 36332

Notwithstanding division (A) of section 169.05 of the Revised Code, upon the request of the Director of Budget and Management, the Director of Commerce, prior to June 30, 2009, shall transfer to the State Special Projects Fund (Fund 4F2) an amount not to exceed ~~\$2,500,000~~ \$1,000,000 in cash of the unclaimed funds that have been reported by the holders of unclaimed funds under section 169.05 of the Revised Code, regardless of the allocation of the unclaimed funds described under that section.

Sec. 269.30.30. GIFTED PUPIL PROGRAM

The foregoing appropriation item 200-521, Gifted Pupil Program, shall be used for gifted education units not to exceed 1,110 in each fiscal year under division (L) of section 3317.024 and division (F) of section 3317.05 of the Revised Code.

Of the foregoing appropriation item 200-521, Gifted Pupil Program, up to \$4,747,000 in fiscal year 2008 and up to \$4,794,470 in fiscal year 2009 may be used as an additional supplement for identifying gifted students under Chapter 3324. of the Revised Code.

Of the foregoing appropriation item 200-521, Gifted Pupil Program, the Department of Education may expend up to \$1,015,858 in fiscal year 2008 and up to \$1,026,017 in fiscal year 2009 for the Summer Honors Institute, including funding for the Martin Essex Program, which shall be awarded through a request for proposals process.

NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT

The foregoing appropriation item 200-532, Nonpublic Administrative Cost Reimbursement, shall be used by the Department of Education for the purpose of implementing section 3317.063 of the Revised Code. Notwithstanding the per pupil reimbursement limit of section 3317.063 of the Revised Code, the Department

shall distribute any unspent and unencumbered funds remaining in 36363
each fiscal year after all other obligations of this appropriation 36364
have been met to chartered nonpublic schools in proportion to each 36365
school's share of the total reimbursement provided under section 36366
3317.063 of the Revised Code. 36367

Sec. 269.30.70. FOUNDATION FUNDING 36368

The foregoing appropriation item 200-550, Foundation Funding, 36369
includes \$75,000,000 in each fiscal year for the state education 36370
aid offset due to the change in public utility valuation as a 36371
result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd 36372
General Assembly. This amount represents the total state education 36373
aid offset due to the valuation change for school districts and 36374
joint vocational school districts from all relevant appropriation 36375
line item sources. Upon certification by the Department of 36376
Education, in consultation with the Department of Taxation, to the 36377
Director of Budget and Management of the actual state aid offset, 36378
the cash transfer from Fund 053, appropriation item 200-900, 36379
School District Property Tax Replacement - Utility, shall be 36380
decreased or increased by the Director of Budget and Management to 36381
match the certification in accordance with section 5727.84 of the 36382
Revised Code. 36383

The foregoing appropriation item 200-550, Foundation Funding, 36384
includes \$58,000,000 in fiscal year 2008 and \$145,000,000 in 36385
fiscal year 2009 for the state education aid offset because of the 36386
changes in tangible personal property valuation as a result of Am. 36387
Sub. H.B. 66 of the 126th General Assembly. This amount represents 36388
the total state education aid offset because of the valuation 36389
change for school districts and joint vocational school districts 36390
from all relevant appropriation item sources. Upon certification 36391
by the Department of Education of the actual state education aid 36392
offset to the Director of Budget and Management, the cash transfer 36393

from Fund 047, appropriation item 200-909, School District 36394
Property Tax Replacement - Business, shall be decreased or 36395
increased by the Director of Budget and Management to match the 36396
certification in accordance with section 5751.21 of the Revised 36397
Code. 36398

Of the foregoing appropriation item 200-550, Foundation 36399
Funding, up to \$425,000 shall be expended in each fiscal year for 36400
court payments under section ~~2151.357~~ 2151.362 of the Revised 36401
Code; an amount shall be available in each fiscal year to fund up 36402
to 225 full-time equivalent approved GRADS teacher grants under 36403
division (N) of section 3317.024 of the Revised Code; an amount 36404
shall be available in each fiscal year to make payments to school 36405
districts under division (A)(3) of section 3317.022 of the Revised 36406
Code; an amount shall be available in each fiscal year to make 36407
payments to school districts under division (F) of section 36408
3317.022 of the Revised Code; and up to \$30,000,000 in each fiscal 36409
year shall be reserved for payments under sections 3317.026, 36410
3317.027, and 3317.028 of the Revised Code except that the 36411
Controlling Board may increase the \$30,000,000 amount if presented 36412
with such a request from the Department of Education. 36413

Of the foregoing appropriation item 200-550, Foundation 36414
Funding, up to \$19,770,000 in fiscal year 2008 and up to 36415
\$20,545,200 in fiscal year 2009 shall be used to provide 36416
additional state aid to school districts for special education 36417
students under division (C)(3) of section 3317.022 of the Revised 36418
Code, except that the Controlling Board may increase these amounts 36419
if presented with such a request from the Department of Education 36420
at the final meeting of the fiscal year; up to \$2,000,000 in each 36421
fiscal year shall be reserved for Youth Services tuition payments 36422
under section 3317.024 of the Revised Code; and up to \$52,000,000 36423
in each fiscal year shall be reserved to fund the state 36424
reimbursement of educational service centers under section 3317.11 36425

of the Revised Code and the section of ~~this act~~ Am. Sub. H.B. 119 36426
of the 127th General Assembly entitled "EDUCATIONAL SERVICE 36427
CENTERS FUNDING." An amount shall be available for special 36428
education weighted funding under division (C)(1) of section 36429
3317.022 and division (D)(1) of section 3317.16 of the Revised 36430
Code. 36431

Of the foregoing appropriation item 200-550, Foundation 36432
Funding, an amount shall be available in each fiscal year to be 36433
used by the Department of Education for transitional aid for 36434
school districts and joint vocational school districts. Funds 36435
shall be distributed under the sections of ~~this act~~ Am. Sub. H.B. 36436
119 of the 127th General Assembly entitled "TRANSITIONAL AID FOR 36437
CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" and 36438
"TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 36439

Of the foregoing appropriation item 200-550, Foundation 36440
Funding, up to \$1,000,000 in each fiscal year shall be used by the 36441
Department of Education for a program to pay for educational 36442
services for youth who have been assigned by a juvenile court or 36443
other authorized agency to any of the facilities described in 36444
division (A) of the section of ~~this act~~ Am. Sub. H.B. 119 of the 36445
127th General Assembly entitled "PRIVATE TREATMENT FACILITY 36446
PROJECT." 36447

Of the foregoing appropriation item 200-550, Foundation 36448
Funding, up to \$3,700,000 in each fiscal year shall be used for 36449
school breakfast programs. Of this amount, up to \$900,000 shall be 36450
used in each fiscal year by the Department of Education to 36451
contract with the Children's Hunger Alliance to expand access to 36452
child nutrition programs consistent with the organization's 36453
continued ability to meet specified performance measures as 36454
detailed in the contract. Of this amount, the Children's Hunger 36455
Alliance shall use at least \$150,000 in each fiscal year to 36456
subcontract with an appropriate organization or organizations to 36457

expand summer food participation in underserved areas of the 36458
state, consistent with those organizations' continued ability to 36459
meet specified performance measures as detailed in the 36460
subcontracts. The remainder of the appropriation shall be used to 36461
partially reimburse school buildings within school districts that 36462
are required to have a school breakfast program under section 36463
3313.813 of the Revised Code, at a rate decided by the Department. 36464

Of the foregoing appropriation item 200-550, Foundation 36465
Funding, up to \$8,686,000 in fiscal year 2008 and up to \$8,722,860 36466
in fiscal year 2009 shall be used to operate the school choice 36467
program in the Cleveland Municipal School District under sections 36468
3313.974 to 3313.979 of the Revised Code. 36469

Of the portion of the funds distributed to the Cleveland 36470
Municipal School District under this section, up to \$11,901,887 in 36471
each fiscal year shall be used to operate the school choice 36472
program in the Cleveland Municipal School District under sections 36473
3313.974 to 3313.979 of the Revised Code. 36474

Of the foregoing appropriation item 200-550, Foundation 36475
Funding, \$3,312,165 in each fiscal year shall be used in 36476
conjunction with funding appropriated under appropriation item 36477
200-431, School Improvement Initiatives, to help support districts 36478
in the development and implementation of their continuous 36479
improvements plans and provide technical assistance and support in 36480
accordance with Title I of the "No Child Left Behind Act of 2001." 36481

The remaining portion of appropriation item 200-550, 36482
Foundation Funding, shall be expended for the public schools of 36483
city, local, exempted village, and joint vocational school 36484
districts, including base-cost funding, special education speech 36485
service enhancement funding, career-technical education weight 36486
funding, career-technical education associated service funding, 36487
teacher training and experience funding, charge-off supplement, 36488
and excess cost supplement under sections 3317.022, 3317.023, 36489

3317.0216, and 3317.16 of the Revised Code. 36490

Appropriation items 200-502, Pupil Transportation, 200-521, 36491
Gifted Pupil Program, 200-540, Special Education Enhancements, and 36492
200-550, Foundation Funding, other than specific set-asides, are 36493
collectively used in each fiscal year to pay state formula aid 36494
obligations for school districts and joint vocational school 36495
districts under Chapter 3317. of the Revised Code. The first 36496
priority of these appropriation items, with the exception of 36497
specific set-asides, is to fund state formula aid obligations 36498
under Chapter 3317. of the Revised Code. It may be necessary to 36499
reallocate funds among these appropriation items or use excess 36500
funds from other general revenue fund appropriation items in the 36501
Department of Education's budget in each fiscal year, in order to 36502
meet state formula aid obligations. If it is determined that it is 36503
necessary to transfer funds among these appropriation items or to 36504
transfer funds from other General Revenue Fund appropriations in 36505
the Department of Education's budget to meet state formula aid 36506
obligations, the Department of Education shall seek approval from 36507
the Controlling Board to transfer funds as needed. 36508

Sec. 269.40.50. START-UP FUNDS 36509

Funds appropriated for the purpose of providing start-up 36510
grants to Title IV-A Head Start and Title IV-A Head Start Plus 36511
agencies in fiscal year 2004 and fiscal year 2005 for the 36512
provision of services to children eligible for Title IV-A services 36513
under the Title IV-A Head Start or Title IV-A Head Start Plus 36514
programs shall be reimbursed to the General Revenue Fund as 36515
follows: 36516

(A) If, for fiscal year 2008, an entity that was a Title IV-A 36517
Head Start or Title IV-A Head Start Plus agency will not be an 36518
early learning agency or early learning provider, the entity shall 36519
repay the entire amount of the start-up grant it received in 36520

fiscal year 2004 and fiscal year 2005 not later than June 30, ~~2009~~ 36521
2019, in accordance with a payment schedule agreed to by the 36522
Department of Education. 36523

(B) If an entity that was a Title IV-A Head Start or Title 36524
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 36525
2005 will be an early learning agency or early learning provider 36526
in fiscal year 2008 and fiscal year 2009, the entity shall be 36527
allowed to retain any amount of the start-up grant it received, 36528
unless division (D) of this section applies to the entity. In that 36529
case, the entity shall repay the entire amount of the obligation 36530
described in that division not later than June 30, 2019. 36531

(C) Within ninety days after ~~the effective date of this~~ 36532
~~section~~ the effective date of this amendment, the Title IV-A Head 36533
Start agencies, Title IV-A Head Start Plus agencies, and the 36534
Department of Education shall determine the repayment schedule for 36535
amounts owed under division (A) of this section. These amounts 36536
shall be paid to the state not later than June 30, ~~2009~~ 2019. 36537

(D) If an entity that was a Title IV-A Head Start or Title 36539
IV-A Head Start Plus agency in fiscal year 2004 or fiscal year 36540
2005 owed the state any portion of the start-up grant amount 36541
during fiscal year 2006 or fiscal year 2007 but failed to repay 36542
the entire amount of the obligation by June 30, 2007, the entity 36543
shall be given an extension for repayment through June 30, ~~2009~~ 36544
2019, before any amounts remaining due and payable to the state 36545
are referred to the Attorney General for collection under section 36546
131.02 of the Revised Code. 36547

(E) Any Title IV-A Head Start or Title IV-A Head Start Plus 36548
start-up grants that are retained by early learning agencies or 36549
early learning providers pursuant to this section shall be 36550
reimbursed to the General Revenue Fund when the early learning 36551
program ceases or is no longer funded from Title IV-A or if an 36552

early learning agency's or early learning provider's participation 36553
in the early learning program ceases or is terminated. 36554

Sec. 269.50.30. EDUCATIONAL SERVICE CENTERS FUNDING 36555

(A) As used in this section: 36556

(1) "Internet- or computer-based community school" has the 36557
same meaning as in section 3314.02 of the Revised Code. 36558

(2) "Service center ADM" has the same meaning as in section 36559
3317.11 of the Revised Code. 36560

(3) "STEM school" means a science, technology, engineering, 36561
and mathematics school established under Chapter 3326. of the 36562
Revised Code. 36563

(B) Notwithstanding division (F) of section 3317.11 of the 36564
Revised Code, no funds shall be provided under that division to an 36565
educational service center in either fiscal year for any pupils of 36566
a city or exempted village school district unless an agreement to 36567
provide services under section 3313.843 of the Revised Code was 36568
entered into by January 1, 1997, except that funds shall be 36569
provided to an educational service center for any pupils of a city 36570
school district if the agreement to provide services was entered 36571
into within one year of the date upon which such district changed 36572
from a local school district to a city school district. 36573

If an educational service center that entered into an 36574
agreement by January 1, 1997, with a city or exempted village 36575
school district to provide services under section 3313.843 of the 36576
Revised Code ceases to operate because all of the local school 36577
districts that constituted the territory of the service center 36578
have severed from the service center pursuant to section 3311.059 36579
of the Revised Code, another educational service center, by 36580
resolution of its governing board, may assume the obligations of 36581
the original service center to provide services to the city or 36582

exempted village school district under that agreement in fiscal 36583
year 2009. If that other service center assumes those obligations 36584
to provide services to the city or exempted village school 36585
district, that service center shall be considered to be the 36586
service center that entered into the agreement by January 1, 1997, 36587
and, accordingly, may receive funds under division (F) of section 36588
3317.11 of the Revised Code in accordance with this section in 36589
fiscal year 2009 for pupils of that city or exempted village 36590
school district. 36591

(C) Notwithstanding any provision of the Revised Code to the 36592
contrary, an educational service center that sponsors a community 36593
school under Chapter 3314. of the Revised Code in either fiscal 36594
year may include the students of that community school in its 36595
service center ADM for purposes of state funding under division 36596
(F) of section 3317.11 of the Revised Code, unless the community 36597
school is an Internet- or computer-based community school. A 36598
service center shall include the community school students in its 36599
service center ADM only to the extent that the students are not 36600
already so included, and only in accordance with guidelines issued 36601
by the Department of Education. If the students of a community 36602
school sponsored by an educational service center are included in 36603
the service center ADM of another educational service center, 36604
those students shall be removed from the service center ADM of the 36605
other educational service center and added to the service center 36606
ADM of the community school's sponsoring service center. The 36607
General Assembly authorizes this procedure as an incentive for 36608
educational service centers to take over sponsorship of community 36609
schools from the State Board of Education as the State Board's 36610
sponsorship is phased out in accordance with Sub. H.B. 364 of the 36611
124th General Assembly. No student of an Internet- or 36612
computer-based community school shall be counted in the service 36613
center ADM of any educational service center. The Department shall 36614
pay educational service centers under division (F) of section 36615

3317.11 of the Revised Code for community school students included 36616
in their service center ADMs under this division only if 36617
sufficient funds earmarked within appropriation item 200-550, 36618
Foundation Funding, for payments under that division remain after 36619
first paying for students attributable to their local and client 36620
school districts, in accordance with divisions (B) and ~~(D)~~(E) of 36621
this section. 36622

(D) Notwithstanding division (C) of section 3326.45 of the 36623
Revised Code, the Department shall pay educational service centers 36624
under division (H) of section 3317.11 of the Revised Code for 36625
services provided to STEM schools only if sufficient funds 36626
earmarked within appropriation item 200-550, Foundation Funding, 36627
for payments under that division remain after first paying for 36628
students attributable to the local and client school districts of 36629
the service centers and for community school students in their 36630
service center ADMs, in accordance with divisions (B), (C), and 36631
(E) of this section. 36632

(E) If insufficient funds are earmarked within appropriation 36633
item 200-550, Foundation Funding, for payments under ~~division~~ 36634
divisions (F) and (H) of section 3317.11 of the Revised Code and 36635
division (C) of this section in fiscal year 2008 or fiscal year 36636
2009, the Department shall prioritize the distribution of the 36637
earmarked funds as follows: 36638

(1) The Department shall first distribute to each educational 36639
service center the per-student amount specified in division (F) of 36640
section 3317.11 of the Revised Code for each student in its 36641
service center ADM attributable to the local school districts 36642
within the service center's territory. 36643

(2) The Department shall distribute the remaining funds in 36644
each fiscal year to each educational service center for the 36645
students in its service center ADM attributable to each city and 36646
exempted village school district that had entered into an 36647

agreement with an educational service center for that fiscal year 36648
under section 3313.843 of the Revised Code by January 1, 1997, up 36649
to the per-student amount specified in division (F) of section 36650
3317.11 of the Revised Code. If insufficient funds remain to pay 36651
each service center the full amount specified in division (F) of 36652
that section for each such student, the Department shall 36653
distribute the remaining funds to each service center 36654
proportionally, on a per-student basis for each such student, 36655
unless that proportional per-student amount exceeds the amount 36656
specified in division (F)(1) of that section. In that case, the 36657
Department shall distribute the per-student amount specified in 36658
division (F)(1) of that section to each service center for each 36659
such student and shall distribute the remainder proportionally, on 36660
a per-student basis for each such student, to the multi-county 36661
service centers described in division (F)(2) of that section. 36662

(3) If the Department has paid each service center under 36663
divisions ~~(D)~~(E)(1) and (2) of this section, the full amount 36664
specified in division (F) of section 3317.11 of the Revised Code 36665
for each student attributable to its local school districts and 36666
its client school districts described in division ~~(D)~~(E)(2) of 36667
this section the Department shall distribute any remaining funds 36668
proportionally, on a per-student basis, to each service center 36669
that sponsors a community school, other than an Internet- or 36670
computer-based community school, for the students included in the 36671
service center ADM under division (C) of this section. These 36672
payments shall not exceed per student the amount specified in 36673
division (F) of section 3317.11 of the Revised Code. 36674

(4) If the Department has paid each educational service 36675
center that sponsors a community school, other than an Internet- 36676
or computer-based community school, the full amount specified in 36677
division (F) of section 3317.11 of the Revised Code for each 36678
community school student included in the service center ADM under 36679

division (C) of this section, the Department shall distribute any 36680
remaining funds to each service center that is owed money under 36681
division (H) of section 3317.11 of the Revised Code for services 36682
provided to a STEM school. If insufficient funds remain to pay 36683
each service center the full amount calculated for it under 36684
division (H) of section 3317.11 of the Revised Code, the 36685
Department shall distribute the remaining funds proportionally, on 36686
a per-student basis, to each service center owed money under that 36687
division, unless that proportional per-student amount exceeds the 36688
per-student amount specified in any service center's contract 36689
entered into under section 3326.45 of the Revised Code. In that 36690
case, the Department shall distribute the lowest per-student 36691
amount specified in the service center contracts entered into 36692
under that section to each service center owed money under 36693
division (H) of section 3317.11 of the Revised Code and shall 36694
distribute the remainder proportionally, on a per-student basis, 36695
to service centers with contracts under section 3326.45 of the 36696
Revised Code that specify higher per-student amounts, but in no 36697
case shall the payments to any service center exceed the 36698
per-student amount specified in the service center's contract with 36699
the STEM school. 36700

Sec. 275.10. PAY EMPLOYEE BENEFITS FUNDS

Accrued Leave Liability Fund Group 36701

806	995-666	Accrued Leave Fund	\$	69,584,560	\$	76,038,787	36703
807	995-667	Disability Fund	\$	40,104,713	\$	39,309,838	36704
TOTAL ALF Accrued Leave Liability							36705
Fund Group			\$	109,689,273	\$	115,348,625	36706

Agency Fund Group 36707

124	995-673	Payroll Deductions	\$	2,125,000,000	\$	2,175,000,000	36708
808	995-668	State Employee Health	\$	499,240,000	\$	550,922,742	36709

Benefit Fund

809	995-669	Dependent Care Spending Account	\$	2,969,635	\$	2,969,635	36710
810	995-670	Life Insurance Investment Fund	\$	2,113,589	\$	2,229,834	36711
811	995-671	Parental Leave Benefit Fund	\$	3,994,806	\$	4,234,495	36712
813	995-672	Health Care Spending Account	\$	12,000,000	\$	12,000,000	36713
TOTAL AGY Agency Fund Group			\$	2,645,318,030	\$	2,747,356,706	36714
TOTAL ALL BUDGET FUND GROUPS			\$	2,755,007,303	\$	2,862,705,331	36715

ACCRUED LEAVE LIABILITY FUND 36716

The foregoing appropriation item 995-666, Accrued Leave Fund, 36717
shall be used to make payments from the Accrued Leave Liability 36718
Fund (Fund 806), pursuant to section 125.211 of the Revised Code. 36719
If it is determined by the Director of Budget and Management that 36720
additional amounts are necessary, the amounts are appropriated. 36721

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 36722

The foregoing appropriation item 995-667, Disability Fund, 36723
shall be used to make payments from the State Employee Disability 36724
Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the 36725
Revised Code. If it is determined by the Director of Budget and 36726
Management that additional amounts are necessary, the amounts are 36727
appropriated. 36728

PAYROLL WITHHOLDING FUND 36729

The foregoing appropriation item 995-673, Payroll Deductions, 36730
shall be used to make payments from the Payroll Withholding Fund 36731
(Fund 124). If it is determined by the Director of Budget and 36732
Management that additional appropriation amounts are necessary, 36733
such amounts are hereby appropriated. 36734

STATE EMPLOYEE HEALTH BENEFIT FUND 36735

The foregoing appropriation item 995-668, State Employee 36736

Health Benefit Fund, shall be used to make payments from the State 36737
Employee Health Benefit Fund (Fund 808), pursuant to section 36738
124.87 of the Revised Code. If it is determined by the Director of 36739
Budget and Management that additional amounts are necessary, the 36740
amounts are appropriated. 36741

DEPENDENT CARE SPENDING ACCOUNT 36742

The foregoing appropriation item 995-669, Dependent Care 36743
Spending Account, shall be used to make payments from the 36744
Dependent Care Spending Account (Fund 809) to employees eligible 36745
for dependent care expenses. If it is determined by the Director 36746
of Budget and Management that additional amounts are necessary, 36747
the amounts are appropriated. 36748

LIFE INSURANCE INVESTMENT FUND 36749

The foregoing appropriation item 995-670, Life Insurance 36750
Investment Fund, shall be used to make payments from the Life 36751
Insurance Investment Fund (Fund 810) for the costs and expenses of 36752
the state's life insurance benefit program pursuant to section 36753
125.212 of the Revised Code. If it is determined by the Director 36754
of Budget and Management that additional amounts are necessary, 36755
the amounts are appropriated. 36756

PARENTAL LEAVE BENEFIT FUND 36757

The foregoing appropriation item 995-671, Parental Leave 36758
Benefit Fund, shall be used to make payments from the Parental 36759
Leave Benefit Fund (Fund 811) to employees eligible for parental 36760
leave benefits pursuant to section 124.137 of the Revised Code. If 36761
it is determined by the Director of Budget and Management that 36762
additional amounts are necessary, the amounts are appropriated. 36763

HEALTH CARE SPENDING ACCOUNT 36764

There is hereby established in the State Treasury the Health 36765
Care Spending Account Fund (Fund 813). The foregoing appropriation 36766

item 995-672, Health Care Spending Account, shall be used to make 36767
payments from the fund. The fund shall be under the supervision of 36768
the Department of Administrative Services and shall be used to 36769
make payments pursuant to state employees' participation in a 36770
flexible spending account for non-reimbursed health care expenses 36771
and pursuant to Section 125 of the Internal Revenue Code. All 36772
income derived from the investment of the fund shall accrue to the 36773
fund. If it is determined by the Director of Administrative 36774
Services that additional appropriation amounts are necessary, the 36775
Director of Administrative Services may request that the Director 36776
of Budget and Management increase such amounts. Such amounts are 36777
hereby appropriated. 36778

At the request of the Director of Administrative Services, 36779
the Director of Budget and Management shall transfer up to 36780
\$145,000 from the General Revenue Fund to the Health Care Spending 36781
Account Fund during fiscal years 2008 and 2009. This cash shall be 36782
transferred as needed to provide adequate cash flow for the Health 36783
Care Spending Account Fund during fiscal year 2008 and fiscal year 36784
2009. If funds are available at the end of fiscal years 2008 and 36785
2009, the Director of Budget and Management shall transfer cash up 36786
to the amount previously transferred in the respective year, plus 36787
interest income, back from the Health Care Spending Account (Fund 36788
813) to the General Revenue Fund. 36789

CASH TRANSFER TO ACCRUED LEAVE FUND 36790

The Director of Budget and Management may transfer 36791
\$100,080.79 in cash from the Dependent Care Spending Account Fund 36792
(Fund 809) to the Accrued Leave Fund (Fund 806) to correct an 36793
intrastate transfer voucher from the Department of Natural 36794
Resources that was mistakenly deposited into the Dependent Care 36795
Spending Account Fund. 36796

Sec. 293.10. DOH DEPARTMENT OF HEALTH 36797

General Revenue Fund					36798	
GRF 440-407	Animal Borne Disease and Prevention	\$	2,327,101	\$	2,327,101	36799
GRF 440-412	Cancer Incidence Surveillance System	\$	1,002,619	\$	1,002,619	36800
GRF 440-413	Local Health Department Support	\$	3,786,794	\$	3,786,794	36801
GRF 440-416	Child and Family Health Services	\$	9,522,874	\$	9,622,874	36802
GRF 440-418	Immunizations	\$	9,400,615	\$	9,400,615	36803
GRF 440-425	Abstinence and Adoption Education	\$	500,000	\$	500,000	36804
GRF 440-431	Free Clinic Liability Insurance	\$	250,000	\$	250,000	36805
GRF 440-437	Healthy Ohio	\$	1,502,618	\$	2,855,553	36806
GRF 440-438	Breast and Cervical Cancer Screening	\$	2,500,000	\$	2,500,000	36807
GRF 440-444	AIDS Prevention and Treatment	\$	7,158,127	\$	7,158,127	36808
GRF 440-446	Infectious Disease Prevention	\$	200,000	\$	200,000	36809
GRF 440-451	Lab and Public Health Prevention Programs	\$	6,085,250	\$	6,085,250	36810
GRF 440-452	Child and Family Health Services Match	\$	1,024,017	\$	1,024,017	36811
GRF 440-453	Health Care Quality Assurance	\$	10,253,728	\$	10,253,728	36812
GRF 440-454	Local Environmental Health	\$	889,752	\$	889,752	36813
GRF 440-459	Help Me Grow	\$	10,923,397	\$	14,041,847	36814
GRF 440-505	Medically Handicapped Children	\$	10,791,784	\$	10,791,784	36815
GRF 440-507	Targeted Health Care	\$	1,681,023	\$	1,681,023	36816

	Services Over 21				
GRF 440-511	Uncompensated Care and	\$	0	\$ 3,500,000	36817
	Emergency Medical Assistance				
TOTAL GRF	General Revenue Fund	\$	79,799,699	\$ 87,871,084	36818
General Services Fund Group					36819
142 440-646	Agency Health Services	\$	3,461,915	\$ 3,461,915	36820
211 440-613	Central Support	\$	28,884,707	\$ 28,884,707	36821
Indirect Costs					
473 440-622	Lab Operating Expenses	\$	4,954,045	\$ 4,954,045	36822
683 440-633	Employee Assistance	\$	1,208,214	\$ 1,208,214	36823
Program					
698 440-634	Nurse Aide Training	\$	170,000	\$ 170,000	36824
TOTAL GSF	General Services				36825
Fund Group		\$	38,678,881	\$ 38,678,881	36826
Federal Special Revenue Fund Group					36827
320 440-601	Maternal Child Health	\$	30,666,635	\$ 30,666,635	36828
Block Grant					
387 440-602	Preventive Health	\$	7,826,659	\$ 7,826,659	36829
Block Grant					
389 440-604	Women, Infants, and	\$	230,077,451	\$ 230,077,451	36830
Children					
391 440-606	Medicaid/Medicare	\$	24,850,959	\$ 24,850,959	36831
392 440-618	Federal Public Health	\$	136,778,215	\$ 136,778,215	36832
Programs					
TOTAL FED	Federal Special Revenue				36833
Fund Group		\$	430,199,919	\$ 430,199,919	36834
State Special Revenue Fund Group					36835
4D6 440-608	Genetics Services	\$	3,317,000	\$ 3,317,000	36836
4F9 440-610	Sickle Cell Disease	\$	1,035,344	\$ 1,035,344	36837
Control					
4G0 440-636	Heirloom Birth	\$	5,000	\$ 5,000	36838

		Certificate					
4G0	440-637	Birth Certificate	\$	5,000	\$	5,000	36839
		Surcharge					
4L3	440-609	Miscellaneous Expenses	\$	446,468	\$	446,468	36840
<u>4P4</u>	<u>440-628</u>	<u>Ohio Physician Loan</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>476,870</u>	36841
		<u>Repayment</u>					
4T4	440-603	Child Highway Safety	\$	233,894	\$	233,894	36842
4V6	440-641	Save Our Sight	\$	1,767,994	\$	1,767,994	36843
470	440-647	Fee Supported Programs	\$	27,996,243	\$	25,905,140	36844
471	440-619	Certificate of Need	\$	869,000	\$	898,000	36845
477	440-627	Medically Handicapped	\$	3,693,016	\$	3,693,016	36846
		Children Audit					
5B5	440-616	Quality, Monitoring,	\$	838,479	\$	838,479	36847
		and Inspection					
5CB	440-640	Poison Control Centers	\$	150,000	\$	150,000	36848
5CN	440-645	Choose Life	\$	75,000	\$	75,000	36849
5C0	440-615	Alcohol Testing and	\$	1,455,405	\$	1,455,405	36850
		Permit					
5D6	440-620	Second Chance Trust	\$	1,054,951	\$	1,054,951	36851
5EC	440-650	Health Emergency	\$	15,312,500	\$	0	36852
5ED	440-651	Smoke Free Indoor Air	\$	800,000	\$	800,000	36853
5G4	440-639	Adoption Services	\$	20,000	\$	20,000	36854
5L1	440-623	Nursing Facility	\$	664,282	\$	698,595	36855
		Technical Assistance					
		Program					
<u>5Z7</u>	<u>440-624</u>	<u>Ohio Dentist Loan</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>140,000</u>	36856
		<u>Repayment</u>					
610	440-626	Radiation Emergency	\$	850,000	\$	850,000	36857
		Response					
666	440-607	Medically Handicapped	\$	14,320,687	\$	14,320,687	36858
		Children - County					
		Assessments					
TOTAL	SSR	State Special Revenue					36859

Fund Group	\$	74,910,263	\$	57,569,973	36860
				<u>58,186,843</u>	
Holding Account Redistribution Fund Group					36861
R14 440-631 Vital Statistics	\$	70,000	\$	70,000	36862
R48 440-625 Refunds, Grants	\$	20,000	\$	20,000	36863
Reconciliation, and					
Audit Settlements					
TOTAL 090 Holding Account					36864
Redistribution Fund Group	\$	90,000	\$	90,000	36865
TOTAL ALL BUDGET FUND GROUPS	\$	623,678,762	\$	614,409,857	36866
				<u>615,026,727</u>	

Sec. 299.10. OHS OHIO HISTORICAL SOCIETY 36868

General Revenue Fund					36869
GRF 360-501 Operating Subsidy	\$	3,649,244	\$	3,649,252	36870
GRF 360-502 Site and Museum	\$	8,501,781	\$	8,501,788	36871
Operations				<u>8,357,176</u>	
GRF 360-504 Ohio Preservation	\$	417,516	\$	415,381	36872
Office					
GRF 360-505 National	\$	754,884	\$	754,884	36873
Afro-American Museum					
GRF 360-506 Hayes Presidential	\$	514,323	\$	514,323	36874
Center					
GRF 360-508 State Historical	\$	853,000	\$	775,000	36875
Grants					
TOTAL GRF General Revenue Fund	\$	14,690,748	\$	14,610,628	36876
TOTAL ALL BUDGET FUND GROUPS	\$	14,690,748	\$	14,610,628	36877
				<u>14,466,016</u>	

SUBSIDY APPROPRIATION 36878

Upon approval by the Director of Budget and Management, the 36879
foregoing appropriation items shall be released to the Ohio 36880
Historical Society in quarterly amounts that in total do not 36881

exceed the annual appropriations. The funds and fiscal records of 36882
the society for fiscal years 2008 and 2009 shall be examined by 36883
independent certified public accountants approved by the Auditor 36884
of State, and a copy of the audited financial statements shall be 36885
filed with the Office of Budget and Management. The society shall 36886
prepare and submit to the Office of Budget and Management the 36887
following: 36888

(A) An estimated operating budget for each fiscal year of the 36889
biennium. The operating budget shall be submitted at or near the 36890
beginning of each calendar year. 36891

(B) Financial reports, indicating actual receipts and 36892
expenditures for the fiscal year to date. These reports shall be 36893
filed at least semiannually during the fiscal biennium. 36894

The foregoing appropriations shall be considered to be the 36895
contractual consideration provided by the state to support the 36896
state's offer to contract with the Ohio Historical Society under 36897
section 149.30 of the Revised Code. 36898

STATE ARCHIVES 36899

Of the foregoing appropriation item 360-501, Operating 36900
Subsidy, \$300,000 in each fiscal year shall be used for the State 36901
Archives, Library, and Artifact Collections program. 36902

HAYES PRESIDENTIAL CENTER 36903

If a United States government agency, including, but not 36904
limited to, the National Park Service, chooses to take over the 36905
operations or maintenance of the Hayes Presidential Center, in 36906
whole or in part, the Ohio Historical Society shall make 36907
arrangements with the National Park Service or other United States 36908
government agency for the efficient transfer of operations or 36909
maintenance. 36910

HISTORICAL GRANTS 36911

554	820-601	Operating Expenses -	\$	553,750	\$	569,269	36941
		OSHIIP					
554	820-606	Operating Expenses	\$	23,350,236	\$	23,802,797	36942
555	820-605	Examination	\$	7,639,581	\$	7,868,768	36943
<u>5AG</u>	<u>820-603</u>	<u>Ohio Family Health</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>1,500,000</u>	36944
		<u>Survey</u>					
TOTAL SSR State Special Revenue							36945
Fund Group			\$	31,543,567	\$	32,240,834	36946
						<u>33,740,834</u>	
TOTAL ALL BUDGET FUND GROUPS							36947
			\$	32,643,567	\$	33,340,834	
						<u>34,840,834</u>	
MARKET CONDUCT EXAMINATION							36948
When conducting a market conduct examination of any insurer							36949
doing business in this state, the Superintendent of Insurance may							36950
assess the costs of the examination against the insurer. The							36951
superintendent may enter into consent agreements to impose							36952
administrative assessments or fines for conduct discovered that							36953
may be violations of statutes or rules administered by the							36954
superintendent. All costs, assessments, or fines collected shall							36955
be deposited to the credit of the Department of Insurance							36956
Operating Fund (Fund 554).							36957
EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES							36958
The Director of Budget and Management, at the request of the							36959
Superintendent of Insurance, may transfer funds from the							36960
Department of Insurance Operating Fund (Fund 554), established by							36961
section 3901.021 of the Revised Code, to the Superintendent's							36962
Examination Fund (Fund 555), established by section 3901.071 of							36963
the Revised Code, only for expenses incurred in examining domestic							36964
fraternal benefit societies as required by section 3921.28 of the							36965
Revised Code.							36966
TRANSFER FROM FUND 554 TO GENERAL REVENUE FUND							36967

Not later than the thirty-first day of July each fiscal year, 36968
the Director of Budget and Management shall transfer \$5,000,000 36969
from the Department of Insurance Operating Fund to the General 36970
Revenue Fund. 36971

OHIO FAMILY HEALTH SURVEY 36972

Notwithstanding section 3929.682 of the Revised Code, the 36973
foregoing appropriation item 820-603, Ohio Family Health Survey, 36974
shall be used for the Ohio Family Health Survey. 36975

Sec. 309.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 36976

General Revenue Fund 36977

GRF 600-321 Support Services 36978

State \$ 50,785,978 \$ 52,571,413 36979

Federal \$ 10,460,286 \$ 11,290,237 36980

Support Services Total \$ 61,246,264 \$ 63,861,650 36981

GRF 600-410 TANF State \$ 267,619,061 \$ 267,619,061 36982

GRF 600-413 Child Care \$ 84,120,596 \$ 84,120,596 36983

Match/Maintenance of
Effort

GRF 600-416 Computer Projects 36984

State \$ 115,383,181 \$ 116,419,033 36985

Federal \$ 21,488,920 \$ 21,192,117 36986

Computer Projects Total \$ 136,872,101 \$ 137,611,150 36987

GRF 600-417 Medicaid Provider \$ 2,000,000 \$ 2,000,000 36988

Audits

GRF 600-420 Child Support \$ 8,541,446 \$ 10,641,446 36989

Administration

GRF 600-421 Office of Family \$ 4,614,932 \$ 4,614,932 36990

Stability

GRF 600-423 Office of Children and \$ 5,650,000 \$ 5,900,000 36991

Families

GRF 600-425 Office of Ohio Health 36992

Plans					
State	\$	22,500,000	\$	22,500,000	36993
Federal	\$	23,324,848	\$	23,418,368	36994
Office of Ohio Health	\$	45,824,848	\$	45,918,368	36995
Plans Total					
GRF 600-502 Administration - Local	\$	34,014,103	\$	34,014,103	36996
GRF 600-511 Disability Financial	\$	22,128,480	\$	25,335,908	36997
Assistance					
GRF 600-512 Non-TANF Disaster	\$	1,000,000	\$	1,000,000	36998
Assistance					
GRF 600-521 Entitlement	\$	130,000,000	\$	130,000,000	36999
Administration - Local					
GRF 600-523 Children and Families	\$	78,115,135	\$	78,115,135	37000
Services					
GRF 600-525 Health Care/Medicaid					37001
State	\$	3,371,917,993	\$	3,603,598,928	37002
				<u>3,673,819,292</u>	
Federal	\$	5,173,236,576	\$	5,736,989,273	37003
				<u>5,865,064,895</u>	
Health Care Total	\$	8,545,154,569	\$	9,340,588,201	37004
				<u>9,538,884,187</u>	
GRF 600-526 Medicare Part D	\$	254,397,401	\$	271,854,640	37005
GRF 600-528 Adoption Services					37006
State	\$	37,520,466	\$	43,978,301	37007
Federal	\$	41,304,043	\$	49,196,065	37008
Adoption Services Total	\$	78,824,509	\$	93,174,366	37009
GRF 600-529 Capital Compensation	\$	7,000,000	\$	0	37010
Program					
GRF 600-534 Adult Protective	\$	500,000	\$	500,000	37011
Services					
TOTAL GRF General Revenue Fund					37012
State	\$	4,497,808,772	\$	4,754,783,496	37013
				<u>4,825,003,860</u>	

	Federal		\$ 5,269,814,673	\$ 5,842,086,060	37014
				<u>5,970,161,682</u>	
	GRF Total		\$ 9,767,623,445	\$ 10,596,869,556	37015
				<u>10,795,165,542</u>	
General Services Fund Group					37016
4A8	600-658	Child Support	\$ 26,680,794	\$ 26,680,794	37017
		Collections		<u>31,929,211</u>	
4R4	600-665	BCII Services/Fees	\$ 36,974	\$ 36,974	37018
5BG	600-653	Managed Care	\$ 210,655,034	\$ 222,667,304	37019
		Assessment			
5C9	600-671	Medicaid Program	\$ 80,120,048	\$ 80,120,048	37020
		Support			
5DL	600-639	Medicaid Revenue and	\$ 51,966,785	\$ 56,296,844	37021
		Collections		<u>76,296,844</u>	
5N1	600-677	County Technologies	\$ 1,000,000	\$ 1,000,000	37022
5P5	600-692	Health Care Services	\$ 93,000,000	\$ 62,000,000	37023
				<u>82,000,000</u>	
613	600-645	Training Activities	\$ 135,000	\$ 135,000	37024
TOTAL GSF General Services					37025
Fund Group					37026
			\$ 463,594,635	\$ 448,936,964	
				<u>494,185,381</u>	
Federal Special Revenue Fund Group					37027
3AW	600-675	Faith Based	\$ 1,000,000	\$ 1,000,000	37028
		Initiatives			
3A2	600-641	Emergency Food	\$ 2,900,000	\$ 3,500,000	37029
		Distribution			
3D3	600-648	Children's Trust Fund	\$ 2,040,524	\$ 2,040,524	37030
		Federal			
3F0	600-623	Health Care Federal	\$1,209,188,383	\$ 1,211,196,561	37031
				<u>1,280,775,536</u>	
3F0	600-650	Hospital Care	\$ 343,239,047	\$ 343,239,047	37032
		Assurance Match			

3G5	600-655	Interagency Reimbursement	\$1,469,763,073	\$ 1,513,855,965	37033
3H7	600-617	Child Care Federal	\$ 207,269,463	\$ 200,167,593	37034
3N0	600-628	IV-E Foster Care Maintenance	\$ 153,963,142	\$ 153,963,142	37035
3S5	600-622	Child Support Projects	\$ 534,050	\$ 534,050	37036
3V0	600-688	Workforce Investment Act	\$ 232,568,453	\$ 233,082,144	37037
3V4	600-678	Federal Unemployment Programs	\$ 147,411,858	\$ 152,843,414	37038
3V4	600-679	Unemployment Compensation Review Commission - Federal	\$ 3,092,890	\$ 3,191,862	37039
3V6	600-689	TANF Block Grant	\$1,037,739,200	\$ 1,085,861,099	37040
3W3	600-659	TANF/Title XX Transfer	\$ 10,081,377	\$ 6,672,366	37041
327	600-606	Child Welfare	\$ 48,514,502	\$ 47,947,309	37042
331	600-686	Federal Operating	\$ 53,963,318	\$ 56,263,225	37043
384	600-610	Food Stamps and State Administration	\$ 160,237,060	\$ 153,147,118	37044
385	600-614	Refugee Services	\$ 10,196,547	\$ 11,057,826	37045
395	600-616	Special Activities/Child and Family Services	\$ 5,723,131	\$ 5,717,151	37046
396	600-620	Social Services Block Grant	\$ 114,479,464	\$ 114,474,085	37047
396	600-651	Second Harvest Food Banks	\$ 5,500,000	\$ 5,500,000	37048
397	600-626	Child Support	\$ 303,661,307	\$ 303,538,962	37049
398	600-627	Adoption Maintenance/ Administration	\$ 318,172,168	\$ 317,483,676	37050
TOTAL FED Federal Special Revenue					37051

Fund Group		\$5,841,238,957	\$ 5,926,277,119	37052	
			<u>5,995,856,094</u>		
State Special Revenue Fund Group				37053	
198	600-647	Children's Trust Fund	\$ 6,788,522	\$ 6,788,522	37054
4A9	600-607	Unemployment Compensation Administration Fund	\$ 12,273,062	\$ 12,188,996	37055
4A9	600-694	Unemployment Compensation Review Commission	\$ 1,726,938	\$ 1,811,004	37056
4E3	600-605	Nursing Home Assessments	\$ 4,759,914	\$ 4,759,914	37057
4E7	600-604	Child and Family Services Collections	\$ 300,000	\$ 300,000	37058
4J5	600-613	Nursing Facility Bed Assessments	\$ 34,613,984	\$ 34,613,984	37059
4J5	600-618	Residential State Supplement Payments	\$ 15,700,000	\$ 15,700,000	37060
4K1	600-621	ICF/MR Bed Assessments	\$ 19,332,437	\$ 19,332,437	37061
				<u>23,292,437</u>	
4R3	600-687	Banking Fees	\$ 800,000	\$ 800,000	37062
4Z1	600-625	HealthCare Compliance	\$ 10,000,000	\$ 10,000,000	37063
<u>5AJ0</u>	<u>600-631</u>	<u>Money Follows the Person</u>	<u>\$ 0</u>	<u>\$ 4,400,000</u>	37064
5DB	600-637	Military Injury Grants	\$ 2,000,000	\$ 2,000,000	37065
5ES	600-630	Food Assistance	\$ 500,000	\$ 500,000	37066
5F2	600-667	Building Consolidation	\$ 250,000	\$ 250,000	37067
5F3	600-668	Building Consolidation	\$ 1,000,000	\$ 1,000,000	37068
5Q9	600-619	Supplemental Inpatient Hospital	\$ 56,125,998	\$ 56,125,998	37069

		Payments				
5R2	600-608	Medicaid-Nursing	\$	175,000,000	\$	175,000,000 37070
		Facilities				
5S3	600-629	MR/DD Medicaid	\$	1,620,960	\$	1,620,960 37071
		Administration and Oversight				
5U3	600-654	Health Care Services	\$	9,867,284	\$	12,000,349 37072
		Administration				
5U6	600-663	Children and Family Support	\$	4,928,718	\$	4,928,718 37073
5Z9	600-672	TANF Quality Control Reinvestments	\$	520,971	\$	546,254 37074
651	600-649	Hospital Care Assurance Program Fund	\$	231,893,404	\$	231,893,404 37075
TOTAL SSR	State Special Revenue					37076
Fund Group			\$	590,002,192	\$	592,160,540 37077
						<u>600,520,540</u>
Agency Fund Group						37078
192	600-646	Support Intercept - Federal	\$	110,000,000	\$	110,000,000 37079
5B6	600-601	Food Stamp Intercept	\$	2,000,000	\$	2,000,000 37080
583	600-642	Support Intercept - State	\$	16,000,000	\$	16,000,000 37081
TOTAL AGY	Agency Fund Group		\$	128,000,000	\$	128,000,000 37082
Holding Account Redistribution Fund Group						37083
R12	600-643	Refunds and Audit Settlements	\$	3,600,000	\$	3,600,000 37084
R13	600-644	Forgery Collections	\$	10,000	\$	10,000 37085
TOTAL 090	Holding Account Redistribution Fund Group		\$	3,610,000	\$	3,610,000 37086
TOTAL ALL BUDGET FUND GROUPS			\$	16,794,069,229	\$	17,695,854,179 37087

18,017,337,557

<u>BUDGET STABILIZATION FUND TRANSFER FOR MEDICAID</u>	37088
<u>Notwithstanding section 127.14 of the Revised Code, if the</u>	37089
<u>Director of Budget and Management determines that additional</u>	37090
<u>appropriations are needed to fund the Medicaid program, the</u>	37091
<u>Director may, with Controlling Board approval, transfer up to</u>	37092
<u>\$63,333,420 cash in fiscal year 2009 from the Budget Stabilization</u>	37093
<u>Fund to the General Revenue Fund. Upon approval from the</u>	37094
<u>Controlling Board, the Director of Budget and Management shall</u>	37095
<u>transfer the approved amounts of cash, increase the state share of</u>	37096
<u>appropriations to line item 600-525, Health Care/Medicaid, and</u>	37097
<u>adjust the federal share accordingly. Any such transfers and</u>	37098
<u>adjustments are hereby appropriated.</u>	37099
Sec. 309.30.13. CHILDREN'S HOSPITALS	37100
(A) As used in this section:	37101
"Children's hospital" means a hospital that primarily serves	37102
patients eighteen years of age and younger and is excluded from	37103
Medicare prospective payment in accordance with 42 C.F.R.	37104
412.23(d).	37105
"Medicaid inpatient cost-to-charge ratio" means the historic	37106
Medicaid inpatient cost-to-charge ratio applicable to a hospital	37107
as described in rules adopted by the Director of Job and Family	37108
Services in paragraph (B)(2) of rule 5101:3-2-22 of the	37109
Administrative Code.	37110
(B) Notwithstanding paragraph (C)(5) of rule 5101:3-2-07.9 of	37111
the Administrative Code and except as provided in division (C) of	37112
this section, the Director of Job and Family Services shall pay a	37113
children's hospital that meets the criteria in paragraphs (E)(1)	37114
and (2) of rule 5101:3-2-07.9 of the Administrative Code, for each	37115
cost outlier claim made in fiscal years 2008 and 2009, an amount	37116

that is the product of the hospital's allowable charges and the 37117
hospital's Medicaid inpatient cost-to-charge ratio. 37118

(C) The Director of Job and Family Services shall cease 37119
paying a children's hospital for a cost outlier claim under the 37120
methodology in division (B) of this section and revert to paying 37121
the hospital for such a claim according to methodology in 37122
paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of the 37123
Administrative Code, as applicable, when the difference between 37124
the total amount the Director has paid according to the 37125
methodology in division (B) of this section for such claims and 37126
the total amount the Director would have paid according to the 37127
methodology in paragraph (A)(6) or (C)(5) of rule 5101:3-2-07.9 of 37128
the Administrative Code, as the applicable paragraph existed on 37129
June 30, 2007, for such claims, exceeds the sum of the state funds 37130
and corresponding federal match earmarked in division (F) of this 37131
section and reappropriated in division (G) of this section for the 37132
applicable fiscal year. 37133

(D) The Director of Job and Family Services shall make 37134
supplemental Medicaid payments to hospitals for inpatient services 37135
under a program modeled after the program the Department of Job 37136
and Family Services was required to create for fiscal years 2006 37137
and 2007 in Section 206.66.79 of Am. Sub. H.B. 66 of the 126th 37138
General Assembly if the difference between the total amount the 37139
Director has paid according to the methodology in division (B) of 37140
this section for cost outlier claims and the total amount the 37141
Director would have paid according to the methodology in paragraph 37142
(A)(6) or (C)(5) of rule 5101:3-2-07.9 of the Administrative Code 37143
for such claims, as the applicable paragraph existed on June 30, 37144
2007, does not require the expenditure of all state and federal 37145
funds earmarked in division (F) of this section for the applicable 37146
fiscal year. 37147

(E) The Director of Job and Family Services shall not adopt, 37148

amend, or rescind any rules that would result in decreasing the 37149
amount paid to children's hospitals under division (B) of this 37150
section for cost outlier claims. 37151

(F) Of the foregoing appropriation item, 600-525, Health 37152
Care/Medicaid, up to \$6 million (state share) in each fiscal year 37153
plus the corresponding federal match, if available, shall be used 37154
by the Department to pay the amounts described in division (B) of 37155
this section. 37156

(G) The unencumbered balance of the \$6 million in division 37157
(F) of this section at the end of fiscal year 2008 is hereby 37158
reappropriated to appropriation item 600-525, Health 37159
Care/Medicaid, for fiscal year 2009 to be used by the Department 37160
to pay the amounts described in division (B) of this section. The 37161
Director of Budget and Management shall increase the state share 37162
of appropriations in appropriation item 600-525, Health 37163
Care/Medicaid, by the amount of the unencumbered balance of the \$6 37164
million, with a corresponding increase in the federal share. The 37165
Department shall expend, not later than June 30, 2009, the entire 37166
amount of the unencumbered balance of the \$6 million 37167
reappropriated to appropriation item 600-525, Health 37168
Care/Medicaid, for fiscal year 2009 by this division, by the 37169
corresponding increase in the federal share, and the \$6 million 37170
plus the corresponding federal match earmarked for fiscal year 37171
2009 by division (F) of this section to pay the amounts described 37172
in division (B) of this section. 37173

Sec. 309.30.30. FISCAL YEAR 2009 MEDICAID REIMBURSEMENT 37174
SYSTEM FOR NURSING FACILITIES 37175

(A) As used in this section: 37176

(1) "Capital costs," "cost of ownership," and "renovation" 37177
have the same meanings as in section 5111.20 of the Revised Code 37178
as that section existed on June 30, 2005. 37179

(2) "Fiscal year 2005 rate" means the rate a provider of a nursing facility is paid for nursing facility services the nursing facility provides on June 30, 2005. 37180
37181
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(3) "Fiscal year 2008 rate" means the rate a provider of a nursing facility is paid for nursing facility services the nursing facility provides on June 30, 2008. 37183
37184
37185

(4) "Franchise permit fee," "inpatient days," "Medicaid days," "nursing facility," and "provider" have the same meanings as in section 5111.20 of the Revised Code. 37186
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(5) "Nursing facility services" means nursing facility services covered by the Medicaid program that a nursing facility provides to a resident of the nursing facility who is a Medicaid recipient eligible for Medicaid-covered nursing facility services. 37189
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(6) "Reviewable activity" has the same meaning as in section 3702.51 of the Revised Code. 37194
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(7) "Type A nursing facility" means a nursing facility that qualifies for a per diem under Section 309.30.42 of Am. Sub. H.B. 119 of the 127th General Assembly, as amended by this act and is not a type G nursing facility. 37196
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(8) "Type B nursing facility" means a nursing facility to which both of the following apply: 37200
37201

(a) Both of the following occurred during the last quarter of fiscal year 2008: 37202
37203

(i) The facility obtained certification as a nursing facility from the Director of Health. 37204
37205

(ii) The facility began participating in the Medicaid program. 37206
37207

(b) An application for a certificate of need for the nursing facility was filed with the Director of Health before June 15, 37208
37209

<u>2005.</u>	37210
<u>(9) "Type C nursing facility" means a nursing facility to</u>	37211
<u>which all of the following apply:</u>	37212
<u>(a) The nursing facility is not a type B nursing facility.</u>	37213
<u>(b) The nursing facility, during the last quarter of fiscal</u>	37214
<u>year 2008, completed a capital project for which a certificate of</u>	37215
<u>need was filed with the Director of Health before June 15, 2005,</u>	37216
<u>and for which at least one of the following occurred before July</u>	37217
<u>1, 2005, or, if the capital project is undertaken to comply with</u>	37218
<u>rules adopted by the Public Health Council regarding resident room</u>	37219
<u>size or occupancy, before June 30, 2007:</u>	37220
<u>(i) Any materials or equipment for the capital project were</u>	37221
<u>delivered;</u>	37222
<u>(ii) Preparations for the physical site of the capital</u>	37223
<u>project, including, if applicable, excavation, began;</u>	37224
<u>(iii) Actual work on the capital project began.</u>	37225
<u>(c) The provider of the nursing facility files a three-month</u>	37226
<u>projected capital cost report for the nursing facility with the</u>	37227
<u>Director of Job and Family Services not later than ninety days</u>	37228
<u>after the date the capital project is completed.</u>	37229
<u>(10) "Type D nursing facility" means a nursing facility that,</u>	37230
<u>during the last quarter of fiscal year 2008, completed an activity</u>	37231
<u>to which all of the following apply:</u>	37232
<u>(a) A request was filed with the Director of Health before</u>	37233
<u>July 1, 2005, for a determination of whether the activity is a</u>	37234
<u>reviewable activity and the Director determined that the activity</u>	37235
<u>is not a reviewable activity.</u>	37236
<u>(b) At least one of the following occurred before July 1,</u>	37237
<u>2005, or, if the nursing facility undertakes the activity to</u>	37238
<u>comply with rules adopted by the Public Health Council regarding</u>	37239

<u>resident room size or occupancy, before June 30, 2007:</u>	37240
<u>(i) Any materials or equipment for the activity were delivered.</u>	37241 37242
<u>(ii) Preparations for the physical site of the activity, including, if applicable, excavation, began.</u>	37243 37244
<u>(iii) Actual work on the activity began.</u>	37245
<u>(c) The provider of the nursing facility files a three-month projected capital cost report for the nursing facility with the Director of Job and Family Services not later than ninety days after the date the activity is completed.</u>	37246 37247 37248 37249
<u>(11) "Type E nursing facility" means a nursing facility that, during the last quarter of fiscal year 2008, completed a renovation to which all of the following apply:</u>	37250 37251 37252
<u>(a) The Director of Job and Family Services approved the renovation before July 1, 2005.</u>	37253 37254
<u>(b) At least one of the following occurred before July 1, 2005, or, if the nursing facility undertakes the renovation to comply with rules adopted by the Public Health Council regarding resident room size or occupancy, before June 30, 2007:</u>	37255 37256 37257 37258
<u>(i) Any materials or equipment for the renovation were delivered.</u>	37259 37260
<u>(ii) Preparations for the physical site of the renovation, including, if applicable, excavation, began.</u>	37261 37262
<u>(iii) Actual work on the renovation began.</u>	37263
<u>(c) The provider of the nursing facility files a three-month projected capital cost report for the nursing facility with the Director of Job and Family Services not later than ninety days after the date the renovation is completed.</u>	37264 37265 37266 37267
<u>(12) "Type F nursing facility" means a nursing facility to</u>	37268

<u>which all of the following apply:</u>	37269
<u>(a) The nursing facility, during either the first or second quarter of fiscal year 2009, completed a capital project for which the Director of Health approved a certificate of need on December 22, 2003.</u>	37270 37271 37272 37273
<u>(b) The nursing facility has one hundred ninety-two beds.</u>	37274
<u>(c) The provider of the nursing facility files a three-month projected capital cost report for the nursing facility with the Director of Job and Family Services not later than ninety days after the date the capital project is completed.</u>	37275 37276 37277 37278
<u>(13) "Type G nursing facility" means a new nursing facility to which all of the following apply:</u>	37279 37280
<u>(a) The provider of the new nursing facility is a nonprofit corporation exempt from federal income taxation.</u>	37281 37282
<u>(b) The provider of the new nursing facility received a certificate of need from the Director of Health before June 15, 2005, to construct the new nursing facility.</u>	37283 37284 37285
<u>(c) The new nursing facility began participation in the Medicaid program during fiscal year 2006.</u>	37286 37287
<u>(d) The new nursing facility replaced an older nursing facility that provided nursing facility services on the date immediately before the date the new nursing facility began participation in the Medicaid program.</u>	37288 37289 37290 37291
<u>(e) The new nursing facility is located on the same campus as the older nursing facility that the new nursing facility replaced.</u>	37292 37293
(B) Except as otherwise provided by this section, the provider of a nursing facility that has a valid Medicaid provider agreement on June 30, 2008, and a valid Medicaid provider agreement during fiscal year 2009 shall be paid, for nursing facility services the nursing facility provides during fiscal year	37294 37295 37296 37297 37298

2009, the rate calculated for the nursing facility under sections 37299
5111.20 to 5111.33 of the Revised Code with the following 37300
adjustments: 37301

(1) The cost per case mix-unit calculated under section 37302
5111.231 of the Revised Code, the rate for ancillary and support 37303
costs calculated under section 5111.24 of the Revised Code, the 37304
rate for capital costs calculated under section 5111.25 of the 37305
Revised Code, and the rate for tax costs calculated under section 37306
5111.242 of the Revised Code shall each be adjusted as follows: 37307

(a) Increase the cost and rates so calculated by two per 37308
cent; 37309

(b) Increase the cost and rates determined under division 37310
(B)(1)(a) of this section by two per cent; 37311

(c) Increase the cost and rates determined under division 37312
(B)(1)(b) of this section by one per cent. 37313

(2) The mean payment used in the calculation of the quality 37314
incentive payment made under section 5111.244 of the Revised Code 37315
shall be, weighted by Medicaid days, three dollars and three cents 37316
per Medicaid day. 37317

(C) ~~If Except as provided in division (F) of this section, if~~ 37318
the rate determined for a nursing facility under division (B) of 37319
this section for nursing facility services provided during fiscal 37320
year 2009 is more than one hundred two and seventy-five hundredths 37321
per cent of the sum of the nursing facility's fiscal year 2008 37322
~~rate the provider is paid for nursing facility services the~~ 37323
~~nursing facility provides on June 30, 2008 and the amount~~ 37324
specified in division (D) of this section, the Department of Job 37325
and Family Services shall reduce the nursing facility's fiscal 37326
year 2009 rate so that the rate is not more than one hundred two 37327
and seventy-five hundredths per cent of ~~the nursing facility's~~ 37328
~~rate for June 30, 2008 that sum. If Except as provided in division~~ 37329

(F) of this section, if the rate determined for a nursing facility 37330
under division (B) of this section for nursing facility services 37331
provided during fiscal year 2009 is less than the sum of the 37332
nursing facility's fiscal year 2008 rate the provider is paid for 37333
nursing facility services the nursing facility provides on June 37334
30, 2008 and the amount specified in division (D) of this section, 37335
the Department shall increase the nursing facility's fiscal year 37336
2009 rate so that the rate is not less than the nursing facility's 37337
rate for June 30, 2008 that sum. 37338

37339

(D) Subject to division (E) of this section, the following 37340
amount shall be added to a nursing facility's fiscal year 2008 37341
rate for the purpose of determining the ceiling and floor under 37342
division (C) of this section: 37343

(1) If the nursing facility is a type A nursing facility, the 37344
amount of the per diem for which the nursing facility qualifies 37345
under Section 309.30.42 of Am. Sub. H.B. 119 of the 127th General 37346
Assembly, as amended by this act; 37347

(2) If the nursing facility is a type B nursing facility, the 37348
amount that is the difference between the capital costs portion of 37349
the nursing facility's initial rate established under section 37350
5111.254 of the Revised Code and the lesser of the following: 37351

(a) Eighty-eight and sixty-five hundredths per cent of the 37352
nursing facility's cost of ownership as reported on its 37353
three-month projected capital cost report divided by the greater 37354
of the number of inpatient days the nursing facility is expected 37355
to have during the period covered by the projected capital cost 37356
report or the number of inpatient days the nursing facility would 37357
have during that period if the nursing facility's occupancy rate 37358
was eighty per cent; 37359

(b) The maximum capital per diem rate in effect for fiscal 37360

year 2005 for nursing facilities. 37361

(3) If the nursing facility is a type C nursing facility, 37362
type D nursing facility, or type F nursing facility, the amount 37363
that is the difference between the capital costs portion of the 37364
nursing facility's fiscal year 2005 rate and the lesser of the 37365
following: 37366

(a) Eighty-eight and sixty-five hundredths per cent of the 37367
nursing facility's cost of ownership as reported on its 37368
three-month projected capital cost report divided by the greater 37369
of the number of inpatient days the nursing facility is expected 37370
to have during the period covered by the projected capital cost 37371
report or the number of inpatient days the nursing facility would 37372
have during that period if the nursing facility's occupancy rate 37373
was ninety-five per cent; 37374

(b) The maximum capital per diem rate in effect for fiscal 37375
year 2005 for nursing facilities. 37376

(4) If the nursing facility is a type E nursing facility, the 37377
amount that is equal to eighty-five per cent of the nursing 37378
facility's capital costs for the renovation as reported on its 37379
three-month projected capital cost report divided by the greater 37380
of the number of inpatient days the nursing facility is expected 37381
to have during the period covered by the projected capital cost 37382
report or the number of inpatient days the nursing facility would 37383
have during that period if the nursing facility's occupancy rate 37384
was ninety-five per cent; 37385

(5) If the nursing facility is not a type A nursing facility, 37386
type B nursing facility, type C nursing facility, type D nursing 37387
facility, type E nursing facility, type F nursing facility, or 37388
type G nursing facility, zero. 37389

(E) The amount to be added to the fiscal year 2008 rate of a 37390
type A nursing facility, type B nursing facility, type C nursing 37391

facility, type D nursing facility, type E nursing facility, or 37392
type F nursing facility for the purpose of determining the ceiling 37393
and floor under division (C) of this section shall be zero until 37394
the later of the following: 37395

(1) July 1, 2008; 37396

(2) The first day of the month following the month in which 37397
the provider files the three-month projected capital cost report 37398
for the nursing facility with the Director of Job and Family 37399
Services. 37400

(F) Subject to division (G) of this section, if the rate 37401
determined for a type G nursing facility under division (B) of 37402
this section for nursing facility services provided during fiscal 37403
year 2009 is more than one hundred two and seventy-five hundredths 37404
per cent of the sum of the rate the provider was paid for nursing 37405
facility services that the older nursing facility the type G 37406
nursing facility replaced provided on July 1, 2005, and the amount 37407
of the per diem for which the type G nursing facility qualifies 37408
under Section 309.30.42 of Am. Sub. H.B. 119 of the 127th General 37409
Assembly, as amended by this act, the Department of Job and Family 37410
Services shall reduce the type G nursing facility's fiscal year 37411
2009 rate so that the rate is not more than one hundred two and 37412
seventy-five hundredths per cent of that sum. Subject to division 37413
(G) of this section, if the rate determined for a type G nursing 37414
facility under division (B) of this section for nursing facility 37415
services provided during fiscal year 2009 is less than 37416
ninety-eight per cent of the sum of the rate the provider was paid 37417
for nursing facility services that the older nursing facility the 37418
type G nursing facility replaced provided on July 1, 2005, and the 37419
amount of the per diem for which the type G nursing facility 37420
qualifies under Section 309.30.42 of Am. Sub. H.B. 119 of the 37421
127th General Assembly, as amended by this act, the Department 37422
shall increase the qualified replacement nursing facility's fiscal 37423

year 2009 rate so that the rate is not less than ninety-eight per cent of that sum. 37424
37425

(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: 37426
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(1) July 1, 2008; 37435

(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. 37436
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(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. 37440
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~~(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. 37447
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37449
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37452

(J) Not later than sixty days after the effective date of the amendments to this section, the Director of Job and Family 37453
37454

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.

(2) For fiscal year 2009, the mean total per diem rate for all intermediate care facilities for the mentally retarded in the state, weighted by May 2008 Medicaid days and calculated as of July 1, 2008, shall not exceed ~~\$271.46~~ \$274.98.

(3) If the mean total per diem rate for all intermediate care facilities for the mentally retarded in the state for fiscal year 2008 or 2009, weighted by Medicaid days as specified in division (B)(1) or (2) of this section, as appropriate, and calculated as of the first day of July of the calendar year in which the fiscal year begins, exceeds the amount specified in division (B)(1) or (2) of this section, as applicable, the Department of Job and Family Services shall reduce the total per diem rate for each intermediate care facility for the mentally retarded in the state by a percentage that is equal to the percentage by which the mean total per diem rate exceeds the amount specified in division (B)(1) or (2) of this section for that fiscal year.

(4) Subsequent to any reduction required by division (B)(3) of this section, the rate of an intermediate care facility for the mentally retarded shall not be subject to any adjustments authorized by sections 5111.20 to 5111.33 of the Revised Code during the remainder of the year.

(C) Not later than September 30, 2008, 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. 309.30.41. ADDITIONAL COMPENSATION FOR NURSING FACILITY CAPITAL COSTS

The foregoing appropriation item 600-529, Capital 37516
Compensation Program, shall be used to make payments to nursing 37517
facilities under ~~the section of this act entitled "FISCAL YEARS~~ 37518
~~2008 AND 2009 PAYMENTS TO CERTAIN NURSING FACILITIES~~ Section 37519
309.30.42 of Am. Sub. H.B. 119 of the 127th General Assembly." 37520

The unencumbered balance of appropriation item 600-529, 37521
Capital Compensation Program, ~~at the end of fiscal year on~~ 37522
September 30, 2008, is hereby appropriated to appropriation item 37523
600-525, Health Care/Medicaid, for fiscal year 2009 ~~for use under~~ 37524
~~the same appropriation item. The Director of Budget and Management~~ 37525
shall increase the state share of appropriations in appropriation 37526
item 600-525, Health Care/Medicaid, by the amount of the 37527
unencumbered balance of appropriation item 600-529, Capital 37528
Compensation Program, with a corresponding increase in the federal 37529
share. 37530

Sec. 309.30.42. FISCAL YEARS YEAR 2008 ~~AND 2009~~ PAYMENTS TO 37531
CERTAIN NURSING FACILITIES 37532

(A) As used in this section: 37533

"Capital costs," "cost of ownership," and "renovation" have 37534
the same meanings as in section 5111.20 of the Revised Code as 37535
that section existed on June 30, 2005. 37536

"Change of operator" has the same meaning as in section 37537
5111.65 of the Revised Code. 37538

"Inpatient days," "Medicaid days," and "nursing facility" 37539
have the same meanings as in section 5111.20 of the Revised Code. 37540

"Reviewable activity" has the same meaning as in section 37541
3702.51 of the Revised Code. 37542

(B) The following qualify for per diem payments under this 37543
section: 37544

(1) A nursing facility to which both of the following apply: 37545

(a) Both of the following occurred during fiscal year 2006 7	37546
<u>or 20077 or the first three quarters of fiscal year 2008:</u>	37547
(i) The facility obtained certification as a nursing facility	37548
from the Director of Health.	37549
(ii) The facility began participating in the Medicaid	37550
program.	37551
(b) An application for a certificate of need for the nursing	37552
facility was filed with the Director of Health before June 15,	37553
2005.	37554
(2) A nursing facility to which all of the following apply:	37555
(a) The nursing facility does not qualify for a payment	37556
pursuant to division (B)(1) of this section.	37557
(b) The nursing facility, before June 30 <u>March 31</u> , 2008,	37558
completed a capital project for which a certificate of need was	37559
filed with the Director of Health before June 15, 2005, and for	37560
which at least one of the following occurred before July 1, 2005,	37561
or, if the capital project is undertaken to comply with rules	37562
adopted by the Public Health Council regarding resident room size	37563
or occupancy, before June 30, 2007:	37564
(i) Any materials or equipment for the capital project were	37565
delivered;	37566
(ii) Preparations for the physical site of the capital	37567
project, including, if applicable, excavation, began;	37568
(iii) Actual work on the capital project began.	37569
(c) The costs of the capital project are not fully reflected	37570
in the capital costs portion of the nursing facility's Medicaid	37571
reimbursement per diem rate on June 30, 2005.	37572
(d) The nursing facility files a three-month projected	37573
capital cost report with the Director of Job and Family Services	37574
not later than ninety days after the later of March 30, 2006, or	37575

the date the capital project is completed. 37576

(3) A nursing facility that, before ~~June 30~~ March 31, 2008, 37577
completed an activity to which all of the following apply: 37578

(a) A request was filed with the Director of Health before 37579
July 1, 2005, for a determination of whether the activity is a 37580
reviewable activity and the Director determined that the activity 37581
is not a reviewable activity. 37582

(b) At least one of the following occurred before July 1, 37583
2005, or, if the nursing facility undertakes the activity to 37584
comply with rules adopted by the Public Health Council regarding 37585
resident room size or occupancy, before June 30, 2007: 37586

(i) Any materials or equipment for the activity were 37587
delivered. 37588

(ii) Preparations for the physical site of the activity, 37589
including, if applicable, excavation, began. 37590

(iii) Actual work on the activity began. 37591

(c) The costs of the activity are not fully reflected in the 37592
capital costs portion of the nursing facility's Medicaid 37593
reimbursement per diem rate on June 30, 2005. 37594

(d) The nursing facility files a three-month projected 37595
capital cost report with the Director of Job and Family Services 37596
not later than ninety days after the later of March 30, 2006, or 37597
the date the activity is completed. 37598

(4) A nursing facility that, before ~~June 30~~ March 31, 2008, 37599
completed a renovation to which all of the following apply: 37600

(a) The Director of Job and Family Services approved the 37601
renovation before July 1, 2005. 37602

(b) At least one of the following occurred before July 1, 37603
2005, or, if the nursing facility undertakes the renovation to 37604
comply with rules adopted by the Public Health Council regarding 37605

resident room size or occupancy, before June 30, 2007: 37606

(i) Any materials or equipment for the renovation were 37607
delivered. 37608

(ii) Preparations for the physical site of the renovation, 37609
including, if applicable, excavation, began. 37610

(iii) Actual work on the renovation began. 37611

(c) The costs of the renovation are not fully reflected in 37612
the capital costs portion of the nursing facility's Medicaid 37613
reimbursement per diem rate on June 30, 2005. 37614

(d) The nursing facility files a three-month projected 37615
capital cost report with the Director of Job and Family Services 37616
not later than ninety days after the later of March 30, 2006, or 37617
the date the renovation is completed. 37618

(C) If a nursing facility qualifies for per diem payments 37619
pursuant to division (B)(1) of this section ~~for fiscal year 2008~~, 37620
the nursing facility's per diem payments under this section ~~for~~ 37621
~~fiscal year 2008~~ shall equal the difference between the capital 37622
costs portion of the nursing facility's Medicaid reimbursement per 37623
diem rate ~~determined under Section 309.30.20 of this act on June~~ 37624
30, 2006, or, if the nursing facility did not have a Medicaid 37625
reimbursement per diem rate on June 30, 2006, the capital costs 37626
portion of the nursing facility's initial rate established under 37627
section 5111.254 of the Revised Code and the lesser of the 37628
following: 37629

(1) Eighty-eight and sixty-five hundredths per cent of the 37630
nursing facility's cost of ownership as reported on a three-month 37631
projected capital cost report divided by the greater of the number 37632
of inpatient days the nursing facility is expected to have during 37633
the period covered by the projected capital cost report or the 37634
number of inpatient days the nursing facility would have during 37635
that period if the nursing facility's occupancy rate was eighty 37636

per cent. 37637

(2) The maximum capital per diem rate in effect for fiscal 37638
year 2005 for nursing facilities. 37639

~~(D) If a nursing facility qualifies for per diem payments 37640
pursuant to division (B)(1) of this section for fiscal year 2009, 37641
the nursing facility's per diem payments under this section for 37642
fiscal year 2009 shall equal the difference between the capital 37643
costs portion of the nursing facility's Medicaid reimbursement per 37644
diem rate determined under Section 309.30.30 of this act and the 37645
lesser of the following: 37646~~

~~(1) Eighty eight and sixty five hundredths per cent of the 37647
nursing facility's cost of ownership as reported on a three month 37648
projected capital cost report divided by the greater of the number 37649
of inpatient days the nursing facility is expected to have during 37650
the period covered by the projected capital cost report or the 37651
number of inpatient days the nursing facility would have during 37652
that period if the nursing facility's occupancy rate was eighty 37653
per cent. 37654~~

~~(2) The maximum capital per diem rate in effect for fiscal 37655
year 2005 for nursing facilities. 37656~~

~~(E) The per diem payments paid for fiscal year 2008 to a 37657
nursing facility that qualifies for the payments pursuant to 37658
division (B)(2) or (3) of this section shall equal the difference 37659
between the capital costs portion of the nursing facility's 37660
Medicaid reimbursement per diem rate determined under Section 37661
309.30.20 of this act on June 30, 2005, and the lesser of the 37662
following: 37663~~

(1) Eighty-eight and sixty-five hundredths per cent of the 37664
nursing facility's cost of ownership as reported on a three-month 37665
projected capital cost report divided by the greater of the number 37666
of inpatient days the nursing facility is expected to have during 37667

the period covered by the projected capital cost report or the 37668
number of inpatient days the nursing facility would have during 37669
that period if the nursing facility's occupancy rate was 37670
ninety-five per cent. 37671

(2) The maximum capital per diem rate in effect for fiscal 37672
year 2005 for nursing facilities. 37673

~~(F) The per diem payments paid for fiscal year 2009 to a 37674
nursing facility that qualifies for the payments pursuant to 37675
division (B)(2) or (3) of this section shall equal the difference 37676
between the capital costs portion of the nursing facility's 37677
Medicaid reimbursement per diem rate determined under Section 37678
309.30.30 of this act and the lesser of the following: 37679~~

~~(1) Eighty eight and sixty five hundredths per cent of the 37680
nursing facility's cost of ownership as reported on a three month 37681
projected capital cost report divided by the greater of the number 37682
of inpatient days the nursing facility is expected to have during 37683
the period covered by the projected capital cost report or the 37684
number of inpatient days the nursing facility would have during 37685
that period if the nursing facility's occupancy rate was 37686
ninety five per cent. 37687~~

~~(2) The maximum capital per diem rate in effect for fiscal 37688
year 2005 for nursing facilities. 37689~~

~~(G)(E) The per diem payments paid to a nursing facility that 37690
qualifies for the payments pursuant to division (B)(4) of this 37691
section shall equal eighty-five per cent of the nursing facility's 37692
capital costs for the renovation as reported on a three-month 37693
projected capital cost report divided by the greater of the number 37694
of inpatient days the nursing facility is expected to have during 37695
the period covered by the projected capital cost report or the 37696
number of inpatient days the nursing facility would have during 37697
that period if the nursing facility's occupancy rate was 37698~~

ninety-five per cent. 37699

~~(H)(F)~~ All of the following apply to the per diem payments 37700
made under this section: 37701

~~(1) All nursing facilities' eligibility for the payments 37702
shall cease at the earlier of the following: 37703~~

~~(a) July 1, 2009; 37704~~

~~(b) The date that the total amount of the payments equals 37705
seven million dollars. 37706~~

~~(2) The payments made for the last quarter that the payments 37707
are made may be reduced proportionately as necessary to avoid 37708
spending more than seven million dollars under this section. 37709~~

~~(3) The Subject to the following, the per diem payments shall 37710
be made for quarterly periods only the first three quarters of 37711
fiscal year 2008 by multiplying the per diem determined for a 37712
nursing facility by the number of Medicaid days the nursing 37713
facility has for the quarter quarters for which the payment is 37714
made: 37715~~

~~(a) Not more than a total of four million two hundred 37716
thousand dollars may be spent on the payments. 37717~~

~~(b) The payments may be reduced proportionately as necessary 37718
to avoid spending more than four million two hundred thousand 37719
dollars under this section. 37720~~

~~(4)(2) Any per diem payments to be made to a nursing facility 37721
for a quarter ending before July 2008 under this section shall be 37722
made not later than ~~September 30~~August 31, 2008. 37723~~

~~(5) Any per diem payments to be made to a nursing facility 37724
for a quarter beginning after June 2008 shall be made not later 37725
than three months after the last day of the quarter for which the 37726
payments are made. 37727~~

~~(6)(3) A change of operator shall not cause the payments to a 37728~~

nursing facility to ~~cease~~ not be made. 37729

~~(7)~~(4) The payments shall only be made to a nursing facility 37730
for the first three quarters ~~during of~~ fiscal ~~years~~ year 2008 ~~and~~ 37731
~~2009~~ for which the nursing facility has a valid Medicaid provider 37732
agreement. 37733

~~(8)~~(5) The payments shall be in addition to a nursing 37734
facility's Medicaid reimbursement per diem rate calculated under 37735
Section 309.30.20 ~~or 309.30.30~~ of ~~this act~~ Am. Sub. H.B. 119 of 37736
the 127th General Assembly. 37737

~~(I)~~(G) The Director of Job and Family Services shall monitor~~7~~ 37738
~~on a quarterly basis~~, the per diem payments made to nursing 37739
facilities under this section to ensure that not more than a total 37740
of ~~seven~~ four million two hundred thousand dollars is spent under 37741
this section. 37742

~~(J)~~(H) The determinations that the Director of Job and Family 37743
Services makes under this section are not subject to appeal under 37744
Chapter 119. of the Revised Code. 37745

~~(K)~~(I) The Director of Job and Family Services may adopt 37746
rules in accordance with Chapter 119. of the Revised Code as 37747
necessary to implement this section. The Director's failure to 37748
adopt the rules does not affect the requirement that the per diem 37749
payments be made under this section. 37750

Sec. 309.40.33. CHILD SUPPORT COLLECTIONS/TANF MOE 37751

The foregoing appropriation item 600-658, Child Support 37752
Collections, shall be used by the Department of Job and Family 37753
Services to meet the TANF maintenance of effort requirements of 42 37754
U.S.C. 609(a)(7). When the state is assured that it will meet the 37755
maintenance of effort requirement, the Department of Job and 37756
Family Services may use funds from appropriation item 600-658, 37757
Child Support Collections, to support ~~child support~~ public 37758

<u>assistance</u> activities.				37759
Sec. 337.30. COMMUNITY SERVICES				37760
General Revenue Fund				37761
GRF 322-413 Residential and Support Services	\$	6,753,881	\$ 6,753,881	37762
GRF 322-416 Medicaid Waiver - State Match	\$	109,551,380	\$ 109,551,380	37763
GRF 322-451 Family Support Services	\$	6,938,898	\$ 6,938,898	37764
GRF 322-501 County Boards Subsidies	\$	87,270,048	\$ 87,270,048	37765
GRF 322-503 Tax Equity	\$	14,000,000	\$ 14,000,000	37766
GRF 322-504 Martin Settlement	\$	6,159,766	\$ 29,036,451	37767
TOTAL GRF General Revenue Fund	\$	230,673,973	\$ 253,550,658	37768
General Services Fund Group				37769
488 322-603 Provider Audit Refunds	\$	10,000	\$ 10,000	37770
5MO 322-628 Martin Settlement	\$	150,000	\$ 0	37771
TOTAL GSF General Services Fund Group	\$	160,000	\$ 10,000	37773
Federal Special Revenue Fund Group				37774
3G6 322-639 Medicaid Waiver - Federal	\$	456,311,171	\$ 506,618,829	37775
3M7 322-650 CAFS Medicaid	\$	4,278,713	\$ 0	37776
325 322-612 Community Social Service Programs	\$	11,186,114	\$ 11,164,639	37777
TOTAL FED Federal Special Revenue Fund Group	\$	471,775,998	\$ 517,783,468	37779
State Special Revenue Fund Group				37780
4K8 322-604 Medicaid Waiver - State Match	\$	12,000,000	\$ 12,000,000	37781

5DJ 322-625	Targeted Case	\$	11,082,857	\$	11,470,757	37782
	Management Match					
5DJ 322-626	Targeted Case	\$	27,548,737	\$	28,512,943	37783
	Management Services					
5EV 322-627	Program Fees	\$	20,000	\$	20,000	37784
5H0 322-619	Medicaid Repayment	\$	10,000	\$	10,000	37785
5Z1 322-624	County Board Waiver	\$	116,000,000	\$	126,000,000	37786
	Match					
<u>5CT 322-632</u>	<u>Intensive Behavioral</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>1,000,000</u>	37787
	<u>Needs</u>					
TOTAL SSR State Special Revenue						37788
Fund Group		\$	166,661,594	\$	178,013,700	37789
					<u>179,013,700</u>	
TOTAL ALL COMMUNITY SERVICES						37790
BUDGET FUND GROUPS		\$	869,271,565	\$	949,357,826	37791
					<u>950,357,826</u>	

Sec. 337.30.43. TAX EQUITY

Notwithstanding section 5126.18 of the Revised Code, ~~if a~~ 37794
~~county board of mental retardation and developmental disabilities~~ 37795
~~received a tax equity payment in fiscal year 2007, but would not~~ 37796
~~receive such a payment in fiscal years 2008 and 2009, the~~ 37797
~~Department of Mental Retardation and Developmental Disabilities~~ 37798
~~shall use the foregoing appropriation item 322-503, Tax Equity, to~~ 37799
~~pay each such board in each fiscal year of the biennium an amount~~ 37800
~~that is equal to the tax equity payment the board received in~~ 37801
~~fiscal year 2007 or \$25,000, whichever is less. The Department~~ 37802
~~shall use the remainder of the appropriation item to make tax~~ 37803
~~equity payments in accordance with section 5126.18 of the Revised~~ 37804
~~Code for fiscal year 2009, if the Department of Mental Retardation~~ 37805
~~and Developmental Disabilities determines that sufficient funds~~ 37806
~~are available, the Department shall use the foregoing~~ 37807
~~appropriation item 322-503, Tax Equity, to pay each county board~~ 37808

of mental retardation and developmental disabilities an amount 37809
that is equal to the amount the board received for fiscal year 37810
2008. If the Department determines that there are not sufficient 37811
funds available in the appropriation item for this purpose, the 37812
Department shall pay to each county board an amount that is 37813
proportionate to the amount the board received for fiscal year 37814
2008. Proportionality shall be determined by dividing the total 37815
tax equity payments distributed to county boards for fiscal year 37816
2008 by the tax equity payment a county board received for fiscal 37817
year 2008. 37818

Sec. 337.40. RESIDENTIAL FACILITIES 37819

General Revenue Fund 37820

GRF 323-321 Developmental Center \$ 102,796,851 \$ 102,796,851 37821
 and Residential
 Facilities Operation
 Expenses

TOTAL GRF General Revenue Fund \$ 102,796,851 \$ 102,796,851 37822

General Services Fund Group 37823

152 323-609 Developmental Center \$ 912,177 \$ 912,177 37824
 and Residential
 Operating Services

TOTAL GSF General Services 37825

Fund Group \$ 912,177 \$ 912,177 37826

Federal Special Revenue Fund Group 37827

3A4 323-605 Developmental Center \$ 136,299,536 \$ 137,555,308 37828
 and Residential
 Facility Services and
 Support

TOTAL FED Federal Special Revenue 37829

Fund Group \$ 136,299,536 \$ 137,555,308 37830

State Special Revenue Fund Group 37831

221	322-620	Supplement Service	\$	150,000	\$	150,000	37832
		Trust					
489	323-632	Developmental Center	\$	14,543,764	\$	14,671,616	37833
		Direct Care Support					
TOTAL SSR State Special Revenue							37834
		Fund Group	\$	14,693,764	\$	14,821,616	37835
TOTAL ALL RESIDENTIAL FACILITIES							37836
BUDGET FUND GROUPS							37837
DEPARTMENT TOTAL							37838
GENERAL REVENUE FUND							37839
DEPARTMENT TOTAL							37840
GENERAL SERVICES FUND GROUP							37841
DEPARTMENT TOTAL							37842
FEDERAL SPECIAL REVENUE FUND GROUP							37843
DEPARTMENT TOTAL							37844
STATE SPECIAL REVENUE FUND GROUP							37845
			\$	192,359,213	\$	204,307,651 <u>205,307,651</u>	
TOTAL DEPARTMENT OF MENTAL							37846
RETARDATION AND DEVELOPMENTAL							37847
DISABILITIES							37848
			\$	1,173,981,084	\$	1,252,695,175 <u>1,253,695,175</u>	

Sec. 337.40.15. GALLIPOLIS DEVELOPMENTAL CENTER PILOT PROGRAM 37850

The Director of Mental Retardation and Developmental 37852
Disabilities shall establish, ~~as part of the Individual Options~~ 37853
~~Medicaid Waiver program,~~ a pilot program ~~to be operated~~ during 37854
calendar year 2009 under which the Gallipolis Developmental Center 37855
~~provides home and community based services under the Individual~~ 37856
~~Options Medicaid waiver program to not more than ten individuals~~ 37857
~~at one time~~ operates an intermediate care facility for the 37858
mentally retarded with eight beds at a site separate from the 37859
grounds of the developmental center. The Gallipolis Developmental 37860

Center may operate the intermediate care facility for the mentally 37861
retarded notwithstanding section 5123.196 of the Revised Code. 37862
Money shall be expended on the pilot program beginning in the 37863
first half of calendar year 2009. 37864

~~The pilot program shall be operated in a manner consistent~~ 37865
~~with the terms of the consent order filed March 5, 2007, in *Martin*~~ 37866
~~*v. Strickland*, Case No. 89-CV-00362, in the United States District~~ 37867
~~Court for the Southern District of Ohio, Eastern Division. The~~ 37868
~~pilot program also shall be operated in accordance with the~~ 37869
~~federal Medicaid waiver authorizing the Individual Options~~ 37870
~~Medicaid waiver program. Only individuals eligible for the~~ 37871
~~Individual Options Medicaid waiver program who volunteer to~~ 37872
~~receive home and community based services under the Individual~~ 37873
~~Options Medicaid waiver program from the Gallipolis Developmental~~ 37874
~~Center may participate in the pilot program. The Director of~~ 37875
Mental Retardation and Developmental Disabilities and the Director 37876
of Job and Family Services shall provide the Gallipolis 37877
Developmental Center technical assistance ~~the Center needs~~ 37878
regarding the pilot program. 37879

~~All expenses the Gallipolis Developmental Center incurs in~~ 37880
~~participating in the pilot program shall be paid from the Medicaid~~ 37881
~~payments the Center receives for providing home and~~ 37882
~~community based services under the program.~~ 37883

The Director of Mental Retardation and Developmental 37884
Disabilities shall conduct an evaluation of the pilot program, 37885
including an evaluation of the quality and effectiveness of the 37886
~~home and community based services the Gallipolis Developmental~~ 37887
Center provides under the pilot program. The Director shall submit 37888
a report of the evaluation to the Governor and the General 37889
Assembly not later than April 1, 2010. The Director shall include 37890
in the report recommendations ~~for or against permitting the~~ 37891
~~Gallipolis Developmental Center to continue to provide home and~~ 37892

~~community based services under the Individual Options Medicaid~~ 37893
~~waiver program and permitting other developmental centers to begin~~ 37894
~~to provide these services regarding the continuation of the pilot~~ 37895
program and whether other developmental centers should be 37896
permitted to establish and operate intermediate care facilities 37897
for the mentally retarded at sites separate from the grounds of 37898
the developmental centers. 37899

Sec. 369.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO 37900

General Services Fund Group 37901

5F6 870-622 Utility and Railroad \$ 32,820,027 \$ 33,804,627 37902
 Regulation

5F6 870-624 NARUC/NRRI Subsidy \$ 158,000 \$ 158,000 37903

5F6 870-625 Motor Transportation \$ 4,635,413 \$ 4,772,765 37904
 Regulation

TOTAL GSF General Services 37905

Fund Group \$ 37,613,440 \$ 38,735,392 37906

Federal Special Revenue Fund Group 37907

3V3 870-604 Commercial Vehicle \$ 300,000 \$ 300,000 37908
 Information

Systems/Networks

333 870-601 Gas Pipeline Safety \$ 597,957 \$ 597,959 37909

350 870-608 Motor Carrier Safety \$ 7,137,534 \$ 7,351,660 37910

TOTAL FED Federal Special Revenue 37911

Fund Group \$ 8,035,491 \$ 8,249,619 37912

State Special Revenue Fund Group 37913

4A3 870-614 Grade Crossing \$ 1,349,757 \$ 1,349,757 37914
 Protection

Devices-State

4L8 870-617 Pipeline Safety-State \$ 187,621 \$ 187,621 37915

4S6 870-618 Hazardous Material \$ 464,325 \$ 464,325 37916

Registration

4S6	870-621	Hazardous Materials	\$	373,346	\$	373,346	37917
		Base State					
		Registration					
4U8	870-620	Civil Forfeitures	\$	284,986	\$	284,986	37918
5BP	870-623	Wireless 9-1-1	\$	26,875,000	\$	13,375,000	37919
		Administration					
<u>5Q5</u>	<u>870-626</u>	<u>Telecommunication</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>5,000,000</u>	37920
		Relay Service					
559	870-605	Public Utilities	\$	4,000	\$	4,000	37921
		Territorial					
		Administration					
560	870-607	Public Utilities	\$	100,000	\$	100,000	37922
		Investigations					
561	870-606	Power Siting Board	\$	404,651	\$	404,652	37923
638	870-611	Biomass Energy Program	\$	40,000	\$	40,000	37924
661	870-612	Hazardous Materials	\$	900,000	\$	900,000	37925
		Transportation					
TOTAL SSR State Special Revenue							37926
Fund Group			\$	30,983,686	\$	17,483,687	37927
							<u>22,483,687</u>
							37928
Agency Fund Group							37929
4G4	870-616	Base State	\$	2,000,000	\$	0	37930
		Registration Program					
TOTAL AGY Agency Fund Group			\$	2,000,000	\$	0	37931
TOTAL ALL BUDGET FUND GROUPS			\$	78,632,617	\$	64,468,698	37932
							<u>69,468,698</u>
							37933
COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS PROJECT							37934
The fund created by section 4923.26 of the Revised Code is							37935
the same fund, with a new name, as the Commercial Vehicle							37936
Information Systems and Networks Fund (Fund 3V3).							37937
ENHANCED AND WIRELESS ENHANCED 9-1-1							37938
The foregoing appropriation item 870-623, Wireless 9-1-1							37939

Administration, shall be used pursuant to section 4931.63 of the Revised Code. 37940
 37941

TELECOMMUNICATIONS RELAY SERVICE FUNDING 37942

The Telecommunications Relay Service Fund is hereby created 37943
 in the state treasury. The vendor selected to provide 37944
 telecommunications relay service in Ohio, as required by 47 C.F.R. 37945
 64.601, shall submit an invoice to the Public Utilities Commission 37946
 by January 31, 2009, for costs it has incurred in providing the 37947
 service during calendar year 2008. The Public Utilities Commission 37948
 shall notify the Director of Budget and Management of the amount 37949
 invoiced, and the Director of Budget and Management shall transfer 37950
 that amount from the Public Utilities Fund (Fund 5F6) to the 37951
 Telecommunications Relay Service Fund on or before February 28, 37952
 2009. The amount transferred shall be used to pay the 37953
 telecommunications relay service vendor the amount invoiced. This 37954
 amount is hereby appropriated. 37955

Sec. 379.10. RSC REHABILITATION SERVICES COMMISSION 37956

General Revenue Fund 37957

GRF 415-100 Personal Services \$ 8,851,468 \$ 8,851,468 37958

GRF 415-402 Independent Living \$ 450,000 \$ 450,000 37959

Council

GRF 415-406 Assistive Technology \$ 47,531 \$ 47,531 37960

GRF 415-431 Office for People \$ 226,012 \$ 226,012 37961

with Brain Injury

GRF 415-506 Services for People \$ 16,959,541 \$ 17,259,541 37962

with Disabilities

GRF 415-508 Services for the Deaf \$ 50,000 \$ 50,000 37963

TOTAL GRF General Revenue Fund \$ 26,584,552 \$ 26,884,552 37964

General Services Fund Group 37965

4W5 415-606 Program Management \$ 18,123,188 \$ 18,557,040 37966

		Expenses				
467	415-609	Business Enterprise	\$	1,632,082	\$	1,632,082 37967
		Operating Expenses				
		TOTAL GSF General Services				37968
		Fund Group	\$	19,755,270	\$	20,189,122 37969
		Federal Special Revenue Fund Group				37970
3L1	415-601	Social Security	\$	3,743,740	\$	3,743,740 37971
		Personal Care				
		Assistance				
3L1	415-605	Social Security	\$	750,000	\$	750,000 37972
		Community Centers for				
		the Deaf				
3L1	415-608	Social Security	\$	1,506,260	\$	1,506,260 37973
		Vocational				
		Rehabilitation				
3L4	415-612	Federal Independent	\$	648,908	\$	648,908 37974
		Living Centers or				
		Services				
3L4	415-615	Federal - Supported	\$	884,451	\$	796,006 37975
		Employment				
3L4	415-617	Independent	\$	1,490,944	\$	1,490,944 37976
		Living/Vocational				
		Rehabilitation				
		Programs				
317	415-620	Disability	\$	82,808,006	\$	87,546,215 37977
		Determination				
379	415-616	Federal - Vocational	\$	122,484,545	\$	123,638,578 37978
		Rehabilitation				
		TOTAL FED Federal Special				37979
		Revenue Fund Group	\$	214,316,854	\$	220,120,651 37980
		State Special Revenue Fund Group				37981
4L1	415-619	Services for	\$	3,765,337	\$	4,500,000 37982

Rehabilitation

468	415-618	Third Party Funding	\$	906,910	\$	906,910	37983
TOTAL SSR State Special							37984
		Revenue Fund Group	\$	4,672,247	\$	5,406,910	37985
TOTAL ALL BUDGET FUND GROUPS							37986

INDEPENDENT LIVING COUNCIL 37987

The foregoing appropriation item 415-402, Independent Living 37988
 Council, shall be used to fund the operations of the State 37989
 Independent Living Council and shall be used to support state 37990
 independent living centers and independent living services under 37991
 Title VII of the Independent Living Services and Centers for 37992
 Independent Living of the Rehabilitation Act Amendments of 1992, 37993
 106 Stat. 4344, 29 U.S.C. 796d. 37994

OFFICE FOR PEOPLE WITH BRAIN INJURY 37995

Of the foregoing appropriation item 415-431, Office for 37996
 People with Brain Injury, up to \$50,000 in each fiscal year shall 37997
 be used for the state match for a federal grant awarded through 37998
 the Traumatic Brain Injury Act, Pub. L. No. 104-166, and up to 37999
 \$50,000 in each fiscal year shall be provided to the Brain Injury 38000
 Trust Fund. The remaining appropriation shall be used to plan and 38001
 coordinate head-injury-related services provided by state agencies 38002
 and other government or private entities, to assess the needs for 38003
 such services, and to set priorities in this area. 38004

VOCATIONAL REHABILITATION SERVICES 38005

The foregoing appropriation item 415-506, Services for People 38006
 with Disabilities, shall be used as state matching funds to 38007
 provide vocational rehabilitation services to eligible consumers. 38008

SERVICES FOR THE DEAF 38009

The foregoing appropriation item 415-508, Services for the 38010
Deaf, shall be used to provide grants to community centers for the 38011
deaf. These funds shall not be provided in lieu of Social Security 38012

<u>reimbursement funds.</u>	38013
PROGRAM MANAGEMENT EXPENSES	38014
The foregoing appropriation item 415-606, Program Management Expenses, shall be used to support the administrative functions of the commission related to the provision of vocational rehabilitation, disability determination services, and ancillary programs.	38015 38016 38017 38018 38019
NATIONAL ACCREDITATION COMPLIANCE	38020
Of the foregoing appropriation item 415-616, Federal - Vocational Rehabilitation, \$125,000 in each fiscal year <u>\$250,000 over the biennium</u> shall be used to establish and implement a Community Rehabilitation Program national accreditation compliance and monitoring program administered by the Ohio Association of Rehabilitation Facilities.	38021 38022 38023 38024 38025 38026
<u>Not later than 30 days after the effective date of this amendment, the Rehabilitation Services Commission shall enter into a contract or other agreement that complies with 34 CRF 361.3(b) and 34 CRF 361.5(b)(2) with the Ohio Association of Rehabilitation Facilities and convey the funds to establish and implement the Community Rehabilitation Program national accreditation compliance and monitoring program.</u>	38027 38028 38029 38030 38031 38032 38033
CLEVELAND SIGHT CENTER	38034
Of the foregoing appropriation item 415-616, Federal - Vocational Rehabilitation, \$100,000 in each fiscal year shall be provided to the Cleveland Sight Center for Technology Initiative to purchase adaptive technology and software for the employment of Ohioans who are blind or visually impaired.	38035 38036 38037 38038 38039
INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS	38040
The foregoing appropriation item 415-617, Independent Living/Vocational Rehabilitation Programs, shall be used to	38041 38042

support vocational rehabilitation programs.	38043
SOCIAL SECURITY REIMBURSEMENT FUNDS	38044
Reimbursement funds received from the Social Security	38045
Administration, United States Department of Health and Human	38046
Services, for the costs of providing services and training to	38047
return disability recipients to gainful employment shall be used	38048
in the Social Security Reimbursement Fund (Fund 3L1), to the	38049
extent funds are available, as follows:	38050
(A) Appropriation item 415-601, Social Security Personal Care	38051
Assistance, to provide personal care services in accordance with	38052
section 3304.41 of the Revised Code;	38053
(B) Appropriation item 415-608, Social Security Vocational	38054
Rehabilitation, to provide vocational rehabilitation services to	38055
individuals with severe disabilities who are Social Security	38056
beneficiaries, to enable them to achieve competitive employment.	38057
This appropriation item also includes funds to assist the Personal	38058
Care Assistance Program to pay its share of indirect costs as	38059
mandated by federal OMB Circular A-87.	38060
PERFORMANCE AUDIT	38061
The Auditor of State shall complete a performance audit of	38062
the Rehabilitation Services Commission. Upon completing the	38063
performance audit, the Auditor of State shall submit a report of	38064
the findings of the audit to the Governor, the President of the	38065
Senate, the Speaker of the House of Representatives, and the Board	38066
of Rehabilitation Services Commission. Expenses incurred by the	38067
Auditor of State to conduct the performance audit shall be	38068
reimbursed by the Rehabilitation Services Commission.	38069
INTERNAL REVIEW	38070
The Administrator of the Rehabilitation Services Commission	38071
shall consult with the Director of Budget and Management and	38072

representatives of local rehabilitation services agencies to 38073
 conduct an internal review of policies and procedures to increase 38074
 efficiency and identify and eliminate duplicative practices. Any 38075
 savings identified as a result of the internal review or the 38076
 performance audit conducted by the Auditor of State shall be used 38077
 for community-based care. 38078

The Administrator of the Rehabilitation Services Commission 38079
 shall seek Controlling Board approval before expending any funds 38080
 identified as a result of the internal review or the performance 38081
 audit. 38082

Sec. 393.10. SOS SECRETARY OF STATE 38083

General Revenue Fund 38084

GRF	050-321	Operating Expenses	\$	2,585,000	\$	2,585,000	38085
GRF	050-403	Election Statistics	\$	103,936	\$	103,936	38086
GRF	050-407	Pollworkers Training	\$	277,997	\$	277,997	38087
GRF	050-409	Litigation	\$	4,652	\$	4,652	38088

Expenditures

<u>GRF</u>	<u>050-505</u>	<u>County Postage</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>3,000,000</u>	38089
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Reimbursement

TOTAL GRF General Revenue Fund	\$	2,971,585	\$	2,971,585	38090
				<u>5,971,585</u>	

General Services Fund Group 38091

4S8	050-610	Board of Voting	\$	7,200	\$	7,200	38092
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Machine Examiners

412	050-609	Notary Commission	\$	685,249	\$	685,249	38093
413	050-601	Information Systems	\$	119,955	\$	119,955	38094
414	050-602	Citizen Education	\$	55,712	\$	55,712	38095

Fund

TOTAL General Services Fund Group	\$	868,116	\$	868,116	38096
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Federal Special Revenue Fund Group 38097

3AH 050-614	Election Reform/Health and Human Services	\$	1,000,000	\$	1,000,000	38098
3AS 050-616	2005 HAVA Voting Machines	\$	4,750,000	\$	2,750,000	38099
3X4 050-612	Ohio Center/Law Related Educational Grant	\$	41,000	\$	41,000	38100
TOTAL FED	Federal Special Revenue					38101
Fund Group		\$	5,791,000	\$	3,791,000	38102
State Special Revenue	Fund Group					38103
5N9 050-607	Technology Improvements	\$	129,565	\$	129,565	38104
599 050-603	Business Services Operating Expenses	\$	13,761,734	\$	13,761,734	38105
TOTAL SSR	State Special Revenue					38106
Fund Group		\$	13,891,299	\$	13,891,299	38107
Holding Account	Redistribution Fund Group					38108
R01 050-605	Uniform Commercial Code Refunds	\$	30,000	\$	30,000	38109
R02 050-606	Corporate/Business Filing Refunds	\$	85,000	\$	85,000	38110
TOTAL 090	Holding Account					38111
Redistribution	Fund Group	\$	115,000	\$	115,000	38112
TOTAL ALL BUDGET	FUND GROUPS	\$	23,637,000	\$	21,637,000	38113
					<u>24,637,000</u>	

COUNTY POSTAGE REIMBURSEMENT

The foregoing appropriation item 050-505, County Postage 38115
Reimbursement, shall be used to pay costs incurred by boards of 38116
elections to mail an absent voter's ballot application to each 38117
elector who is required to receive a notice under section 3501.19 38118
of the Revised Code for the November 4, 2008, general election. 38119
The foregoing appropriation also shall be used to pay return 38120

postage for absent voter's ballot applications returned by 38121
electors who wish to vote by absent voter's ballot at that 38122
election. Absent voter's ballot applications required to be mailed 38123
by a board of elections shall be mailed in conjunction with the 38124
notice of election required under section 3501.19 of the Revised 38125
Code. The Secretary of State shall establish a method by which 38126
funds for mailing absent voter's ballot applications are made 38127
available to boards of elections in advance of the required 38128
mailing. 38129

BOARD OF VOTING MACHINE EXAMINERS 38130

The foregoing appropriation item 050-610, Board of Voting 38131
Machine Examiners, shall be used to pay for the services and 38132
expenses of the members of the Board of Voting Machine Examiners, 38133
and for other expenses that are authorized to be paid from the 38134
Board of Voting Machine Examiners Fund, which is created in 38135
section 3506.05 of the Revised Code. Moneys not used shall be 38136
returned to the person or entity submitting the equipment for 38137
examination. If it is determined that additional appropriations 38138
are necessary, such amounts are appropriated. 38139

2005 HAVA VOTING MACHINES 38140

Of the foregoing appropriation item 050-616, 2005 HAVA Voting 38141
Machines, in fiscal year 2008 \$15,000 shall be distributed to the 38142
Vinton County Board of Elections and \$15,000 shall be distributed 38143
to the Morgan County Board of Elections to be used for emergency 38144
assistance for elections. 38145

On July 1, 2008, or as soon as possible thereafter, the 38146
Director of Budget and Management shall transfer any remaining 38147
unexpended, unencumbered appropriations in Fund 3AS, appropriation 38148
item 050-616, 2005 HAVA Voting Machines, for use in fiscal year 38149
2009. The transferred amount is hereby appropriated. 38150

On July 1, 2008, or as soon as possible thereafter, the 38151

Director of Budget and Management shall transfer any remaining 38152
unexpended, unencumbered appropriations in Fund 3AH, appropriation 38153
item 050-614, Election Reform/Health and Human Services Fund, for 38154
use in fiscal year 2009. The transferred amount is hereby 38155
appropriated. 38156

Ongoing interest earnings from the federal Election 38157
Reform/Health and Human Services Fund (Fund 3AH) and the 2005 HAVA 38158
Voting Machines Fund (Fund 3AS) shall be credited to the 38159
respective funds and distributed in accordance with the terms of 38160
the grant under which the money is received. 38161

HOLDING ACCOUNT REDISTRIBUTION GROUP 38162

The foregoing appropriation items 050-605 and 050-606, 38163
Holding Account Redistribution Fund Group, shall be used to hold 38164
revenues until they are directed to the appropriate accounts or 38165
until they are refunded. If it is determined that additional 38166
appropriations are necessary, such amounts are appropriated. 38167

Sec. 405.10. TAX DEPARTMENT OF TAXATION 38168

General Revenue Fund 38169

GRF 110-321 Operating Expenses \$ 92,040,062 \$ 92,440,062 38170

GRF 110-404 Tobacco Settlement \$ 0 \$ 328,034 38171

Enforcement

GRF 110-412 Child Support \$ 71,680 \$ 71,680 38172

Administration

GRF 110-901 Property Tax \$ 446,953,165 \$ 478,613,618 38173

Allocation - Taxation

GRF 110-906 Tangible Tax Exemption \$ 9,177,962 \$ 4,588,981 38174

- Taxation

TOTAL GRF General Revenue Fund \$ 548,242,869 \$ 576,042,375 38175

General Services Fund Group 38176

433 110-602 Tape File Account \$ 125,000 \$ 140,000 38177

5BQ	110-629	Commercial Activity Tax Administration	\$	6,000,000	\$	6,000,000	38178
5W4	110-625	Centralized Tax Filing and Payment	\$	400,000	\$	200,000	38179
5W7	110-627	Exempt Facility Administration	\$	100,000	\$	150,000	38180
5CZ	110-631	Vendor's License Application	\$	1,000,000	\$	1,000,000	38181
TOTAL GSF General Services							38182
Fund Group			\$	7,625,000	\$	7,490,000	38183
State Special Revenue Fund Group							38184
4C6	110-616	International Registration Plan	\$	706,855	\$	706,855	38185
4R6	110-610	Tire Tax Administration	\$	125,000	\$	150,000	38186
435	110-607	Local Tax Administration	\$	17,250,000	\$	17,250,000	38187
436	110-608	Motor Vehicle Audit	\$	1,200,000	\$	1,200,000	38188
437	110-606	Litter Tax and Natural Resource Tax Administration	\$	675,000	\$	800,000	38189
438	110-609	School District Income Tax	\$	3,600,000	\$	3,600,000	38190
<u>5AP0</u>	<u>110632</u>	<u>Discovery Project</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>2,000,000</u>	38191
5N5	110-605	Municipal Income Tax Administration	\$	500,000	\$	500,000	38192
5N6	110-618	Kilowatt Hour Tax Administration	\$	125,000	\$	175,000	38193
5V7	110-622	Motor Fuel Tax Administration	\$	4,700,000	\$	5,000,000	38194
5V8	110-623	Property Tax Administration	\$	13,500,000	\$	13,500,000	38195
639	110-614	Cigarette Tax	\$	100,000	\$	100,000	38196

Enforcement				
642	110-613	Ohio Political Party	\$ 600,000	\$ 600,000 38197
Distributions				
688	110-615	Local Excise Tax	\$ 210,000	\$ 180,000 38198
Administration				
TOTAL SSR State Special Revenue				38199
Fund Group			\$ 43,291,855	\$ 43,761,855 38200
				<u>45,761,855</u> 38201
Agency Fund Group				38202
095	110-995	Municipal Income Tax	\$ 21,000,000	\$ 21,000,000 38203
425	110-635	Tax Refunds	\$ 1,565,900,000	\$ 1,546,800,000 38204
TOTAL AGY Agency Fund Group			\$ 1,586,900,000	\$ 1,567,800,000 38205
Holding Account Redistribution Fund Group				38206
R10	110-611	Tax Distributions	\$ 50,000	\$ 50,000 38207
R11	110-612	Miscellaneous Income	\$ 50,000	\$ 50,000 38208
Tax Receipts				
TOTAL 090 Holding Account				38209
Redistribution Fund Group			\$ 100,000	\$ 100,000 38210
TOTAL ALL BUDGET FUND GROUPS			\$ 2,186,159,724	\$ 2,195,194,230 38211
				<u>2,197,194,230</u> 38212
HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX				38213
EXEMPTION				38214
The foregoing appropriation item 110-901, Property Tax				38215
Allocation - Taxation, is hereby appropriated to pay for the				38216
state's costs incurred because of the Homestead Exemption, the				38217
Manufactured Home Property Tax Rollback, and the Property Tax				38218
Rollback. The Tax Commissioner shall distribute these funds				38219
directly to the appropriate local taxing districts, except for				38220
school districts, notwithstanding the provisions in sections				38221
321.24 and 323.156 of the Revised Code, which provide for payment				38222
of the Homestead Exemption, the Manufactured Home Property Tax				38223
Rollback, and Property Tax Rollback by the Tax Commissioner to the				38224

appropriate county treasurer and the subsequent redistribution of 38225
these funds to the appropriate local taxing districts by the 38226
county auditor. 38227

The foregoing appropriation item 110-906, Tangible Tax 38228
Exemption - Taxation, is hereby appropriated to pay for the 38229
state's costs incurred because of the tangible personal property 38230
tax exemption required by division (C)(3) of section 5709.01 of 38231
the Revised Code. The Tax Commissioner shall distribute to each 38232
county treasurer the total amount appearing in the notification 38233
from the county treasurer under division (G) of section 321.24 of 38234
the Revised Code for all local taxing districts located in the 38235
county except for school districts, notwithstanding the provision 38236
in section 321.24 of the Revised Code which provides for payment 38237
of the \$10,000 tangible personal property tax exemption by the Tax 38238
Commissioner to the appropriate county treasurer for all local 38239
taxing districts located in the county including school districts. 38240
The county auditor shall distribute the amount paid by the Tax 38241
Commissioner among the appropriate local taxing districts except 38242
for school districts under division (G) of section 321.24 of the 38243
Revised Code. 38244

Upon receipt of these amounts, each local taxing district 38245
shall distribute the amount among the proper funds as if it had 38246
been paid as real or tangible personal property taxes. Payments 38247
for the costs of administration shall continue to be paid to the 38248
county treasurer and county auditor as provided for in sections 38249
319.54, 321.26, and 323.156 of the Revised Code. 38250

Any sums, in addition to the amounts specifically 38251
appropriated in appropriation items 110-901, Property Tax 38252
Allocation - Taxation, for the Homestead Exemption, the 38253
Manufactured Home Property Tax Rollback, and the Property Tax 38254
Rollback payments, and 110-906, Tangible Tax Exemption - Taxation, 38255
for the \$10,000 tangible personal property tax exemption payments, 38256

which are determined to be necessary for these purposes, are 38257
hereby appropriated. 38258

TAX DEPARTMENT DISCOVERY PROJECT 38259

On July 1, 2008, or as soon thereafter as possible, the 38260
Director of Budget and Management shall transfer \$2,000,000 in 38261
cash from the General Revenue Fund to appropriation item 110632, 38262
Discovery Project (Fund 5APO), to acquire the necessary hardware, 38263
software, and services to establish and implement a tax discovery 38264
data system and for expenses incurred by the Department of 38265
Taxation to administer the system. The amount transferred is 38266
hereby appropriated in appropriation item 110632, Discovery 38267
Project, for fiscal year 2009. 38268

If, at any time during fiscal year 2009, the Tax Commissioner 38269
determines that additional cash transfers are necessary in 38270
appropriation item 110632, Discovery Project, to pay the actual 38271
costs of the tax discovery data system and other expenses the 38272
Department incurs attributable to the system in fiscal year 2009, 38273
the Tax Commissioner may request that the Director of Budget and 38274
Management increase such amounts. Such amounts are hereby 38275
appropriated, with the approval of the Director of Budget and 38276
Management. 38277

MUNICIPAL INCOME TAX 38278

The foregoing appropriation item 110-995, Municipal Income 38279
Tax, shall be used to make payments to municipal corporations 38280
under section 5745.05 of the Revised Code. If it is determined 38281
that additional appropriations are necessary to make these 38282
payments, such amounts are hereby appropriated. 38283

TAX REFUNDS 38284

The foregoing appropriation item 110-635, Tax Refunds, shall 38285
be used to pay refunds under section 5703.052 of the Revised Code. 38286
If it is determined that additional appropriations are necessary 38287

for this purpose, such amounts are hereby appropriated.	38288
INTERNATIONAL REGISTRATION PLAN AUDIT	38289
The foregoing appropriation item 110-616, International	38290
Registration Plan, shall be used under section 5703.12 of the	38291
Revised Code for audits of persons with vehicles registered under	38292
the International Registration Plan.	38293
TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	38294
Of the foregoing appropriation item 110-607, Local Tax	38295
Administration, the Tax Commissioner may disburse funds, if	38296
available, for the purposes of paying travel expenses incurred by	38297
members of Ohio's delegation to the Streamlined Sales Tax Project,	38298
as appointed under section 5740.02 of the Revised Code. Any travel	38299
expense reimbursement paid for by the Department of Taxation shall	38300
be done in accordance with applicable state laws and guidelines.	38301
LITTER CONTROL TAX ADMINISTRATION FUND	38302
Notwithstanding section 5733.12 of the Revised Code, during	38303
the period from July 1, 2007, to June 30, 2008, the amount of	38304
\$675,000, and during the period from July 1, 2008, to June 30,	38305
2009, the amount of \$800,000, received by the Tax Commissioner	38306
under Chapter 5733. of the Revised Code, shall be credited to the	38307
Litter Control Tax Administration Fund (Fund 437).	38308
CENTRALIZED TAX FILING AND PAYMENT FUND	38309
The Director of Budget and Management, under a plan submitted	38310
by the Tax Commissioner, or as otherwise determined by the	38311
Director of Budget and Management, shall set a schedule to	38312
transfer cash from the General Revenue Fund to the credit of the	38313
Centralized Tax Filing and Payment Fund (Fund 5W4). The transfers	38314
of cash shall not exceed \$600,000 in the biennium.	38315
COMMERCIAL ACTIVITY TAX ADMINISTRATION FUND	38316
The foregoing appropriation item 110-629, Commercial Activity	38317

Tax Administration Fund (Fund 5BQ), shall be used to pay expenses 38318
incurred by the Department of Taxation to implement and administer 38319
the Commercial Activity Tax under Chapter 5751. of the Revised 38320
Code. 38321

Notwithstanding section 3734.9010, division (B)(2)(c) of 38322
section 4505.09, division (B) of section 5703.12, section 5703.80, 38323
division (C)(6) of section 5727.81, sections 5733.122 and 38324
5735.053, division (C) of section 5739.21, section 5745.03, 38325
section 5743.024, section 5743.15, division (C) of section 38326
5747.03, and section 5747.113 of the Revised Code or any other 38327
provisions to the contrary, any residual cash balances determined 38328
and certified by the Tax Commissioner to the Director of Budget 38329
and Management shall be transferred on July 1, 2007, or as soon as 38330
possible thereafter, to the Commercial Activities Tax 38331
Administration Fund (Fund 5BQ). 38332

TOBACCO SETTLEMENT ENFORCEMENT 38333

The foregoing appropriation item 110-404, Tobacco Settlement 38334
Enforcement, shall be used by the Tax Commissioner to pay costs 38335
incurred in the enforcement of divisions (F) and (G) of section 38336
5743.03 of the Revised Code. 38337

Sec. 407.10. DOT DEPARTMENT OF TRANSPORTATION 38338

Transportation Modes 38339

General Revenue Fund 38340

GRF 775-451 Public Transportation \$ 16,700,000 \$ 17,000,000 38341
- State

GRF 776-465 Ohio Rail Development \$ 3,700,000 \$ 3,700,000 38342
Commission

GRF 776-466 Railroad \$ 789,600 \$ 789,600 38343
Crossing/Grade
Separation

GRF 777-471 Airport Improvements	\$	3,293,985	\$	1,794,003	38344
- State					
TOTAL GRF General Revenue Fund	\$	24,483,585	\$	23,283,603	38345
TOTAL ALL BUDGET FUND GROUPS	\$	24,483,585	\$	23,283,603	38346

~~PUBLIC TRANSPORTATION STATE~~ 38347

~~Of the foregoing GRF appropriation item 775-451, Public~~ 38348
~~Transportation State, \$200,000 in fiscal year 2008 shall be used~~ 38349
~~for the Cleveland Metropolitan Park District West Creek Project.~~ 38350

TRANSPORTATION STUDY 38351

Of the foregoing appropriation item 775-451, Public 38352
Transportation-State, \$50,000 in fiscal year 2008 shall be used 38353
for a Franklin County school transportation study to determine the 38354
feasibility of a countywide pupil transportation system. 38355

~~AIRPORT IMPROVEMENTS~~ 38356

~~Of the foregoing appropriation item 777-471, Airport~~ 38357
~~Improvements State, \$1,500,000 in fiscal year 2008 shall be used~~ 38358
~~for air travel and support and economic development of statewide~~ 38359
~~airports. The Directors of Development and Transportation may~~ 38360
~~enter into one or more interagency agreements between their two~~ 38361
~~departments as necessary to implement a statewide strategy to~~ 38362
~~enhance Ohio's airports as centers of regional economic~~ 38363
~~development.~~ 38364

Sec. 512.03. TRANSFERS TO THE GENERAL REVENUE FUND FROM 38365
NON-GRF FUNDS 38366

Notwithstanding any other provision of law to the contrary, 38367
during fiscal years 2008 and 2009, the Director of Budget and 38368
Management is hereby authorized to transfer cash from non-General 38369
Revenue Fund funds that are not constitutionally restricted to the 38370
General Revenue Fund. The total amount of cash transfers made 38371
pursuant to this section to the General Revenue Fund during fiscal 38372

years 2008 and 2009 shall not exceed ~~\$70,000,000~~ \$120,000,000. 38373

Sec. 512.35. DIESEL EMISSIONS REDUCTION AND TRANSIT CAPITAL 38374
GRANT PROGRAMS 38375

~~On the first day of July of each fiscal year or as soon as 38376~~
~~possible thereafter, the Director of Budget and Management shall 38377~~
~~(1) transfer \$9,817,105 in cash in fiscal year 2008 and 38378~~
~~\$10,057,814 in cash in fiscal year 2009 from the Highway Operating 38379~~
~~Fund (Fund 002) to the Diesel Emissions Grant Fund established in 38380~~
~~section 122.861 of the Revised Code and (2) transfer \$5,000,000 in 38381~~
~~each fiscal year from the Highway Operating Fund to the Transit 38382~~
~~Capital Fund (Fund 5E7). The amounts transferred are hereby 38383~~
~~appropriated. 38384~~

~~The transfer to the Diesel Emissions Grant Fund shall be used 38385~~
~~for the administration and oversight of the Diesel Emissions 38386~~
~~Reduction Grant Program within the Department of Development. In 38387~~
~~There is hereby established in the Highway Operating Fund (Fund 38388~~
~~7002) in the Department of Transportation a Diesel Emissions 38389~~
~~Reduction Grant Program. The Department of Development shall 38390~~
~~administer the program and shall solicit, evaluate, score, and 38391~~
~~select projects submitted by public and private entities that are 38392~~
~~eligible for the federal Congestion Mitigation and Air Quality 38393~~
~~(CMAQ) Program. The Department of Transportation shall process 38394~~
~~Federal Highway Administration-approved projects as recommended by 38395~~
~~the Department of Development. 38396~~

In addition to the allowable expenditures set forth in 38397
section 122.861 of the Revised Code, Diesel Emissions Reduction 38398
Grant Program funds also may be used to fund projects involving 38399
the purchase or use of hybrid and alternative fuel vehicles that 38400
are allowed under guidance developed by the Federal Highway 38401
Administration for the ~~Congestion Mitigation and Air Quality~~ 38402
~~(CMAQ)~~ CMAQ Program. The Director of Development, in consultation 38403

with the Director of Environmental Protection, shall develop 38404
guidance for distribution of the funds from the Diesel Emissions 38405
Grant Fund. The guidance shall include a method for prioritization 38406
of projects, acceptable technologies, and procedures for awarding 38407
grants and loans. 38408

~~The transfer to the Transit Capital Fund (Fund 5E7) shall be 38409
used to supplement the capital portion of the Ohio Public 38410
Transportation Grant Program within the Department of 38411
Transportation. 38412~~

These Public entities eligible to receive funds under section 38413
122.861 of the Revised Code and CMAQ shall be reimbursed from the 38414
Department of Transportation's Diesel Emissions Reduction Grant 38415
Program. 38416

Private entities eligible to receive funds under section 38417
122.861 of the Revised Code and CMAQ shall be reimbursed through 38418
transfers of cash from the Department of Transportation's Diesel 38419
Emissions Reduction Grant Program to the Department of 38420
Development's Diesel Emissions Reduction Grant Fund (Fund 3BD0) 38421
established in section 122.861 of the Revised Code. 38422

Appropriation item 195-697, Diesel Emissions Reduction 38423
Grants, is hereby established with an appropriation of \$9,817,105 38424
in fiscal year 2008 and \$10,057,814 in fiscal year 2009. Total 38425
expenditures between both the Departments of Development and 38426
Transportation shall not exceed the appropriated amounts stated in 38427
this section. 38428

On or before June 30, 2008, any unencumbered balance of the 38429
foregoing appropriation item 195-697, Diesel Emissions Reduction 38430
Grants, for fiscal year 2008, less amounts encumbered by the 38431
Department of Transportation for reimbursement of public entities 38432
for fiscal year 2008, is hereby appropriated for the same purposes 38433
for fiscal year 2009. 38434

Up to \$5,000,000 in the Highway Operating Fund (Fund 7002) 38435
shall be used each fiscal year for the Transit Capital Program in 38436
conjunction with funding provided in the Department of 38437
Transportation's budget under the Ohio Public Transportation Grant 38438
Program. 38439

On or before June 30, 2008, any unencumbered balance of the 38440
Transit Capital Program in fiscal year 2008 is hereby appropriated 38441
for the same purposes in fiscal year 2009. 38442

Any cash transfers or allocations under this section 38443
represent CMAQ program moneys within the Department of 38444
Transportation for use by the Diesel Emissions Reduction Grant 38445
Program by the Department of Development and for use by the Ohio 38446
Public Transportation Grant Program by the Ohio Department of 38447
Transportation. These allocations shall not reduce the amount of 38448
such moneys designated for metropolitan planning organizations. 38449

The Director of Development, in consultation with the 38450
Directors of Environmental Protection and Transportation, shall 38451
develop guidance for the administration of the Diesel Emissions 38452
Reduction Grant Program. The guidance shall include a method for 38453
prioritization of projects, acceptable technologies, and 38454
procedures for awarding grants. 38455

Sec. 518.03. BUDGET ADJUSTMENTS TO REFLECT TOBACCO 38456
SECURITIZATION 38457

(A) Notwithstanding any other provision of law to the 38458
contrary, the Director of Budget and Management, periodically on 38459
any date following the issuance of the tobacco obligations 38460
authorized in section 183.51 of the Revised Code and through June 38461
30, 2009, shall: 38462

(1) Determine the amount of appropriation items 235-909, 38463
Higher Education General Obligation Debt Service, and 230-908, 38464

Common Schools General Obligation Debt Service, that are in excess 38465
of the amounts needed to pay all debt service and financing costs 38466
on those obligations payable from each of those items and transfer 38467
all or any portion of that excess appropriation to appropriation 38468
item 200-901, Property Tax Allocation-Education, or 110-901, 38469
Property Tax Allocation-Taxation, or both together as needed for 38470
the purposes of making the state's property tax relief payments to 38471
school districts and counties. 38472

(2) Determine the amount by which interest earnings credited 38473
to Fund 034, Higher Education Improvement Fund, and Fund 032, 38474
School Building Program Assistance Fund, from the investment of 38475
the net proceeds of those tobacco obligations exceed the amount 38476
needed to satisfy appropriations from those funds, transfer all or 38477
part of that excess cash balance to the General Revenue Fund, and 38478
increase appropriation item 200-901, Property Tax 38479
Allocation-Education, or 110-901, Property Tax 38480
Allocation-Taxation, or both together, by up to the amount of cash 38481
so transferred to the General Revenue Fund. 38482

(3) Determine the amount of capital appropriations in 38483
CAP-770, School Building Assistance Program, and transfers of cash 38484
to Fund 5E3, School Facilities Commission, that are necessary to 38485
fully expend the amount of net proceeds deposited into Fund 032, 38486
School Building Program Assistance Fund, from the issuance of 38487
those tobacco obligations, and increase the appropriations for 38488
CAP-770 and appropriation item 230-644, Operating Expenses-School 38489
Facilities Commission, by the necessary amounts. 38490

(4) Determine the amount of additional capital 38491
appropriations, if any necessary to fully expend the amount of net 38492
proceeds deposited from the issuance of those tobacco obligations 38493
into Fund 034, Higher Education Improvement Fund. 38494

(5) Reduce by up to \$800,000,000 the amount of authorization 38495
to issue and sell general obligations to pay the costs of capital 38496

facilities for a system of common schools throughout the state 38497
granted to the Ohio Public Facilities Commission by prior acts of 38498
the General Assembly. This reduction reflects the utilization of 38499
the net proceeds of those tobacco obligations in place of general 38500
obligation bond proceeds to support capital appropriations payable 38501
from Fund 032, School Building Assistance Fund. 38502

(6) Reduce by up to \$950,000,000 the amount of authorization 38503
to issue and sell general obligations to pay the costs of capital 38504
facilities for state-supported and state-assisted institutions of 38505
higher education granted to the Ohio Public Facilities Commission 38506
by prior acts of the General Assembly. This reduction reflects the 38507
utilization of the net proceeds of those tobacco obligations in 38508
place of general obligation bond proceeds to support capital 38509
appropriations payable from Fund 034, Higher Education Improvement 38510
Fund. 38511

(B) Before Except for transfers to the General Revenue Fund 38512
in accordance with division (A)(2) of this section, before the 38513
Office of Budget and Management transfers or increases or 38514
decreases any appropriations or authorizations described in 38515
division (A) of this section, the Office of Budget and Management 38516
shall seek Controlling Board approval. 38517

Section 610.41. That existing Sections 207.20.50, 207.20.70, 38518
207.30.10, 207.30.20, 207.30.30, 219.10, 235.10, 261.10, 263.10, 38519
263.20.10, 263.20.80, 263.30.10, 269.30.30, 269.30.70, 269.40.50, 38520
269.50.30, 275.10, 293.10, 299.10, 307.10, 309.10, 309.30.13, 38521
309.30.30, 309.30.40, 309.30.41, 309.30.42, 309.40.33, 337.30, 38522
337.30.43, 337.40, 337.40.15, 369.10, 375.10, 379.10, 393.10, 38523
405.10, 407.10, 512.03, 512.35, and 518.03 of Am. Sub. H.B. 119 of 38524
the 127th General Assembly are hereby repealed. 38525
38526

Section 610.44. That Section 249.10 of Am. Sub. H.B. 119 of 38527
the 127th General Assembly, as amended by Am. Sub. S.B. 155 of the 38528
127th General Assembly, be amended to read as follows: 38529

Sec. 249.10. CEB CONTROLLING BOARD 38530

General Revenue Fund 38531

GRF 911-404 Mandate Assistance \$ 650,000 \$ 650,000 38532

GRF 911-441 Ballot Advertising \$ 1,400,000 \$ 300,000 38533

Costs

TOTAL GRF General Revenue Fund \$ 2,050,000 \$ 950,000 38534

TOTAL ALL BUDGET FUND GROUPS \$ 2,050,000 \$ 950,000 38535

DISASTER SERVICES FUND TRANSFERS TO THE EMERGENCY 38536

PURPOSES/CONTINGENCIES APPROPRIATION LINE ITEM 38537

Notwithstanding any other provision of law to the contrary, 38538
the Director of Budget and Management may, with Controlling Board 38539
approval, ~~transfer appropriate~~ up to \$4,000,000 ~~in cash~~, in each 38540
of fiscal years 2008 and 2009, ~~from the Disaster Services Fund~~ 38541
~~(Fund 5E2) to the General Revenue Fund. Upon completion of the~~ 38542
~~transfer, the Director of Budget and Management shall appropriate~~ 38543
~~the transferred amount~~ to appropriation item 911-401, Emergency 38544
Purposes/Contingencies. The Controlling Board may, at the request 38545
of any state agency or the Director of Budget and Management, 38546
transfer all or part of the appropriation in appropriation item 38547
911-401, Emergency Purposes/Contingencies, for the purpose of 38548
providing disaster and emergency situation aid to state agencies 38549
and political subdivisions in the event of disasters and emergency 38550
situations or for the other purposes noted in this section, 38551
including, but not limited to, costs related to the disturbance 38552
that occurred on April 11, 1993, at the Southern Ohio Correctional 38553
Facility in Lucasville, Ohio. Following each increase in 38554
appropriation in appropriation item 911-401, Emergency 38555

Purposes/Contingencies, approved by the Controlling Board, the 38556
Director of Budget and Management shall transfer an amount equal 38557
to the appropriation increase, in an amount not to exceed 38558
\$4,000,000 in each of fiscal years 2008 and 2009, from the 38559
Disaster Services Fund (Fund 5E2) to the General Revenue Fund. 38560

FEDERAL SHARE 38561

In transferring appropriations to or from appropriation items 38562
that have federal shares identified in Am. Sub. H.B. 119 of the 38563
127th General Assembly, the Controlling Board shall add or 38564
subtract corresponding amounts of federal matching funds at the 38565
percentages indicated by the state and federal division of the 38566
appropriations in Am. Sub. H.B. 119 of the 127th General Assembly. 38567
Such changes are hereby appropriated. 38568

DISASTER ASSISTANCE 38569

Pursuant to requests submitted by the Department of Public 38570
Safety, the Controlling Board may approve transfers from 38571
appropriation item 911-401, Emergency Purposes/Contingencies, to 38572
Department of Public Safety appropriation items to provide funding 38573
for assistance to political subdivisions and individuals made 38574
necessary by natural disasters or emergencies. Such transfers may 38575
be requested and approved prior to or following the occurrence of 38576
any specific natural disasters or emergencies in order to 38577
facilitate the provision of timely assistance. 38578

DISASTER SERVICES 38579

Pursuant to requests submitted by the Department of Public 38580
Safety, the Controlling Board may approve transfers from the 38581
Disaster Services Fund (5E2) to a Department of Public Safety fund 38582
and appropriation item to provide for assistance to political 38583
subdivisions made necessary by natural disasters or emergencies. 38584
These transfers may be requested and approved prior to the 38585
occurrence of any specific natural disasters or emergencies in 38586

order to facilitate the provision of timely assistance. The 38587
Emergency Management Agency of the Department of Public Safety 38588
shall use the funding to fund the State Disaster Relief Program 38589
for disasters that have been declared by the Governor, and the 38590
State Individual Assistance Program for disasters that have been 38591
declared by the Governor and the federal Small Business 38592
Administration. The Ohio Emergency Management Agency shall publish 38593
and make available application packets outlining procedures for 38594
the State Disaster Relief Program and the State Individual 38595
Assistance Program. 38596

The Disaster Services Fund (5E2) shall be used by the 38597
Controlling Board, pursuant to requests submitted by state 38598
agencies, to transfer cash and appropriation authority to any fund 38599
and appropriation item for the payment of state agency disaster 38600
relief program expenses for disasters declared by the Governor, if 38601
the Director of Budget and Management determines that sufficient 38602
funds exist. 38603

The unencumbered balance of the Disaster Services Fund (5E2) 38604
at the end of fiscal year 2008 is transferred to fiscal year 2009 38605
for use for the same purposes as in fiscal year 2009. 38606

SOUTHERN OHIO CORRECTIONAL FACILITY COST 38607

The Division of Criminal Justice Services in the Department 38608
of Public Safety and the Public Defender Commission may each 38609
request, upon approval of the Director of Budget and Management, 38610
additional funds from appropriation item 911-401, Emergency 38611
Purposes/Contingencies, for costs related to the disturbance that 38612
occurred on April 11, 1993, at the Southern Ohio Correctional 38613
Facility in Lucasville, Ohio. 38614

MANDATE ASSISTANCE 38615

(A) The foregoing appropriation item 911-404, Mandate 38616
Assistance, shall be used to provide financial assistance to local 38617

units of government and school districts for the cost of the 38618
 following two state mandates: 38619

(1) The cost to county prosecutors for prosecuting certain 38620
 felonies that occur on the grounds of state institutions operated 38621
 by the Department of Rehabilitation and Correction and the 38622
 Department of Youth Services; 38623

(2) The cost to school districts of in-service training for 38624
 child abuse detection. 38625

(B) The Division of Criminal Justice Services in the 38626
 Department of Public Safety and the Department of Education may 38627
 prepare and submit to the Controlling Board one or more requests 38628
 to transfer appropriations from appropriation item 911-404, 38629
 Mandate Assistance. The state agencies charged with this 38630
 administrative responsibility are listed below, as well as the 38631
 estimated annual amounts that may be used for each program of 38632
 state financial assistance. 38633

		ESTIMATED	38634
	ADMINISTERING	ANNUAL	38635
PROGRAM	AGENCY	AMOUNT	38636
Prosecution Costs	Division of Criminal	\$150,000	38637
	Justice Services		38638
Child Abuse Detection	Department of	\$500,000	38639
Training Costs	Education		

(C) Subject to the total amount appropriated in each fiscal 38640
 year for appropriation item 911-404, Mandate Assistance, the 38641
 Division of Criminal Justice Services in the Department of Public 38642
 Safety and the Department of Education may request from the 38643
 Controlling Board that amounts smaller or larger than these 38644
 estimated annual amounts be transferred to each program. 38645

(D) In addition to making the initial transfers requested by 38646
 the Division of Criminal Justice Services in the Department of 38647

Public Safety and the Department of Education, the Controlling Board may transfer appropriations received by a state agency under this section back to appropriation item 911-404, Mandate Assistance, or to the other program of state financial assistance identified under this section.

(E) It is expected that not all costs incurred by local units of government and school districts under each of the two programs of state financial assistance identified in this section will be fully reimbursed by the state. Reimbursement levels may vary by program and shall be based on: the relationship between the appropriation transfers requested by the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education and provided by the Controlling Board for each of the programs; the rules and procedures established for each program by the administering state agency; and the actual costs incurred by local units of government and school districts.

(F) Each of these programs of state financial assistance shall be carried out as follows:

(1) PROSECUTION COSTS

(a) Appropriations may be transferred to the Division of Criminal Justice Services in the Department of Public Safety to cover local prosecution costs for aggravated murder, murder, felonies of the first degree, and felonies of the second degree that occur on the grounds of institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services.

(b) Upon a delinquency filing in juvenile court or the return of an indictment for aggravated murder, murder, or any felony of the first or second degree that was committed at a Department of Youth Services or a Department of Rehabilitation and Correction institution, the affected county may, in accordance with rules

that the Division of Criminal Justice Services in the Department 38679
of Public Safety shall adopt, apply to the Division of Criminal 38680
Justice Services for a grant to cover all documented costs that 38681
are incurred by the county prosecutor's office. 38682

(c) Twice each year, the Division of Criminal Justice 38683
Services in the Department of Public Safety shall designate 38684
counties to receive grants from those counties that have submitted 38685
one or more applications in compliance with the rules that have 38686
been adopted by the Division of Criminal Justice Services for the 38687
receipt of such grants. In each year's first round of grant 38688
awards, if sufficient appropriations have been made, up to a total 38689
of \$100,000 may be awarded. In each year's second round of grant 38690
awards, the remaining appropriations available for this purpose 38691
may be awarded. 38692

(d) If for a given round of grants there are insufficient 38693
appropriations to make grant awards to all the eligible counties, 38694
the first priority shall be given to counties with cases involving 38695
aggravated murder and murder; second priority shall be given to 38696
counties with cases involving a felony of the first degree; and 38697
third priority shall be given to counties with cases involving a 38698
felony of the second degree. Within these priorities, the grant 38699
awards shall be based on the order in which the applications were 38700
received, except that applications for cases involving a felony of 38701
the first or second degree shall not be considered in more than 38702
two consecutive rounds of grant awards. 38703

(2) CHILD ABUSE DETECTION TRAINING COSTS 38704

Appropriations may be transferred to the Department of 38705
Education for disbursement to local school districts as full or 38706
partial reimbursement for the cost of providing in-service 38707
training for child abuse detection. In accordance with rules that 38708
the department shall adopt, a local school district may apply to 38709
the department for a grant to cover all documented costs that are 38710

incurred to provide in-service training for child abuse detection. 38711
The department shall make grants within the limits of the funding 38712
provided. 38713

(G) Any moneys allocated within appropriation item 911-404, 38714
Mandate Assistance, not fully utilized may, upon application of 38715
the Ohio Public Defender Commission, and with the approval of the 38716
Controlling Board, be disbursed to boards of county commissioners 38717
to provide additional reimbursement for the costs incurred by 38718
counties in providing defense to indigent defendants pursuant to 38719
Chapter 120. of the Revised Code. Application for the unutilized 38720
funds shall be made by the Ohio Public Defender Commission at the 38721
first June meeting of the Controlling Board. 38722

The amount to be disbursed to each county shall be allocated 38723
proportionately on the basis of the total amount of reimbursement 38724
paid to each county as a percentage of the amount of reimbursement 38725
paid to all of the counties during the most recent state fiscal 38726
year for which data is available and as calculated by the Ohio 38727
Public Defender Commission. 38728

BALLOT ADVERTISING COSTS 38729

Pursuant to requests submitted by the ~~Ohio Ballot Board~~ 38730
Secretary of State, the Controlling Board shall approve transfers 38731
from the foregoing appropriation item 911-441, Ballot Advertising 38732
Costs, to ~~the~~ a Secretary of State appropriation item in order to 38733
pay for the cost of public notices associated with statewide 38734
ballot initiatives. 38735

Of the foregoing appropriation item 911-441, Ballot 38736
Advertising Costs, up to \$1,100,000 in fiscal year 2008 shall be 38737
used to reimburse county boards of elections for all costs of 38738
conducting any special election during fiscal year 2008. 38739

The unencumbered balance of appropriation item 991-441, 38740
Ballot Advertising Costs, at the end of fiscal year 2008 shall be 38741

transferred to fiscal year 2009 for use under the same 38742
appropriation item. The amounts transferred are hereby 38743
appropriated. 38744

Section 610.45. That existing Section 249.10 of Am. Sub. H.B. 38745
119 of the 127th General Assembly, as amended by Am. Sub. S.B. 155 38746
of the 127th General Assembly, is hereby repealed. 38747

Section 610.47. That Section 375.10 of Am. Sub. H.B. 119 of 38748
the 127th General Assembly, as amended by Am. H.B. 381 of the 38749
127th General Assembly, be amended to read as follows: 38750

Sec. 375.10. BOR BOARD OF REGENTS 38751

General Revenue Fund 38752

GRF 235-321	Operating Expenses	\$	3,141,351	\$	3,141,351	38753
GRF 235-401	Lease Rental Payments	\$	203,177,900	\$	136,017,500	38754
GRF 235-402	Sea Grants	\$	300,000	\$	300,000	38755
GRF 235-406	Articulation and	\$	2,900,000	\$	2,900,000	38756
	Transfer					
GRF 235-408	Midwest Higher	\$	95,000	\$	95,000	38757
	Education Compact					
GRF 235-409	Information System	\$	1,175,172	\$	1,175,172	38758
GRF 235-414	State Grants and	\$	1,707,881	\$	1,707,881	38759
	Scholarship					
	Administration					
GRF 235-415	Jobs Challenge	\$	9,348,300	\$	9,348,300	38760
GRF 235-417	Ohio Learning Network	\$	3,119,496	\$	3,119,496	38761
GRF 235-418	Access Challenge	\$	66,585,769	\$	66,585,769	38762
GRF 235-420	Success Challenge	\$	53,653,973	\$	53,653,973	38763
GRF 235-428	Appalachian New	\$	1,176,068	\$	1,176,068	38764
	Economy Partnership					
GRF 235-433	Economic Growth	\$	17,186,194	\$	17,186,194	38765
	Challenge					

GRF 235-434	College Readiness and Access	\$ 12,655,425	\$ 12,655,425	38766
GRF 235-435	Teacher Improvement Initiatives	\$ 4,797,506	\$ 11,297,506	38767
GRF 235-436	AccelerateOhio	\$ 1,250,000	\$ 2,500,000	38768
GRF 235-438	Choose Ohio First Scholarship	\$ 50,000,000	\$ 50,000,000	38769
GRF 235-439	Ohio Research Scholars	\$ 30,000,000	\$ 1,000,000	38770
GRF 235-455	EnterpriseOhio Network	\$ 1,373,941	\$ 1,373,941	38771
GRF 235-474	Area Health Education Centers Program Support	\$ 1,571,756	\$ 1,571,756	38772
GRF 235-501	State Share of Instruction	\$ 1,678,877,952	\$ 1,842,965,747	38773
GRF 235-502	Student Support Services	\$ 795,790	\$ 795,790	38774
GRF 235-503	Ohio Instructional Grants	\$ 42,533,966	\$ 18,315,568	38775
GRF 235-504	War Orphans Scholarships	\$ 4,812,321	\$ 4,812,321	38776
GRF 235-507	OhioLINK	\$ 7,387,824	\$ 7,387,824	38777
GRF 235-508	Air Force Institute of Technology	\$ 2,050,345	\$ 2,050,345	38778
GRF 235-510	Ohio Supercomputer Center	\$ 4,271,195	\$ 4,271,195	38779
GRF 235-511	Cooperative Extension Service	\$ 26,273,260	\$ 26,273,260	38780
GRF 235-513	Ohio University Voinovich Center	\$ 669,082	\$ 669,082	38781
GRF 235-514	Central State Supplement	\$ 11,756,414	\$ 12,109,106	38782
GRF 235-515	Case Western Reserve University School of	\$ 3,011,271	\$ 3,011,271	38783

	Medicine				
GRF 235-518	Capitol Scholarship Program	\$	125,000	\$	125,000 38784
GRF 235-519	Family Practice	\$	4,548,470	\$	4,548,470 38785
GRF 235-520	Shawnee State Supplement	\$	2,502,323	\$	2,577,393 38786
GRF 235-521	The Ohio State University John Glenn School of Public Affairs	\$	619,082	\$	619,082 38787
GRF 235-524	Police and Fire Protection	\$	171,959	\$	171,959 38788
GRF 235-525	Geriatric Medicine	\$	750,110	\$	750,110 38789
GRF 235-526	Primary Care Residencies	\$	2,245,688	\$	2,245,688 38790
GRF 235-527	Ohio Aerospace Institute	\$	1,764,957	\$	1,764,957 38791
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000 38792
GRF 235-531	Student Choice Grants	\$	38,485,376	\$	38,485,376 38793
GRF 235-535	Ohio Agricultural Research and Development Center	\$	37,174,292	\$	37,174,292 38794
GRF 235-536	The Ohio State University Clinical Teaching	\$	13,565,885	\$	13,565,885 38795
GRF 235-537	University of Cincinnati Clinical Teaching	\$	11,157,756	\$	11,157,756 38796
GRF 235-538	University of Toledo Clinical Teaching	\$	8,696,866	\$	8,696,866 38797
GRF 235-539	Wright State University Clinical Teaching	\$	4,225,107	\$	4,225,107 38798

GRF 235-540	Ohio University Clinical Teaching	\$	4,084,540	\$	4,084,540	38799
GRF 235-541	Northeastern Ohio Universities College of Medicine Clinical Teaching	\$	4,200,945	\$	4,200,945	38800
GRF 235-543	Ohio College of Podiatric Medicine Clinic Subsidy	\$	100,000	\$	100,000	38801
GRF 235-547	School of International Business	\$	450,000	\$	650,000	38802
GRF 235-552	Capital Component	\$	19,306,442 <u>19,789,868</u>	\$	19,306,442 <u>19,789,868</u>	38803
GRF 235-553	Dayton Area Graduate Studies Institute	\$	2,931,599	\$	2,931,599	38804
GRF 235-554	Priorities in Collaborative Graduate Education	\$	2,355,548	\$	2,355,548	38805
GRF 235-555	Library Depositories	\$	1,696,458	\$	1,696,458	38806
GRF 235-556	Ohio Academic Resources Network	\$	3,727,223	\$	3,727,223	38807
GRF 235-558	Long-term Care Research	\$	461,047	\$	461,047	38808
GRF 235-561	Bowling Green State University Canadian Studies Center	\$	100,015	\$	100,015	38809
GRF 235-563	Ohio College Opportunity Grant	\$	139,974,954	\$	151,113,781	38810
GRF 235-567	Central State University Speed to Scale	\$	4,400,000	\$	3,800,000	38811
GRF 235-571	James A. Rhodes Scholarship	\$	10,000,000	\$	0	38812

GRF 235-572	The Ohio State University Clinic Support	\$ 1,277,019	\$ 1,277,019	38813
GRF 235-573	Ohio Humanities Council	\$ 25,000	\$ 25,000	38814
GRF 235-583	Urban University Program	\$ 5,825,937	\$ 5,825,937	38815
GRF 235-587	Rural University Projects	\$ 1,159,889	\$ 1,159,889	38816
GRF 235-596	Hazardous Materials Program	\$ 360,435	\$ 360,435	38817
GRF 235-599	National Guard Scholarship Program	\$ 16,611,063	\$ 16,611,063	38818
GRF 235-909	Higher Education General Obligation Debt Service	\$ 172,722,400	\$ 208,747,200	38819
TOTAL GRF General Revenue Fund		\$ 2,773,258,537	\$ 2,861,908,923	38820
		<u>2,773,741,963</u>	<u>2,862,392,349</u>	
General Services Fund Group				38821
220 235-614	Program Approval and Reauthorization	\$ 800,000	\$ 800,000	38822
456 235-603	Sales and Services	\$ 700,000	\$ 700,000	38823
TOTAL GSF General Services Fund Group		\$ 1,500,000	\$ 1,500,000	38824 38825
Federal Special Revenue Fund Group				38826
3BG 235-626	Star Schools	\$ 2,980,865	\$ 2,990,746	38827
3H2 235-608	Human Services Project	\$ 3,000,000	\$ 3,000,000	38828
3H2 235-622	Medical Collaboration Network	\$ 3,346,144	\$ 3,346,144	38829
3N6 235-605	State Student Incentive Grants	\$ 2,196,680	\$ 2,196,680	38830
3T0 235-610	National Health	\$ 250,000	\$ 250,000	38831

		Service Corps - Ohio				
		Loan Repayment				
312	235-609	Tech Prep	\$	183,850	\$	183,850 38832
312	235-611	Gear-up Grant	\$	3,300,000	\$	3,300,000 38833
312	235-612	Carl D. Perkins	\$	112,960	\$	112,960 38834
		Grant/Plan				
		Administration				
312	235-617	Improving Teacher	\$	3,200,000	\$	3,200,000 38835
		Quality Grant				
312	235-621	Science Education	\$	1,686,970	\$	1,686,970 38836
		Network				
		TOTAL FED Federal Special Revenue				38837
		Fund Group	\$	20,257,469	\$	20,267,350 38838
		State Special Revenue Fund Group				38839
4E8	235-602	Higher Educational	\$	50,000	\$	45,000 38840
		Facility Commission				
		Administration				
4P4	235-604	Physician Loan	\$	476,870	\$	476,870 0 38841
		Repayment				
649	235-607	The Ohio State	\$	760,000	\$	760,000 38842
		University				
		Highway/Transportation				
		Research				
682	235-606	Nursing Loan Program	\$	893,000	\$	893,000 38843
5DT	235-627	American Diploma	\$	250,000	\$	0 38844
		Project				
		TOTAL SSR State Special Revenue				38845
		Fund Group	\$	2,429,870	\$	2,174,870 38846
						<u>1,698,000</u>
		Third Frontier Research & Development Fund Group				38847
011	235-634	Research Incentive	\$	6,000,000	\$	6,000,000 38848
		Third Frontier Fund				

TOTAL 011 Third Frontier Research & Development Fund Group	\$	6,000,000	\$	6,000,000	38849
TOTAL ALL BUDGET FUND GROUPS	\$	2,803,445,876	\$	2,891,851,143	38850
		<u>2,803,929,302</u>		<u>2,891,857,699</u>	

Section 610.48. That existing Section 375.10 of Am. Sub. H.B. 119 of the 127th General Assembly, as amended by Am. H.B. 381 of the 127th General Assembly, is hereby repealed. 38852
38853
38854

Section 610.50. That Sections 101.10, 103.80.50, 201.30, 201.50, 301.20.20, 301.20.80, 401.11, and 401.71 of H.B. 496 of the 127th General Assembly be amended to read as follows: 38855
38856
38857

Sec. 101.10. All items set forth in this section are hereby appropriated out of any moneys in the General Revenue Fund (GRF) that are not otherwise appropriated: 38858
38859
38860

Reappropriations

DAS DEPARTMENT OF ADMINISTRATIVE SERVICES				38861
C10002	Rural Areas Community Improvements	\$	20,000	38862
C10008	Urban Areas Community Improvements	\$	868,900	38863
Total Department of Administrative Services		\$	888,900	38864
TOTAL GRF General Revenue Fund		\$	888,900	38865

RURAL AREAS COMMUNITY IMPROVEMENTS 38866

The foregoing appropriation item C10002, Rural Areas Community Improvements, shall be granted for the Red Mill Creek Water Retention Basin. 38867
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38869

URBAN AREAS COMMUNITY IMPROVEMENTS 38870

From the foregoing appropriation item C10008, Urban Areas Community Improvements, grants shall be made for the following projects: \$50,000 for the Brown Senior Center Renovations; \$100,000 for Project AHEAD Facility Improvements; \$75,000 for the J. Frank-Troy Senior Citizens Center; \$23,900 for the Canton 38871
38872
38873
38874
38875

Jewish Women's Center; ~~\$450,000 for the Gateway Social Services~~ 38876
~~Building; \$200,000 for Pro Football Hall of Fame festival facility~~ 38877
~~improvements; \$100,000 for the Children's Network of Stark County;~~ 38878
~~\$75,000 for the Community Treatment and Correction Center, Inc.;~~ 38879
~~\$75,000 for Trillium Family Solutions; \$50,000 for the Loew Field~~ 38880
~~Improvements; \$20,000 for the Harvard Community Services Center~~ 38881
~~Renovation & Expansion; \$20,000 for the Collinwood Community~~ 38882
~~Service Center Repair & Renovation; and \$80,000 for Bowman Park -~~ 38883
~~City of Toledo.~~ 38884

Reappropriations

Sec. 103.80.50. EXP EXPOSITIONS COMMISSION 38885

C72300	Electric and Lighting Upgrade	\$	112,020	38886
C72301	Land Acquisition	\$	5,240	38887
C72303	Building Renovations - 5	\$	4,576,484	38888
C72305	Facility Improvements and Modernization Plan	\$	131,771	38889
C72309	Masonry Renovations	\$	59,824	38890
C72310	Restroom Renovations	\$	9,559	38891
C72312	Emergency Renovations and Equipment Replacement	\$	891,533	38892
C72314	Multi-purpose Building	\$	14,000,000	38893
Total Expositions Commission		\$	19,786,431	38894
			<u>5,786,431</u>	

Sec. 201.30. All items set forth in this section are hereby 38896
appropriated out of any moneys in the state treasury to the credit 38897
of the Cultural and Sports Facilities Building Fund (Fund 7030) 38898
that are not otherwise appropriated: 38899

Reappropriations

AFC CULTURAL FACILITIES COMMISSION 38900

C37102	Center of Science and Industry - Toledo	\$	12,268	38901
C37114	Woodward Opera House Renovation	\$	1,150,000	38902

C37118	Statewide Site Repairs	\$	100,100	38903
C37124	Waco Museum & Aviation Learning Center	\$	500,000	38904
C37131	Bramley Historic House	\$	75,000	38905
C37132	Beck Center for the Cultural Arts	\$	100,000	38906
C37133	Delaware County Cultural Arts Center	\$	40,000	38907
C37137	West Side Arts Consortium	\$	138,000	38908
C37138	Ice Arena Development	\$	5,500,000	38909
C37139	Stan Hywet Hall & Gardens	\$	1,000,000	38910
C37141	Spring Hill Historic Home	\$	125,000	38911
C37143	Lorain Palace Civic Theatre	\$	200,000	38912
C37144	Great Lakes Historical Society	\$	150,000	38913
C37153	Historic Sites and Museums	\$	980,319	38914
C37155	Buffington Island State Memorial	\$	33,475	38915
C37182	Lorain County Historical Society	\$	300,000	38916
C37184	Marion Palace Theatre	\$	1,575,000	38917
C37185	McConnellsville Opera House	\$	75,000	38918
C37186	Secrest Auditorium	\$	75,000	38919
C37187	Renaissance Theatre	\$	700,000	38920
C37188	Trumpet in the Land	\$	100,000	38921
C37189	Mid-Ohio Valley Players	\$	80,000	38922
C37190	The Anchorage	\$	50,000	38923
C37193	Galion Historic Big Four Depot Restoration	\$	170,000	38924
C37195	Lake County Historical Society	\$	250,000	38925
C37196	Hancock Historical Society	\$	75,000	38926
C37197	Riversouth Development	\$	1,000,000	38927
C37198	Ft. Piqua Hotel	\$	200,000	38928
C37199	Marina District Amphitheatre and Related Development	\$	2,000,000	38929
C371A1	Lima Historic Athletic Field	\$	100,000	38930
C371A3	Voice Of America Museum	\$	275,000	38931
C371A5	Clark County Community Arts Expansion Project	\$	500,000	38932

C371A6	Westcott House Historic Site	\$	75,000	38933
C371A8	Miami Township Community Amphitheatre	\$	50,000	38934
C371A9	Western Reserve Historical Society	\$	2,500,000	38935
C371B0	Cleveland Steamship Mather Museum	\$	100,000	38936
C371B5	Arts Castle	\$	100,000	38937
C371B6	Cincinnati Art and Technical Academy	\$	325,000	38938
C371B7	Ohio Glass Museum	\$	250,000	38939
C371B9	Ariel Theatre	\$	100,000	38940
C371C2	Ensemble Theatre	\$	450,000	38941
C371C4	Art Academy of Cincinnati	\$	100,000	38942
C371C5	Riverbend Pavilion Improvements	\$	250,000	38943
C371C7	Music Hall: Over-The-Rhine	\$	750,000	38944
C371C8	John Bloomfield Home Restoration	\$	720	38945
C371C9	Malinta Historical Society Caboose Exhibit	\$	6,000	38946
C371D1	Art Deco Markay Theatre	\$	200,000	38947
C371D4	Broad Street Historical Renovation	\$	300,000	38948
C371D5	Amherst Historical Society	\$	35,000	38949
C371D6	COSI - Toledo	\$	980,000	38950
C371D7	Ohio Theatre - Toledo	\$	100,000	38951
C371E2	Aurora Outdoor Sports Complex	\$	50,000	38952
C371E3	Preble County Historical Society	\$	100,000	38953
C371E4	Tecumseh Sugarloaf Mountain Amphitheatre	\$	120,000	38954
C371F0	Richard Howe House	\$	100,000	38955
C371F2	Packard Music Hall Renovation Project	\$	575,000	38956
C371F3	Holland Theatre	\$	100,000	38957
C371F6	Marietta Colony Theatre	\$	335,000	38958
C371G7	Huntington Park	\$	7,000,000	38959
C371G9	Riverbend - Cincinnati Symphony	\$	3,000,000	38960
C371H0	Marina District Amphitheatre	\$	2,900,000	38961
C371H1	Cincinnati Museum Center	\$	2,000,000	38962
C371H2	National Underground Railroad Freedom Center	\$	2,000,000	38963

C371H4	Pro Football Hall of Fame	\$	1,650,000	38964
C371H5	Heritage Center - Dayton	\$	1,300,000	38965
C371H6	Western Reserve Historical Society	\$	1,000,000	38966
C371H7	COSI Columbus	\$	1,000,000	38967
C371H8	Columbus Museum of Art	\$	1,000,000	38968
C371I0	Stan Hywet Hall and Gardens	\$	1,175,000	38969
C371I1	Akron Art Museum	\$	1,000,000	38970
C371I2	Sauder Village	\$	830,000	38971
C371I3	Horvitz Center for the Arts	\$	750,000	38972
C371I4	Ensemble Theatre	\$	750,000	38973
C371I5	Voice of America Museum	\$	750,000	38974
C371I6	Cleveland Steamship Mather	\$	600,000	38975
C371I7	Cuyahoga County Soldier and Sailor Monument	\$	500,000	38976
C371I8	King-Lincoln Arts and Entertainment District	\$	500,000	38977
C371I9	Art Academy of Cincinnati	\$	500,000	38978
C371J0	Great Lakes Historical Society	\$	500,000	38979
C371J3	Davis Shai Historical Facility	\$	300,000	38980
C371J4	Massillon Museum	\$	275,000	38981
C371J5	The Mandel Center	\$	250,000	38982
C371J6	Peggy R McConnell Arts Center	\$	250,000	38983
C371J7	Columbus College of Art and Design	\$	250,000	38984
C371J9	Stambaugh Hall Improvements	\$	250,000	38985
C371K0	Youngstown Symphony Orchestra	\$	250,000	38986
C371K1	Wood County Historical Center/Museum	\$	220,000	38987
C371K3	Cincinnati Ballet	\$	200,000	38988
C371K4	City of Avon Stadium Complex	\$	200,000	38989
C371K5	Renaissance Performing Arts Center	\$	200,000	38990
C371K6	Oxford Arts Center	\$	174,000	38991
C371K7	Wayne County Historical Society	\$	170,000	38992
C371K8	Maumee Valley Historical Society	\$	150,000	38993
C371K9	Trumbull County Historical Society	\$	150,000	38994

C371L0	First Lunar Flight Project	\$	25,000	38995
C371L1	Holmes County Historical Society Improvements	\$	140,000	38996
C371L2	Canal Winchester Historical Society <u>Westerville Parks & Recreation</u> <u>Firefighters Memorial/First Responder</u> <u>Park</u>	\$	125,000	38997
C371L3	Ukranian Museum	\$	100,000	38998
C371L4	Gordon Square Arts District	\$	100,000	38999
C371L5	Moreland Theatre Renovation	\$	100,000	39000
C371L6	Karamu House	\$	100,000	39001
C371L7	Symmes Township Historical Society	\$	100,000	39002
C371L8	Springfield Veterans Park Amphitheatre	\$	100,000	39003
C371L9	Gallia County Historical Genealogical Society	\$	100,000	39004
C371M1	The Octagon House	\$	100,000	39005
C371M2	Vinton County Stage-Pavilion Project	\$	100,000	39006
C371M3	County Line Historical Society-Wayne/Holmes	\$	100,000	39007
C371M4	Paul Brown Museum	\$	75,000	39008
C371M5	The Works Ohio Center for History, Art and Technology	\$	75,000	39009
C371M8	Hale Farm and Village	\$	50,000	39010
C371M9	Howe House Historic Site	\$	50,000	39011
C371N0	Beavercreek Community Theatre	\$	50,000	39012
C371N1	Jamestown Opera House	\$	50,000	39013
C371N2	Johnny Appleseed Museum	\$	50,000	39014
C371N3	Vinton County Historical Society Alice House Project	\$	50,000	39015
C371N4	Woodward Opera House Renovations	\$	50,000	39016
C371N5	Little Brown Jug Facility Improvements	\$	50,000	39017
C371N6	Applecreek Historical Society	\$	50,000	39018
C371N7	Wyandot Historic Courthouse	\$	50,000	39019

C371N8	Galion Historical Big 4 Depot	\$	30,000	39020
C371N9	Bucyrus Historic Depot Renovations	\$	30,000	39021
C37101	Arts West Performing Arts Center	\$	25,000	39022
C37102	Chester Academy Historical Site	\$	25,000	39023
C37103	Portland Civil War Museum and Historical Displays	\$	25,000	39024
C37104	Morgan County Opera House	\$	25,000	39025
C37105	Crawford Antique Museum	\$	9,000	39026
C37106	Monroe City Historical Society Building Repair	\$	5,000	39027
C37107	Wright Dunbar Historical Facility	\$	250,000	39028
C37108	Nationwide Children's Hospital Livingston Park Cultural Improvements	\$	1,000,000	39029
C371P1	WACO Aircraft Museum	\$	30,000	39030
C371P2	Bradford Railroad Museum	\$	30,000	39031
C371P3	Cincinnati Ballet Facility	\$	415,000	39032
C371P5	Fort Recovery Renovations	\$	100,000	39033
C371P6	Music Hall Garage	\$	1,000,000	39034
C371P7	Hip Klotz Memorial	\$	150,000	39035
C371P8	AB Graham Center	\$	40,000	39036
	Total Cultural Facilities Commission	\$	64,803,882	39037
	TOTAL Cultural and Sports Facilities Building Fund	\$	64,803,882	39038

Sec. 201.50. All items set forth in this section are hereby 39040
appropriated out of any moneys in the state treasury to the credit 39041
of the School Building Program Assistance Fund (Fund 7032) that 39042
are not otherwise appropriated: 39043

Reappropriations

	SFC SCHOOL FACILITIES COMMISSION			39044
C23002	School Building Program Assistance	\$	3,572,253,121	39045
C23005	Exceptional Needs	\$	28,504,951	39046
C23010	Vocation Facilities Assistance Program	\$	11,115,616	39047
	Total School Facilities Commission	\$	3,611,873,688	39048

they referred to the Director of the Ohio School Facilities Commission. 39081
39082

Reappropriations

Sec. 301.20.20. BGU BOWLING GREEN STATE UNIVERSITY			39083
C24000	Basic Renovations	\$ 10,751,883	39084
C24001	Basic Renovations - Firelands	\$ 811,360	39085
C24002	Instructional and Data Processing Equipment	\$ 1,200,186	39086
C24004	ADA Modifications	\$ 19,544	39087
C24005	Child Care Facility	\$ 49,406	39088
C24007	Materials Network	\$ 90,981	39089
C24008	Video Link	\$ 10,644	39090
C24013	Hannah Hall Rehabilitation	\$ 2,005,522	39091
C24014	Biology Lab Renovation	\$ 12,533,708	39092
C24015	Campus-Wide Paving/Sidewalk Upgrade	\$ 4,899	39093
C24016	Student Learning	\$ 13,149	39094
C24017	Video Teaching Network	\$ 5,436	39095
C24019	Kinetic Spectrometry Consortium	\$ 77,671	39096
C24020	Admissions Visitor Center	\$ 3,000,000	39097
C24021	Theatre/Performing Arts Complex	\$ 8,750,000	39098
C24022	University Hall Rehabilitation	\$ 1,174,981	39099
C24025	Administration Building Fire Alarm System	\$ 83,986	39100
C24026	Campus-Wide Carpet Upgrade	\$ 329,700	39101
C24027	Reroof East, West, and North Buildings	\$ 173,999	39102
C24028	Instructional Laboratory - Phase 1	\$ 960,000	39103
C24031	Health Center Addition	\$ 9,750,000	39104
C24032	Student Services Building Replacement	\$ 8,100,000	39105
C24033	BGU Aviation Improvements	\$ 500,000	39106
C24034	Tunnel Upgrade-Phase II	\$ 98,820	39107
C24035	Library Depository Northwest	\$ 56,000	39108
<u>C24036</u>	<u>Wood County Environmental Health Project</u>	<u>\$ 700,000</u>	39109

Total Bowling Green State University	\$	60,551,875	39110
		<u>61,251,875</u>	

Reappropriations

Sec. 301.20.80. OSU OHIO STATE UNIVERSITY			39112
C31500 Basic Renovations	\$	34,349,496	39113
C31501 Basic Renovations - Regional Campuses	\$	6,506,516	39114
C31502 Brown Hall Annex Replacement	\$	6,213	39115
C31505 Basic Renovations - ATI	\$	129,714	39116
C31506 Supplemental Renovations - OARDC	\$	3,319,202	39117
C31507 Supplemental Renovations - Regional	\$	191,955	39118
C31508 Dreese Lab Addition	\$	5,953	39119
C31510 Bioscience/Parks Hall Addition	\$	12,584	39120
C31512 Greenhouse Modernization	\$	40,982	39121
C31515 Life Sciences Research Building	\$	218,170	39122
C31520 Food Science & Technology Building	\$	92,786	39123
C31522 Heart & Lung Institute	\$	32,437	39124
C31523 Superconducting Radiation	\$	65,094	39125
C31524 Brain Tumor Research Center	\$	6,001	39126
C31525 Engineering Center Net Shape Manufacturing	\$	20,730	39127
C31526 Membrane Protein Typology	\$	8,835	39128
C31527 Instructional and Data Processing Equipment	\$	6,014,848	39129
C31528 Fine Particle Technologies	\$	116,770	39130
C31529 Advanced Plasma Engineering	\$	22,690	39131
C31530 Plasma Ramparts	\$	1,150	39132
C31531 IN-SITU AL-BE Composites	\$	1,733	39133
C31532 Jay Cooke Residence - Roof and Windows	\$	86,668	39134
C31535 Asbestos Abatement	\$	5,325	39135
C31536 Materials Network	\$	91,983	39136
C31537 Bio-Technology Consortium	\$	42,378	39137
C31538 Analytical Electron Microscope	\$	375,000	39138

C31539	High Temp Alloys & Alluminoids	\$	220,000	39139
C31541	Supplemental Renovations - ATI	\$	33,969	39140
C31542	Maintenance, Receiving, and Storage Facility - Marion	\$	58,646	39141
C31543	McPherson Lab Rehabilitation	\$	37,243	39142
C31544	Heart and Lung Institute	\$	101,808	39143
C31546	ADA Modifications - ATI	\$	41,936	39144
C31547	ADA Modifications - Lima	\$	358	39145
C31548	ADA Modifications - Mansfield	\$	15,253	39146
C31550	Titanium Alloys	\$	54,912	39147
C31552	Advanced Manufacturing	\$	38,579	39148
C31553	Manufacturing Processes/Materials	\$	62,574	39149
C31554	Terhertz Studies	\$	35,294	39150
C31556	Marion Park/Road/Sidewalk/Lights	\$	2,750	39151
C31557	Pomerene Lighting/Wiring	\$	249,584	39152
C31558	NMR Consortium	\$	75,116	39153
C31559	Versatile Film Facility	\$	62,872	39154
C31560	OCARNET	\$	5,916	39155
C31561	Bioprocessing Research	\$	1,905	39156
C31562	Localized Corrosion Research	\$	6,128	39157
C31563	ATM Testbed	\$	3,633	39158
C31564	Physical Sciences Building	\$	79,383	39159
C31565	Morrill Hall Remodeling - Vacated Library Space - Marion	\$	923	39160
C31568	Sisson Hall Replacement	\$	5,537	39161
C31570	Machinery Acoustics	\$	3,804	39162
C31571	Sensors and Measurements	\$	15,115	39163
C31572	Polymer Magnets	\$	1,099	39164
C31574	Al Alloy Corrosion	\$	14,292	39165
C31578	Page Hall Planning	\$	7,210	39166
C31579	Botany & Zoology Building Planning	\$	209,467	39167
C31581	Robinson Laboratory Planning	\$	36,765	39168
C31582	Don Scott Field Replacement Barns	\$	1,495,619	39169

C31583	Galvin Hall 3rd Floor Renovation - Lima	\$	22,135	39170
C31584	Horticultural Operations Center - ATI	\$	1,475,400	39171
C31585	OARDC Feed Mill	\$	5,050,968	39172
C31587	Biological Sciences Cooling Tower	\$	6,930	39173
C31589	Mount Hall HVAC Modifications	\$	40,982	39174
C31591	Ohio Biomedical Consortium on Medical Therapeutic Micro Devices	\$	49,275	39175
C31592	Plant and Microbe Functional Genomics Facilities	\$	16,259	39176
C31593	Consortium for Novem Microfabrications Methods of Medical Devices in Non-Silicon Materials	\$	149,066	39177
C31594	Bone & Mineral Metabolism Research Lab	\$	5,845	39178
C31597	Animal & Plant Biology Level 3	\$	8,133,780	39179
C31598	Main Library Rehabilitation	\$	56,456,214	39180
C31599	Psychology Building	\$	57,722	39181
C315A0	Thorne Hall and Gowley Hall Renovations - Phase 3	\$	598,043	39182
C315A2	Nanosecond Infrared Measurement	\$	2,588	39183
C315A4	Millimeter/Submillimeter Instrument	\$	5,919	39184
C315A5	X-Ray Powder Diffractometer	\$	558	39185
C315A6	Deconvolution Microscope	\$	1,101	39186
C315B2	Denney Hall Renovation - Phase I	\$	18,495	39187
C315B3	Ion Mass Spectrometry	\$	6,594	39188
C315B5	Role of Molecular Interfaces	\$	17,773	39189
C315B8	New Millimeter Spectrometer	\$	24,996	39190
C315C2	1224 Kinnear Road - Bale	\$	11,105	39191
C315C3	Non-Silicon Micromachining	\$	73,991	39192
C315C4	High Performance Computing	\$	2,910	39193
C315C5	Veterinary Hospital Auditorium Renovation	\$	7,736	39194
C315D0	OARDC Boiler Replacement	\$	656,442	39195
C315D2	Supercomputer Center Expansion	\$	1,600,414	39196

C315D5	Information Literacy	\$	24,824	39197
C315D6	Online Business Major	\$	6,618	39198
C315D8	Renovation of Graves Hall	\$	68,196	39199
C315E0	OARDC Wooster Phone System Replacement	\$	467,398	39200
C315E1	Utility - North Tunnel Steamline Upgrade	\$	114,298	39201
C315E2	Dual Beam Characterization	\$	150,000	39202
C315E6	Environmental Technology Consortium	\$	11,297	39203
C315E7	Campbell, University, and Evans Hall	\$	45,877	39204
C315E8	Laboratory Animal Facility	\$	83,481	39205
C315F1	Western Branch Headquarters & Machinery Building	\$	662,850	39206
C315F2	Muck Crops Branch/Shop Building Replacement	\$	782,173	39207
C315F3	Hazardous Waste Handling/Storage Building	\$	1,103,062	39208
C315F4	Agriculture/Engineering Building Renovation & Addition	\$	200,000	39209
C315F5	Wood County Center for Agriculture <u>OSU Extension Office/Agriculture Business Enhancement Center</u>	\$	1,000,000 300,000	39210
C315F6	Community Heritage Art Gallery - Lima	\$	100,000	39211
C315F8	Nanotechnology Molecular Assembly	\$	437,296	39212
C315F9	Networking and Communication	\$	478,761	39213
C315G0	Planetary Gear	\$	125,000	39214
C315G1	X-Ray Fluorescence Spectrometer	\$	2,283	39215
C315G2	Precision Navigation	\$	85,000	39216
C315G3	Welding & Metal Working	\$	200,000	39217
C315G5	Inductively Coupled Plasma Etching	\$	126,492	39218
C315G6	Accelerated Metals	\$	1,020,331	39219
C315G7	Mathematical Biosciences Institute	\$	9,819	39220
C315G9	Mershon Auditorium HVAC System Improvements	\$	3,379	39221
C315H0	Molecular Microdevices	\$	2,066	39222

C315H1	Research Center HVAC System Improvements	\$	38,052	39223
C315H2	Infrared Absorption Measurements	\$	3,423	39224
C315H3	Dark Fiber	\$	2,532,628	39225
C315H4	Shared Data Backup System	\$	96,876	39226
C315H6	Third Frontier Network Testbed	\$	202,763	39227
C315H7	Distributed Learning Workshop	\$	2,500	39228
C315H8	Accelerated Maturation of Materials	\$	42,279	39229
C315H9	Nanoscale Polymers Manufacturing	\$	358,802	39230
C315J0	Hydrogen Production and Storage	\$	217	39231
C315J1	Ohio Organic Semiconductor	\$	226,422	39232
C315J4	Comprehensive Cancer - Chiller Replacement	\$	19,187	39233
C315J5	Kottman Hall - 103 Central Classroom	\$	20,893	39234
C315J7	Low Cost Nanocomposite Foams	\$	101,705	39235
C315J8	West Campus Chilled Water & Scott Hall	\$	20,093	39236
C315J9	McCracken Power Plant Spill Control	\$	120,251	39237
C315K0	Glacial Assessment	\$	22,764	39238
C315K2	Center for Advanced Propulsion and Power	\$	1,313,076	39239
C315K3	Parks Hall Chiller Replacement	\$	134,678	39240
C315K4	Hybrid Electric Vehicle Modeling	\$	363,452	39241
C315K5	Computational Nanotechnology	\$	500,000	39242
C315K6	Townshend Hall - Roof Replacement	\$	328,772	39243
C315K8	Veterinary Hospital Roof Replacement Phase II	\$	174,815	39244
C315K9	Hopkins Hall Phase II Priorities I, II	\$	41,756	39245
C315L0	Bioscience 6th Floor Renovation - Priority	\$	140,937	39246
C315L1	Ohio Commons For Digital Education	\$	14,594	39247
C315L2	Postle Hall Fire Alarm Replacement	\$	116,441	39248
C315L3	NonCredit Job Education & Training	\$	14,201	39249
C315L4	Campus South Dorms Renovation/Improvements	\$	3,767	39250
C315L5	Bricker Hall Roof Replacement	\$	23,608	39251

C315L8	Cooperative Control Testbed	\$	3,000	39252
C315M0	Neuroscience Center Core	\$	576	39253
C315M2	Campus Grounds-Exterior Lighting - Phase VIII	\$	31,523	39254
C315M3	930 Kinnear Road Renovations	\$	181,402	39255
C315M4	Waterman Lab & Don Scott Field	\$	23,528	39256
C315M5	Lincoln Tower Renovations - Phase I	\$	254,767	39257
C315M6	Coe Corrosion Coop	\$	56,781	39258
C315M7	OSU Cancer Program Expansion	\$	2,000,000	39259
C315M8	Smith Laboratory Rehabilitation	\$	2,799,448	39260
C315M9	Warner Library and Student Center	\$	1,618,275	39261
C315N0	Hopewell Hall Science Suite	\$	508,408	39262
C315N1	Atomic Force Microscopy	\$	180,000	39263
C315N2	Interactive Applications	\$	344,865	39264
C315N3	Platform Lab	\$	76,685	39265
C315N4	Integrated Biomass to Electricity	\$	392,680	39266
C315N8	Center for Polymer Nanomaterials	\$	9,801,899	39267
C315N9	Ohio Bioproducts Innovation Center	\$	7,765,250	39268
C315P1	Specialized Planetary Gears	\$	40,920	39269
C315P2	OSU Agricultural Building	\$	295,409	39270
C315P3	Automated AFM System	\$	618	39271
C315P4	Integrated Wireless Communication	\$	3,454	39272
C315P5	Newton Hall-Roof Replacement	\$	140,646	39273
C315P6	Chirped-Pulse Amplifier	\$	258,732	39274
C315P7	Central Classroom Building Renovation	\$	55,686	39275
C315P9	Airport Hangers 1 2 & 3 Roof Replacement	\$	485,250	39276
C315Q0	Veterinary Hospital Holding Replacement	\$	1,902,970	39277
C315Q1	Aeronautical and Astronautical Research Lab-Roof Replacement	\$	676,482	39278
C315Q2	Superconductivity Technology Center	\$	324,136	39279
C315Q3	Periodic Materials Assemblies	\$	60,239	39280
C315Q4	Biological Sciences Building Supply Fan Replacement	\$	628,573	39281

C315Q5	Biological Sciences Building-Fume Hood Repairs	\$	968,531	39282
C315Q6	Kottman Hall Fume Hood Repairs	\$	1,476,940	39283
C315Q7	Photonic Force Microscope	\$	4,887	39284
C315Q9	Brown Hall Renovation/Replacement	\$	3,500,000	39285
C315R0	Hughes Hall Renovation	\$	1,500,000	39286
C315R1	COMPH Academic Center	\$	5,000,000	39287
C315R2	Murray Hall Renovation	\$	1,000,000	39288
C315R3	New Student Life Building	\$	1,000,000	39289
C315R4	Founders/Hopewell Hall Renovation	\$	1,960,080	39290
C315R5	Agricultural and Biological Engineering Building Renovation	\$	4,000,000	39291
C315R6	Selby Hall Phytotron Facility Renovation	\$	2,000,000	39292
C315R7	Stone Laboratory Resource Facility Improvements	\$	500,000	39293
C315R8	OSU Extension Safety Improvements in Madison County	\$	94,000	39294
C315R9	Camp Clifton Improvements	\$	90,000	39295
C315S0	Delaware Speech & Hearing with OSU Medical College	\$	75,000	39296
C315S1	Kottman Hall-Windows/Masonry Renovation	\$	1,065,280	39297
C315S2	Postle Hall Partial Window Replacement	\$	630,000	39298
C315S3	Celeste Lab Fume Hood Repairs	\$	1,000,300	39299
C315S4	Utility Upgrade/East Campus Area	\$	45,969	39300
Total Ohio State University		\$	200,348,786	39301
			<u>199,648,786</u>	

~~WOOD COUNTY CENTER FOR AGRICULTURE~~ OSU EXTENSION 39302

OFFICE/AGRICULTURE BUSINESS ENHANCEMENT CENTER 39303

~~Of the~~ The foregoing appropriation item C315F5, ~~Wood County~~ 39304

~~Center for Agriculture~~ OSU Extension Office/Agriculture Business 39305

Enhancement Center, ~~up to \$300,000~~ shall be used for building 39306

renovations to the ~~OSU Extension Office/Ag Business Enhancement~~ 39307

Center. 39308

Sec. 401.11. RIVERFRONT IMPROVEMENTS	39309
Of the foregoing reappropriation item C725D0, Riverfront	39310
Improvements, \$1,000,000 shall be used for the Riverfront West	39311
Park Development - Cincinnati Park Board, Hamilton County.	39312
 LOCAL PARKS PROJECTS	39313
Of the foregoing appropriation item C725E2, Local Parks	39314
Projects, \$2,000,000 shall be used for the Center City Park in	39315
Springfield; \$1,200,000 shall be used for the Cincinnati Zoo;	39316
\$1,000,000 shall be used for the East Bank/Flats Project;	39317
\$1,000,000 shall be used by the Warren County Park District for	39318
Land Acquisition or Improvements; \$540,000 shall be used for Tar	39319
Hollow State Park Improvements; \$300,000 shall be used by the City	39320
of Mason for Handicap Accessible Park Improvements; \$250,000 shall	39321
be used for Van Buren State Park Land Acquisitions <u>Camp Ground</u>	39322
<u>Electrification and Restroom Facilities Improvements</u> ; \$200,000	39323
shall be used for Harrison Village Historical Society Phoenix Park	39324
Museum ; \$200,000 shall be used for Indian Lake State Park Dredging	39325
Improvements; \$191,000 shall be used for Deerfield Township	39326
Simpson Creek Erosion Mitigation and Bank Control; \$185,000 shall	39327
be used for the City of Wilmington Park Upgrades/Tennis Courts;	39328
\$175,700 shall be used for the Georgetown Community Tennis Park;	39329
\$150,000 shall be used for Kelleys Island Park Improvements;	39330
\$150,000 shall be used for Perry Township Camp Improvements;	39331
\$100,000 shall be used for Mountain Bike Park/Midtown Cleveland;	39332
\$100,000 shall be used for the Chester Township Park; <u>\$100,000</u>	39333
<u>shall be used for the Wyoming City Regional Park; \$100,000 shall</u>	39334
<u>be used for the Hamilton County Stadium Facilities</u> ; \$69,000 shall	39335
be used for Miami Erie Canal Repairs in Spencerville; \$60,000	39336
shall be used for Marseilles Reservoir Bulk Head Project; \$50,000	39337
shall be used for Beaver creek/John Akeney Soccer Field and Park;	39338
\$50,000 shall be used for the Beaver creek Community Athletic	39339

Association Facility and Park Upgrade; \$50,000 shall be used for 39340
the Columbus Zoo Education Center; \$50,000 shall be used for 39341
Dillon State Park Upgrades; \$50,000 shall be used for Indian Lake 39342
State Park Shoreline Improvements; \$25,000 shall be used for the 39343
Cleveland Police and Firefighters Memorial Park; \$25,000 shall be 39344
used for Grand Lake St. Mary's Improvements; \$25,000 shall be used 39345
for Geauga Veterans Monument Park Improvements; \$19,000 shall be 39346
used for East Fork State Park-Harsha Lake Dock Improvements; 39347
\$10,000 shall be used for the Marine Corps League Park/Monument; 39348
\$10,000 shall be used for Huntington Township Park Improvements; 39349
and \$5,000 shall be used for Morrow County Bicentennial Park. 39350

39351
39352

STATEWIDE TRAILS PROGRAM

39353

Of the foregoing reappropriation item C725L8, Statewide 39354
Trails Program, \$2,000,000 shall be used for the Ohio to Erie 39355
Trail by Franklin County Metro Parks; \$1,900,000 shall be used for 39356
the Cuyahoga Towpath Trail; and \$210,000 shall be used for the 39357
Trumbull Bike Trail. 39358

FEDERAL REIMBURSEMENT

39359

All reimbursements received from the federal government for 39360
any expenditures made pursuant to Sections 401.10 and 401.11 of 39361
this act shall be deposited in the state treasury to the credit of 39362
the Parks and Recreation Improvement Fund. 39363

Sec. 401.71. The Ohio Public Facilities Commission is hereby 39364
authorized to issue and sell, in accordance with Section ~~2m~~ 2p of 39365
Article VIII, Ohio Constitution, and pursuant to sections 151.01 39366
and 151.08 of the Revised Code, original obligations of the state, 39367
in an aggregate principal amount not to exceed \$120,000,000, in 39368
addition to the original obligations heretofore authorized by 39369
prior acts of the General Assembly. These authorized obligations 39370

shall be issued and sold from time to time, subject to applicable 39371
constitutional and statutory limitations, as needed to ensure 39372
sufficient moneys to the credit of the State Capital Improvements 39373
Fund (Fund 7038) to pay costs of the state in financing or 39374
assisting in the financing of local subdivision capital 39375
improvement projects. 39376

Section 610.51. That existing Sections 101.10, 103.80.50, 39377
201.30, 201.50, 301.20.20, 301.20.80, 401.11, and 401.71 of H.B. 39378
496 of the 127th General Assembly are hereby repealed. 39379

Section 620.10. That Section 375.80.10 of Am. Sub. H.B. 119 39380
of the 127th General Assembly is hereby repealed. 39381

Section 620.20. That Section 5 of Am. Sub. H.B. 24 of the 39382
127th General Assembly is hereby repealed. 39383

Section 701.10. (A) As used in this section, "employer" has 39384
the same meaning as in division (D) of section 145.01 of the 39385
Revised Code. 39386

(B) Notwithstanding the penalty provided for in section 39387
145.47 of the Revised Code as it existed immediately prior to its 39388
amendment by this act, the Public Employees Retirement System 39389
shall recalculate, as described in this section, any penalty 39390
incurred under that section by an employer during the period 39391
beginning April 1, 2006, and ending the day before the effective 39392
date of this section, if the retirement system receives the 39393
recalculated amount not later than thirty days after the effective 39394
date of this section. The penalty shall be recalculated in 39395
accordance with section 145.47 of the Revised Code, as amended by 39396
this act. 39397

(C) If an employer fails to pay the recalculated amount in 39398

accordance with division (B) of this section, the retirement 39399
system shall reinstate to the original amount any penalty that was 39400
recalculated under division (B) of this section. If an employer 39401
fails to pay the reinstated penalty, that amount shall be withheld 39402
from the employer on certification by the Public Employees 39403
Retirement Board to the Director of Budget and Management or the 39404
county auditor, as appropriate. 39405

(D) If, prior to the effective date of this section, an 39406
employer described in division (B) of this section paid the 39407
penalty in accordance with section 145.47 of the Revised Code, as 39408
it existed immediately prior to its amendment by this act, the 39409
retirement system shall credit to the employer's account the 39410
difference between the amount of the penalty that was paid and the 39411
recalculated penalty to reduce any amounts due from the employer 39412
under Chapter 145. of the Revised Code. The credit shall be 39413
completed not later than six months after the effective date of 39414
this section. 39415

Section 701.20. (A) The Ohio Commission on Local Government 39416
Reform and Collaboration shall develop recommendations on ways to 39417
increase the efficiency and effectiveness of local government 39418
operations, to achieve cost savings for taxpayers, and to 39419
facilitate economic development in this state. In developing the 39420
recommendations, the commission shall consider, but is not limited 39421
to, the following: 39422

(1) Restructuring and streamlining local government offices 39423
to achieve efficiencies and cost savings for taxpayers and to 39424
facilitate local economic development; 39425

(2) Restructuring and streamlining special taxing districts 39426
and local government authorities authorized by the constitution or 39427
the laws of this state to levy a tax of any kind or to have a tax 39428
of any kind levied on its behalf, and of local government units, 39429

including schools and libraries, to reduce overhead and 39430
administrative expenses; 39431

(3) Restructuring, streamlining, and finding ways to 39432
collaborate on the delivery of services, functions, or authorities 39433
of local government to achieve cost savings for taxpayers; 39434
39435

(4) Examining the relationship of services provided by the 39436
state to services provided by local government and the possible 39437
realignment of state and local services to increase efficiency and 39438
improve accountability; and 39439

(5) Ways of reforming or restructuring constitutional, 39440
statutory, and administrative laws to facilitate collaboration for 39441
local economic development, to increase the efficiency and 39442
effectiveness of local government operations, to identify 39443
duplication of services, and to achieve costs savings for 39444
taxpayers. 39445

(B)(1) There is hereby created the Ohio Commission on Local 39446
Government Reform and Collaboration, consisting of fifteen voting 39447
members. The President of the Senate shall appoint three members, 39448
one of whom may be a person who is recommended by the Minority 39449
Leader of the Senate. The Speaker of the House of Representatives 39450
shall appoint three members, one of whom may be a person who is 39451
recommended by the Minority Leader of the House of 39452
Representatives. The Governor shall appoint three members. One 39453
member shall be appointed by, and shall represent, each of the 39454
following organizations: the Ohio Municipal League, the Ohio 39455
Township Association, the Ohio School Boards Association, the 39456
County Commissioners' Association of Ohio, the Ohio Library 39457
Council, and the Ohio Association of Regional Councils. The 39458
initial appointments shall be made not later than ninety days 39459
after the effective date of this section. Vacancies shall be 39460
filled in the manner provided for original appointments. Members 39461

are not entitled to compensation for their services. 39462

(2) The initial meeting of the commission shall be called by 39463
the Governor within forty-five days after the initial appointments 39464
to the commission are complete. The commission shall elect two of 39465
its members to serve as co-chairpersons of the commission. 39466

(C) The commission may create an advisory council consisting 39467
of interested parties representing taxing authorities and 39468
political subdivisions that are not taxing authorities. The 39469
appointment of members to the advisory council is a matter of the 39470
commission's discretion. The commission may direct the advisory 39471
council to provide relevant information to the commission. 39472
Advisory council members are not members of the commission, and 39473
may not vote on commission business. 39474

(D) The commission may consult with and obtain assistance 39475
from state institutions of higher education (as defined in section 39476
3345.011 of the Revised Code) and from business organizations for 39477
research and data gathering related to its mission. State 39478
institutions of higher education and business organizations shall 39479
cooperate with the commission. 39480

(E) The commission shall issue a report of its findings and 39481
recommendations to the President of the Senate, the Speaker of the 39482
House of Representatives, and the Governor not later than July 1, 39483
2010. The commission ceases to exist upon submitting its report. 39484

Section 703.30. (A) The Commission on Cuyahoga County 39485
Government Reform shall develop recommendations by which Cuyahoga 39486
County may, with a vote of the people, restructure, reform, or 39487
otherwise reorganize the county government to implement a more 39488
effective, efficient, and financially and economically viable 39489
county government structure to better serve the people of Cuyahoga 39490
County. 39491

(B)(1) There is hereby created the Commission on Cuyahoga County Government Reform, consisting of nine members. The President of the Senate shall appoint three members, one of whom may be a person who is recommended by the Minority Leader of the Senate. The Speaker of the House of Representatives shall appoint three members, one of whom may be a person who is recommended by the Minority Leader of the House of Representatives. The Governor shall appoint three members. All the members shall be residents of Cuyahoga County. The initial appointments shall be made not later than fifteen days after the effective date of this section. Vacancies shall be filled in the manner provided for original appointments.

(2) The initial meeting of the commission shall be within thirty days after the effective date of this section. At the initial meeting, by a majority vote of the commission members, the commission shall elect one of its members to serve as chairperson of the commission.

(C) The commission may consult with and obtain assistance from a business organization within Cuyahoga County for research and data gathering related to its mission. The commission may use moneys available to it for this purpose.

(D) All meetings of the commission are subject to section 121.22 of the Revised Code. All records of the commission are public records for purposes of section 149.43 of the Revised Code.

(E) Not later than November 7, 2008, the commission shall issue a report of its findings and recommendations to the Governor, the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the President of the Senate, the Minority Leader of the Senate, and the chairpersons and ranking members of the standing committees of the General Assembly that deal with local government issues. The recommendations of the commission shall be in legislative form.

The Legislative Service Commission shall provide staff and 39524
resources necessary so that the recommendations are in proper 39525
legislative form. 39526

(F) The commission ceases to exist upon submitting its 39527
report. 39528

Section 705.10. Notwithstanding section 5709.73 of the 39529
Revised Code, a board of township trustees of a township with a 39530
population exceeding fifty-five thousand according to the most 39531
recent federal decennial census may adopt a resolution under 39532
division (B) of that section on or before December 31, 2008, by 39533
majority vote. Such a board may adopt a resolution under division 39534
(C) of that section on or before December 31, 2008, by majority 39535
vote, if the other requirements of that division are satisfied. 39536

Section 707.20. (A) As used in this section: 39537

(1) "Active business operations" means all business 39538
operations that are not inactive business operations. 39539

(2) "Business operations" means engaging in commerce in any 39540
form in Sudan or Iran, including by maintaining, selling, 39541
acquiring, developing, owning, possessing, operating, or leasing 39542
equipment, facilities, personnel, products, services, personal or 39543
real property, or any other apparatus of business or commerce. 39544

(3) "Company" means a sole proprietorship, organization, 39545
association, corporation, partnership, joint venture, limited 39546
partnership, limited liability partnership, limited liability 39547
company, business association, or other entity, including any 39548
wholly-owned subsidiary, majority-owned subsidiary, parent 39549
company, or affiliate of any of those types of entities, that 39550
exists for the purpose of making a profit. 39551

(4) "Complicit" means taking actions during any preceding 39552
twenty-month period that directly support or promote the genocidal 39553

campaign in the Darfur region of Sudan, including, but not limited 39554
to, preventing members of the population of the Darfur region of 39555
Sudan negatively affected by genocide from communicating with each 39556
other; encouraging Sudanese citizens to speak against the 39557
internationally approved security force that provides aide to the 39558
Darfur region; actively working to deny, cover up, or alter the 39559
record on human rights abuses in Darfur; or other similar actions. 39560

(5) "Direct holdings" means all stocks or bonds of a company 39561
held directly by the Ohio Police and Fire Pension Fund or held in 39562
an account or fund of which the Fund owns all of the shares or 39563
interests. 39564

(6) "Government of Iran" means the Islamic Republic of Iran, 39565
its instrumentalities, and companies owned or controlled by the 39566
government of Iran. 39567

(7) "Government of Sudan" means the government in Khartoum, 39568
Sudan, that is led by the National Congress Party, formerly known 39569
as the National Islamic Front, or any successor government formed 39570
on or after October 13, 2006, including the coalition national 39571
unity government agreed upon in the "2005 Comprehensive Peace 39572
Agreement," and does not include the regional government of 39573
southern Sudan. 39574

(8) "Inactive business operations" means those business 39575
operations conducted by a company that involve only the continued 39576
holding or renewal of rights to property that, at one time, was 39577
used for the purpose of generating revenue for the company but is 39578
not presently used for such purpose. 39579

(9) "Indirect holdings" means all stocks and bonds of a 39580
company that are not direct holdings and are held in an account or 39581
fund in which the Ohio Police and Fire Pension Fund owns shares or 39582
interests together with other investors not subject to the 39583
provisions of this section, as well as any private equity fund, 39584

private equity fund-of-funds, venture capital fund, hedge fund, 39585
hedge fund-of-funds, real estate fund or other investment vehicle 39586
that is not publicly traded, mutual funds, and pooled or 39587
securitized investment vehicles. 39588

(10) "Iran" means the Islamic Republic of Iran. 39589

(11) "Marginalized populations of Sudan" includes, but is not 39590
limited to, all of the following: 39591

(a) The portion of the population in the Darfur region that 39592
has been negatively affected by genocide; 39593

(b) The portion of the population of southern Sudan 39594
negatively affected by the civil war that occurred between the 39595
north and south regions of Sudan; 39596

(c) The Beja, Rashidiya, and other similarly underserved 39597
groups of eastern Sudan; 39598

(d) The Nubian and other similarly underserved groups in the 39599
Abyei, southern blue Nile, and Nuba mountain regions of Sudan; 39600

(e) The Amri, Hamadab, Manasir, and other similarly 39601
underserved groups of northern Sudan. 39602

(12) "Military equipment" means weapons, arms, military 39603
supplies, and equipment including, but not limited to, radar 39604
systems, or military-grade transport vehicles, that readily may be 39605
used for military purposes; or supplies or services sold or 39606
directly or indirectly provided to any force actively 39607
participating in armed conflict in Sudan. 39608

(13) "Mineral extraction activities" include exploring, 39609
extracting, processing, transporting, or wholesale selling or 39610
trading of elemental minerals or associated metal alloys or 39611
oxides, also known as ore, including gold, copper, chromium, 39612
chromite, diamonds, iron, iron ore, silver, tungsten, uranium, and 39613
zinc; and includes facilitating such activities, including by 39614

providing supplies or services in support of such activities. 39615

(14) "Oil-related activities" includes, but is not limited 39616
to, owning rights to oil blocks; exporting, extracting, producing, 39617
refining, processing, exploring for, transporting, selling, or 39618
trading of oil; constructing, maintaining, or operating a 39619
pipeline, refinery, or other oil-field infrastructure; or 39620
facilitating such activities, including by providing supplies or 39621
services in support of such activities. "Oil-related activities" 39622
does not mean engaging in only the retail sale of gasoline and 39623
related consumer products. 39624

(15) "Petroleum resource" means petroleum, petroleum 39625
byproducts, or natural gas. 39626

(16) "Power production activities" means any business 39627
operation that involves a project commissioned by the national 39628
electricity corporation of Sudan or other similar entity of the 39629
government of Sudan whose purpose is to facilitate power 39630
generation and delivery, including, but not limited to, 39631
establishing power-generating plants or hydroelectric dams, 39632
selling or installing components for a project, providing service 39633
contracts related to the installation or maintenance of a project, 39634
or facilitating any of these activities, including by providing 39635
supplies or services in support of such activities. 39636

(17) "Public fund" means the assets included in any fund 39637
portfolio that is under the control of, or controlled on behalf 39638
of, the Ohio Police and Fire Pension Fund. 39639

(18) "Scrutinized active business operation" means active 39640
business operations that have resulted in a company becoming a 39641
scrutinized company. 39642

(19) "Scrutinized business operations" means business 39643
operations that have resulted in a company that meets any of the 39644
following criteria: 39645

(a) The company has business operations that involve 39646
contracts with or provision of supplies or services to the 39647
government of Sudan, companies in which the government of Sudan 39648
has any direct or indirect equity share, consortiums or projects 39649
commissioned by the government of Sudan, or companies involved in 39650
consortiums or projects commissioned by the government of Sudan, 39651
and more than ten per cent of the company's revenues or assets 39652
linked to Sudan involve oil-related activities or 39653
mineral-extraction activities; less than seventy-five per cent of 39654
the company's revenues or assets linked to Sudan involve contracts 39655
with or provision of oil-related or mineral-extracting products or 39656
services to the regional government of southern Sudan or a project 39657
or consortium created exclusively by that regional government; and 39658
the company has failed to take substantial action specific to 39659
Sudan; or more than ten per cent of the company's revenues or 39660
assets linked to Sudan involve power-production activities; less 39661
than seventy-five per cent of the company's power-production 39662
activities include projects whose intent is to provide power or 39663
electricity to the marginalized populations of Sudan; and the 39664
company has failed to take substantial action specific to Sudan. 39665

(b) The company is complicit in the Darfur genocide. 39666

(c) The company supplies military equipment within Sudan, 39667
unless it clearly shows that the military equipment cannot be used 39668
to facilitate offensive military actions in Sudan or the company 39669
implements rigorous and verifiable safeguards to prevent use of 39670
that equipment by forces actively participating in armed conflict. 39671
Examples of safeguards include post-sale tracking of such 39672
equipment by the company, certification from a reputable and 39673
objective third party that such equipment is not being used by a 39674
party participating in armed conflict in Sudan, or sale of such 39675
equipment solely to the regional government of southern Sudan or 39676
any internationally recognized peacekeeping force or humanitarian 39677

organization. 39678

(d)(i) The company has business operations that involve 39679
contracts with or provision of supplies or services to the 39680
government of Iran, companies in which the government of Iran has 39681
any direct or indirect equity share, consortiums, or projects 39682
commissioned by the government of Iran, or companies involved in 39683
consortiums or projects commissioned by the government of Iran, 39684
and one of the following apply: more than ten per cent of the 39685
company's total revenues or assets are linked to Iran and involve 39686
oil-related activities, mineral-extraction activities, or 39687
petroleum resources; the company has, with actual knowledge, on or 39688
after August 5, 1996, made an investment of twenty million dollars 39689
or more, or any combination of investments of at least ten million 39690
dollars each, which in the aggregate equals or exceeds twenty 39691
million dollars in any twelve-month period, and which directly or 39692
significantly contributes to the enhancement of Iran's ability to 39693
develop the petroleum resources of Iran; the company is engaged in 39694
business with an Iranian organization labeled as a terrorist 39695
organization by the United States government. 39696

(ii) Any company that takes substantial action specific to 39698
Iran shall not meet the criteria to be deemed a company involved 39699
in scrutinized business operations. 39700

(20) "Social development company" means a company whose 39701
primary purpose in Sudan is to provide only the following 39702
humanitarian goods or services to the people of Sudan: 39703

(a) Medicine or medical equipment; 39704

(b) Agricultural supplies or infrastructure; 39705

(c) Educational opportunities; 39706

(d) Journalistic activities; 39707

(e) Information or information materials;	39708
(f) Spiritual-related activities;	39709
(g) Services of a purely clerical or reporting nature;	39710
(h) Food, clothing, or general consumer goods that are unrelated to oil-related activities, mineral extraction activities, or power production activities.	39711 39712 39713
(21) "Substantial action specific to Iran" means adopting, publicizing, and implementing a formal plan to cease scrutinized business operations within one year and to refrain from any such new business operations.	39714 39715 39716 39717
(22) "Substantial action specific to Sudan" means adopting, publicizing, and implementing a formal plan to cease scrutinized business operations within one year and to refrain from any such new business operations; undertaking humanitarian efforts in conjunction with an international organization, the government of Sudan, the regional government of southern Sudan, or a nonprofit entity evaluated and certified by an independent third party to be substantially in a relationship to the company's Sudan business operations and of benefit to one or more marginalized populations of Sudan; or, through engagement with the government of Sudan, materially improving conditions for the genocidally victimized population in Darfur.	39718 39719 39720 39721 39722 39723 39724 39725 39726 39727 39728 39729
(23) "Sudan" means the Republic of the Sudan.	39730
(B)(1) Within ninety days after the effective date of this section, the Ohio Police and Fire Pension Fund shall make its best efforts to identify all publicly traded companies involved in scrutinized business operations in which the Fund has direct or indirect holdings or could possibly have such holdings in the future. The efforts shall include:	39731 39732 39733 39734 39735 39736
(a) Reviewing and relying, as appropriate in the Fund's	39737

judgment, on publicly available information regarding companies 39738
having business operations in Iran or Sudan, including information 39739
provided by nonprofit organizations, research firms, international 39740
organizations, and government entities; 39741

(b) Contacting asset managers contracted by the Fund that 39742
invest in companies having business operations in Iran or Sudan; 39743

(c) Contacting other institutional investors that have 39744
divested from or engaged with companies that have business 39745
operations in Iran or Sudan; 39746

(d) Reviewing the laws of the United States regarding the 39747
levels of business activity that would cause application of 39748
sanctions for companies conducting business or investing in 39749
countries that are designated state sponsors of terror. 39750

(2) Within ninety days after the effective date of this 39751
section, the Fund shall create a "scrutinized companies with 39752
activities in Sudan list" and a "scrutinized companies with 39753
activities in Iran list," consisting of all publicly traded 39754
companies identified in division (B)(1) of this section, shall 39755
make the lists publicly available, and shall update the lists 39756
annually. 39757

(3) Notwithstanding the provisions of this section, a 39758
social-development company that is not complicit in the Darfur 39759
genocide is not considered a scrutinized company. 39760

(4) The Fund shall engage the companies on the scrutinized 39761
companies with activities in Sudan list and the scrutinized 39762
companies with activities in Iran list, in which the Fund owns 39763
direct or indirect holdings, according to the following: 39764

(a) For each company identified in this paragraph that has 39765
only inactive business operations, the Fund shall send a written 39766
notice informing the company of the requirements of this section 39767
and encouraging it to continue to refrain from initiating active 39768

business operations in Iran or Sudan until it is able to avoid 39769
scrutinized business operations. The Fund shall continue such 39770
correspondence semiannually. 39771

(b) For each company newly identified under this section that 39772
has active business operations, the Fund shall send a written 39773
notice informing the company of its scrutinized company status and 39774
that it may become subject to divestment by the Fund. The notice 39775
shall inform the company of the opportunity to clarify its 39776
Iran-related or Sudan-related activities and encourage the 39777
company, within ninety days, to cease its scrutinized business 39778
operations or convert such operations to inactive business 39779
operations in order to avoid qualifying for divestment by the 39780
Fund. 39781

(c) If, within ninety days after the Fund creates the lists 39782
pursuant to division (B)(2) of this section, a company on either 39783
list ceases scrutinized business operations, the Fund shall remove 39784
the company from the scrutinized companies with activities in 39785
Sudan list and the scrutinized companies with activities in Iran 39786
list, and the provisions of this section shall cease to apply to 39787
that company unless that company resumes scrutinized business 39788
operations. If, within ninety days after the Fund creates the 39789
list, the company converts its scrutinized active business 39790
operations to inactive business operations, the company is subject 39791
to all provisions of this section relating to inactive business 39792
operations. A company may be on both the scrutinized companies 39793
with activities in Sudan list and the scrutinized companies with 39794
activities in Iran list. A company may be removed from one list 39795
but remain on the other list, in which case the company is subject 39796
to the provisions of this section applicable to the list on which 39797
the company remains. 39798

(d) The Fund shall submit letters to the managers of actively 39799
managed investment funds containing indirect holdings in companies 39800

identified in division (B)(1) of this section that have 39801
scrutinized active business operations requesting that they 39802
consider removing such companies from the Fund or create a similar 39803
actively managed fund having indirect holdings devoid of such 39804
companies. 39805

(C) The Ohio Police and Fire Pension Fund Board shall adopt a 39806
policy to address divestiture of holdings in companies identified 39807
and engaged pursuant to division (B) of this section. The goal of 39808
the policy shall be to achieve complete divestiture from such 39809
holdings when divestiture would be prudent and consistent with the 39810
Board's fiduciary duty. The policy shall be developed within 39811
thirty days after the effective date of this section. 39812

(D)(1) The Ohio Police and Fire Pension Fund shall file a 39813
report with the President of the Senate, the Speaker of the House 39814
of Representatives, the Minority Leader of the Senate, the 39815
Minority Leader of the House of Representatives, and the Ohio 39816
Retirement Study Council that includes the scrutinized companies 39817
with activities in Sudan list and the scrutinized companies with 39818
activities in Iran list within thirty days after the list is 39819
created and within thirty days after the list is updated. The Fund 39820
shall make the report available to the public. 39821

(2) The Fund shall file a report annually, which shall be 39822
made available to the public, to the President of the Senate, the 39823
Speaker of the House of Representatives, the Minority Leader of 39824
the Senate, the Minority Leader of the House of Representatives, 39825
the Ohio Retirement Study Council, and the Workers Compensation 39826
Council, and send a copy of that report to the United States 39827
Presidential Special Envoy to Sudan and the United States 39828
Presidential Special Envoy to Iran, or an appropriate designee or 39829
successor, that includes: 39830

(a) A summary of correspondence with companies engaged by the 39831
Fund pursuant to this section; 39832

(b) All investments sold, redeemed, divested, or withdrawn pursuant to this section;	39833 39834
(c) Any progress made under division (B)(4)(d) of this section;	39835 39836
(d) A list of all publicly traded securities held directly by the Fund.	39837 39838
(E) If any of the following occur, the Ohio Police and Fire Pension Fund shall no longer assemble the scrutinized companies with activities in Sudan list, shall cease engagement and divestment of such companies, and may reinvest in such companies as long as such companies do not satisfy the criteria for inclusion in the scrutinized companies with activities in Iran list:	39839 39840 39841 39842 39843 39844 39845
(1) Congress or the President of the United States determines that the government of Sudan has sufficiently halted the genocide in the Darfur region for at least twelve months.	39846 39847 39848
(2) The federal government revokes all sanctions imposed against the government of Sudan.	39849 39850
(3) Congress or the President of the United States, through legislation or executive order, declares that mandatory divestment of the type provided for in this section interferes with the conduct of United States foreign policy.	39851 39852 39853 39854
(4) Congress or the President of the United States declares that the government of Sudan has honored its commitments to cease attacks on civilians, demobilize and demilitarize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance, and allow for the safe and voluntary return of refugees and internally displaced persons.	39855 39856 39857 39858 39859 39860
(F) If any of the following occur, the Fund shall no longer assemble the scrutinized companies with activities in Iran list	39861 39862

and shall cease engagement, investment prohibitions, and 39863
divestment. The Fund may reinvest in such companies as long as 39864
such companies do not satisfy the criteria for inclusion in the 39865
scrutinized companies with activities in Sudan list: 39866

(1) Congress or the President of the United States determines 39867
that the government of Iran has ceased to acquire weapons of mass 39868
destruction and support international terrorism. 39869

(2) The federal government revokes all sanctions imposed 39870
against the government of Iran. 39871

(3) Congress or the President of the United States declares 39872
that mandatory divestment of the type provided for in this act 39873
interferes with the conduct of United States foreign policy. 39874

(G) The Ohio Police and Fire Pension Fund is not liable for 39875
breach of the Fund's fiduciary duty if the Fund complies in good 39876
faith with the requirements of this section. If the Fund made 39877
determinations in good faith regarding the status of a company as 39878
required under this section, the members are not liable in an 39879
action for libel or slander. All former, present, or future 39880
members of the Ohio Police and Fire Pension Fund Board of Trustees 39881
and all officers, employees, and agents of the Fund shall be 39882
indemnified, whether jointly or severally, for all claims, 39883
demands, suits, actions, damages, judgments, costs, charges, and 39884
expenses, including court costs and attorney's fees, and against 39885
all liability, losses, and damages of any nature that such board 39886
members, officers, employees, or agents may incur by reason of any 39887
decision to restrict, reduce, or eliminate investments in 39888
companies doing business in Iran or Sudan. A Board member, 39889
officer, employee, or agent of the Fund shall be indemnified 39890
through the Fund. In any action pursuant to this section, the 39891
Board has any rights granted in section 109.98 of the Revised 39892
Code. 39893

Section 711.10. (A) As used in this section, "Community development bank" has the meaning as set forth in the "Federal Deposit Insurance Corporation Improvement Act of 1991," 105 Stat. 2317, 12 U.S.C. 1834b(e)(1). 39894
39895
39896
39897

(B) Notwithstanding any contrary provision of section 135.33 of the Revised Code, a community development bank, pursuant to that section, may apply to, and be designated by, a county as a depository of active moneys during the county's period of designation in effect on the effective date of this section if all of the following apply: 39898
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39900
39901
39902
39903

(1) The bank is located in a county with a population of over one million three hundred thousand people based on the most recent decennial census figures from the United States Department of Commerce, Division of Census; 39904
39905
39906
39907

(2) The bank has previously served the county described in division (B)(1) of this section as a depository; 39908
39909

(3) The bank applies to the county described in division (B)(1) of this section to be a depository; and 39910
39911

(4) The bank is an eligible institution under section 135.32 of the Revised Code. 39912
39913

Section 715.10. The Department of Natural Resources and the Department of Public Safety shall seek all available federal money to assist the City of Findlay in rebuilding infrastructure or building preventative infrastructure with respect to flood mitigation and preparation. 39914
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Section 715.50. (A) There is hereby created the State Park and Recreational Area Study Committee consisting of the following members: 39919
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39921

(1) The Director of Natural Resources or the Director's 39922

designee; 39923

(2) Two members representing the public appointed by the 39924
Governor who have general knowledge of the operation of a park or 39925
recreational area; 39926

(3) Three members appointed by the Speaker of the House of 39927
Representatives who may be members of the House of Representatives 39928
or individuals representing the public. A member representing the 39929
public shall have general knowledge of the operation of a park or 39930
recreational area. 39931

(4) Three members appointed by the President of the Senate 39932
who may be members of the Senate or individuals representing the 39933
public. A member representing the public shall have general 39934
knowledge of the operation of a park or recreational area. 39935

(B) All appointments to the Committee shall be made not later 39936
than thirty days after the effective date of this section. The 39937
Director of Natural Resources shall serve as the chairperson of 39938
the Committee. 39939

(C) Members of the Committee shall serve without compensation 39940
and shall not be reimbursed for expenses. 39941

(D) The Department of Natural Resources shall provide 39942
administrative support if requested by the Committee. 39943

(E) The Committee shall study and assess the current and 39944
future operating budgets of the state parks and of recreational 39945
areas under the control of the Department of Natural Resources and 39946
the condition of the current infrastructure and future needs of 39947
the state parks and those recreational areas. 39948

(F) Not later than December 31, 2008, the Committee shall 39949
submit a report of its findings to the Governor, the Speaker of 39950
the House of Representatives, the Minority Leader of the House of 39951
Representatives, the President of the Senate, and the Minority 39952

Leader of the Senate. Upon the submission of the report, the 39953
Committee shall cease to exist. 39954

Section 733.10. (A) As used in this section: 39955

(1) "Eligible school district" means a city, exempted 39956
village, or local school district for which the certification of 39957
taxable values made under division (A) of section 3317.021 of the 39958
Revised Code for fiscal year 2007 and for fiscal year 2008 39959
erroneously included at least ten million dollars in assessed 39960
value of tax-exempt public utility property. 39961

(2) "Tax-exempt public utility property" means real or 39962
tangible personal property used in the provision of a public 39963
utility service that was exempted from taxation for tax years 2005 39964
and 2006 under section 5709.62 or 5709.63 of the Revised Code. 39965

(3) "State education aid" has the same meaning as in section 39966
5751.20 of the Revised Code, except that for fiscal year 2007, 39967
state education aid includes both of the following: 39968

(a) The transportation payment calculated under Section 39969
206.09.21 of Am. Sub. H.B. 66 of the 126th General Assembly, as 39970
amended, instead of division (D) of section 3317.022 of the 39971
Revised Code; 39972

(b) Transitional aid calculated under Section 206.09.39 of 39973
that act, as amended. 39974

(4) "2005 valuation adjustment" means the assessed value of 39975
tax-exempt public utility property that was included in the 39976
certification made under division (A) of section 3317.021 of the 39977
Revised Code for fiscal year 2007. 39978

(5) "2006 valuation adjustment" means the assessed value of 39979
tax-exempt public utility property that was included in the 39980
certification made under division (A) of section 3317.021 of the 39981
Revised Code for fiscal year 2008. 39982

(6) "Total taxes charged and payable for current expenses" 39983
has the same meaning as in section 3317.0216 of the Revised Code. 39984

(7) "2005 local revenue adjustment" means the amount of total 39985
taxes charged and payable for current expenses, as calculated for 39986
an eligible school district for fiscal year 2007, that is 39987
attributable to the tax exempt public utility property that was 39988
included in the certification made under division (A)(3)(a) of 39989
section 3317.021 of the Revised Code for that fiscal year. 39990

(8) "2006 local revenue adjustment" means the amount of total 39991
taxes charged and payable for current expenses, as calculated for 39992
an eligible school district for fiscal year 2008, that is 39993
attributable to the tax exempt public utility property that was 39994
included in the certification made under division (A)(3)(a) of 39995
section 3317.021 of the Revised Code for that fiscal year. 39996

(B)(1) The Department of Education shall recompute an 39997
eligible school district's state education aid for fiscal year 39998
2007 by reducing the total taxable value certified for the 39999
district under division (A) of section 3317.021 of the Revised 40000
Code for that fiscal year by an amount equal to the 2005 valuation 40001
adjustment, and by reducing the district's total taxes charged and 40002
payable for current expenses for that fiscal year by the 2005 40003
local revenue adjustment, and pay the district the increase in 40004
state education aid resulting from the recomputation. Each 40005
component of state education aid affected by the valuation and 40006
revenue adjustment shall be recomputed. Within forty-five days 40007
after the effective date of this section, the payment shall be 40008
made from money appropriated for fiscal year 2008 under the 40009
appropriation line items corresponding with the components of 40010
state education aid required to be recomputed under this division. 40011

(2) The Department of Education shall recompute an eligible 40013
school district's state education aid for fiscal year 2008 by 40014

reducing the total taxable value certified for the district under 40015
division (A) of section 3317.021 of the Revised Code for that 40016
fiscal year by an amount equal to the 2006 valuation adjustment, 40017
and by reducing the district's total taxes charged and payable for 40018
current expenses for that fiscal year by the 2006 local revenue 40019
adjustment, and pay the district the increase in state education 40020
aid resulting from the recomputation. Each component of state 40021
education aid affected by the valuation and revenue adjustment 40022
shall be recomputed. The payment shall be made from money 40023
appropriated for fiscal year 2008 under the appropriation line 40024
items corresponding with the components of state education aid 40025
required to be recomputed under this division. The amount of the 40026
payment shall be divided in equal amounts among the remaining 40027
payments of state education aid required to be made during fiscal 40028
year 2008 that have not been paid before the effective date of 40029
this section, and paid at the same time as those payments. 40030

(3) The recomputed total taxable value, the recomputed total 40031
taxes charged and payable for current expenses, and state 40032
education aid recomputed under divisions (B)(1) and (2) of this 40033
section shall be regarded as the district's total taxable value, 40034
total taxes charged and payable for current expenses, and state 40035
education aid for fiscal year 2007 and 2008, respectively, for all 40036
purposes of Chapter 3317. of the Revised Code; Am. Sub. H.B. 66 of 40037
the 126th General Assembly, including the computation of 40038
transitional aid under Section 206.09.39 of that act, as amended; 40039
and Am. Sub. H.B. 119 of the 127th General Assembly, including 40040
under Section 269.30.80 of that act. 40041

(4) Any amounts payable under division (B)(1) or (2) of this 40042
section shall be reduced by any amount paid under section 3317.026 40043
of the Revised Code if the amount paid under that section was paid 40044
on account of refunded taxes charged against tax-exempt public 40045
utility property for tax year 2005 or 2006 and for which 40046

recomputation is made under division (B) of this section. 40047

(C) The Department of Education shall recompute an eligible 40048
school district's adjusted valuation per pupil, three-year average 40049
adjusted valuation per pupil, and average taxable value for the 40050
purposes of ranking the district under section 3318.011 of the 40051
Revised Code, and determining the district's portion of the basic 40052
project cost under section 3318.032 of the Revised Code, for any 40053
such computation that includes the taxable values certified for 40054
the district for tax year 2005 or 2006 under division (A) of 40055
section 3317.021 of the Revised Code. For computations of 40056
valuation per pupil or average taxable value that include the 40057
taxable value certified for tax year 2005, the recomputation shall 40058
incorporate the taxable values so certified reduced by the 2005 40059
valuation adjustment. For computations of valuation per pupil or 40060
average taxable value that include the taxable value certified for 40061
tax year 2006, the recomputation shall incorporate the taxable 40062
values so certified reduced by the 2006 valuation adjustment. 40063
Within forty-five days after the effective date of this act, the 40064
Department shall adjust the percentile ranking of the district in 40065
the same manner as it was certified to the Ohio School Facilities 40066
in September 2007, but using the 2005 and 2006 valuation 40067
adjustments, and perform the Department's other duties under 40068
section 3318.011 of the Revised Code to reflect the 40069
recomputations, and shall certify the recomputations and other 40070
information required by that section to the Ohio School Facilities 40071
Commission. The Commission shall adjust the portion of basic 40072
project cost to be supplied by the district on the basis of the 40073
department's certification. 40074

Section 733.12. The education aid growth recalculations made 40075
under division (B) of section 5727.85 of the Revised Code for 40076
October 31, 2007, shall be calculated as if the amendments by this 40077
act of that section were effective at that time. Any school 40078

district that becomes eligible for payment in calendar year 2008 40079
because of the recalculation shall receive its first-half payment 40080
along with its second-half payment in August 2008. 40081

Section 733.13. (A) As used in this section, "equity list" 40082
means the school district percentile rankings calculated under 40083
section 3318.011 of the Revised Code. 40084

(B) Not later than thirty days after the effective date of 40085
this section, the Department of Education shall create an 40086
alternate equity list for fiscal year 2008 by recalculating each 40087
school district's percentile ranking under section 3318.011 of the 40088
Revised Code and shall certify the alternate equity list to the 40089
Ohio School Facilities Commission. For this purpose, the 40090
Department shall recalculate every school district's percentile 40091
ranking using the district's "valuation per pupil" as that term is 40092
defined in the version of section 3318.011 of the Revised Code in 40093
effect on and after September 29, 2007. When recalculating the 40094
percentile rankings, the Department shall use the same values for 40095
"average taxable value," "formula ADM," and "income factor," as 40096
those terms are defined in section 3318.011 of the Revised Code, 40097
that it used in calculating the original equity list for fiscal 40098
year 2008 certified to the Commission on September 5, 2007, and 40099
shall not use any updated values for those variables. 40100

(C) The Commission shall use the alternate equity list 40101
certified under division (B) of this section to determine the 40102
priority for assistance under sections 3318.01 to 3318.20 of the 40103
Revised Code in fiscal year 2009 for each school district that has 40104
not previously been offered funding under those sections. The 40105
alternate equity list shall not affect any school district's 40106
eligibility for the Exceptional Needs School Facilities Assistance 40107
Program under section 3318.37 of the Revised Code. 40108

(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 on the original equity list for fiscal year 2008.

Section 733.14. (A) As used in this section:

(1) "Alternative equity list" means a rank order of all city, exempted village, and local school districts into percentiles according to the one-year adjusted valuation per pupil of each district from lowest to higher adjusted valuation per pupil, computed as follows:

(The district's total taxable value for tax year 2006 / the district's formula ADM for fiscal year 2007) - [\$30,000 x (1 -the district's income factor for fiscal year 2007)]

(2) "Original equity list" means the school district percentile ranking according to the three-year average adjusted valuation per pupil of all city, exempted village, and local school districts calculated under section 3318.011 of the Revised Code and certified to the Ohio School Facilities Commission on September 5, 2007.

(3) "Project" has the same meaning as in section 3318.01 of the Revised Code.

(4) "School district's portion of the basic project cost" 40139
means the portion of the basic project cost computed under section 40140
3318.032 of the Revised Code. 40141

(5) "Total taxable value," "formula ADM," and "income factor" 40142
have the same meanings as in section 3317.02 of the Revised Code. 40143

(B) Not later than thirty days after the effective date of 40144
this section, the Department of Education shall create the 40145
alternative equity list defined in this section and shall certify 40146
that list to the Ohio School Facilities Commission for its use in 40147
determining funding of school district projects for fiscal year 40148
2009, in the manner prescribed in division (C) of this section. 40149

(C) Notwithstanding any provision to the contrary in Chapter 40150
3318. of the Revised Code, for fiscal year 2009 only, in the case 40151
of any school district that has not received funding under 40152
sections 3318.01 to 3318.20 of the Revised Code in any fiscal year 40153
prior to fiscal year 2009 and for which the district's rank on the 40154
alternative equity list is at least fifteen percentiles lower than 40155
the district's rank on the original equity list: 40156

(1) The Commission shall use the district's percentile on the 40157
alternative equity list to determine the district's priority for 40158
assistance and the school district's portion of the basic project 40159
cost for a project under sections 3318.01 to 3318.20 of the 40160
Revised Code, rather than the district's percentile on the 40161
original equity list as otherwise provided under those sections; 40162

(2) The Commission shall use the district's percentile on the 40163
alternative equity list to determine the school district's portion 40164
of the basic project cost for a project under section 3318.37 of 40165
the Revised Code, rather than the district's percentile on the 40166
original equity list as otherwise provided under that section. The 40167
alternative equity list shall not affect any school district's 40168
eligibility and priority for assistance under that section. 40169

The Commission shall not use the alternative equity list to determine the priority for funding or a school district's portion of the basic project cost for any other school district or for any other program administered by the Commission.

(D) If a school district is offered funding under sections 3318.01 to 3318.20 or section 3318.37 of the Revised Code for fiscal year 2009 based on this section, the district's project shall proceed as specified in those sections, except as otherwise provided in this section.

Section 733.15. Notwithstanding division (B) of section 3318.40 of the Revised Code, the Ohio School Facilities Commission may set aside up to three per cent of the aggregate amount appropriated to it in fiscal year 2008 for classroom facilities assistance projects in the Education Facilities Trust Fund established under section 183.26 of the Revised Code, the Public School Building Fund established under section 3318.15 of the Revised Code, and the School Building Program Assistance Fund established under section 3318.25 of the Revised Code to provide assistance to joint vocational school districts for the acquisition of classroom facilities in accordance with sections 3318.40 to 3318.45 of the Revised Code.

Section 733.20. Notwithstanding any provision to the contrary in Chapter 3314. of the Revised Code, with respect to the calculation of full-time equivalency under division (L)(3) of section 3314.08 of the Revised Code, the Superintendent of Public Instruction shall waive the number of hours or days of learning opportunities not offered to a student because a community school was closed during the 2007-2008 school year due to disease epidemic, hazardous weather conditions, inoperability of school buses or other equipment necessary to the school's operation, damage to a school building, or other temporary circumstances due

to utility failure rendering the school building unfit for school 40201
use, so long as the school was actually open for instruction with 40202
pupils in attendance during that school year for not less than 40203
nine hundred twenty hours. For purposes of determining funding for 40204
the community school under Chapter 3314. of the Revised Code for 40205
the 2007-2008 school year, the Department of Education shall treat 40206
the school as if it were open for instruction with pupils in 40207
attendance during the hours or days waived under this section. 40208

Section 733.21. (A) Notwithstanding sections 3313.48, 40209
3313.481, and 3317.01 of the Revised Code, no school district to 40210
which the following conditions apply shall be required to make up 40211
any days or hours a school was closed during the 2007-2008 school 40212
year due to flooding from a burst water pipe: 40213

(1) The flooding caused the school to be closed for only one 40214
day in excess of the number permitted by sections 3313.48, 40215
3313.481, and 3317.01 of the Revised Code and the other schools of 40216
the district were not closed for any days in excess of the number 40217
permitted by those sections. 40218

(2) The length of the school day for the school closed due to 40219
flooding exceeds the minimum number of hours required by the State 40220
Board of Education under section 3313.48 of the Revised Code by at 40221
least one-half hour. 40222

(B) A school district described in division (A) of this 40223
section shall not be considered to have failed to comply with 40224
division (B) of section 3317.01 of the Revised Code during the 40225
2007-2008 school year for purposes of receiving state payments 40226
under Chapter 3317. of the Revised Code in fiscal year 2009. 40227

Section 733.30. (A)(1) The clearinghouse of distance learning 40228
courses established under former sections 3353.20 to 3353.30 of 40229
the Revised Code is hereby moved from the eTech Ohio Commission to 40230

the Chancellor of the Ohio Board of Regents. On and after the 40231
effective date of this section, that clearinghouse shall be 40232
administered by the Chancellor in the manner prescribed by 40233
sections 3353.20 (3333.81), 3353.21 (3333.82), 3353.22 (3333.83), 40234
3353.26 (3333.85), 3353.27 (3333.86), 3353.28 (3333.87), and 40235
3353.29 (3333.88) of the Revised Code, as amended and renumbered 40236
by this act, new section numbers indicated in parentheses, and 40237
section 3333.84 of the Revised Code as enacted by this act. 40238

(2) The Chancellor is thereupon and thereafter successor to 40239
and assumes the obligations of the Commission as they relate to 40240
the distance learning clearinghouse. 40241

(3) Any business commenced but not completed by the 40242
Commission related to the distance learning clearinghouse shall be 40243
completed by the Chancellor in the same manner, and with the same 40244
effect, as if completed by the Commission. No validation, cure, 40245
right, privilege, remedy, obligation, or liability is lost or 40246
impaired by reason of moving the clearinghouse from the Commission 40247
to the Chancellor. 40248

(4) All of the rules of the Commission related to the 40249
distance learning clearinghouse continue in effect as rules of the 40250
Chancellor, until amended or rescinded by the Chancellor. 40251

(B) No judicial or administrative action or proceeding 40252
related to the distance learning clearinghouse, in which the 40253
Commission is a party, that is pending on the effective date of 40254
this section is affected by reason of moving the clearinghouse 40255
from the Commission to the Chancellor. Such action or proceeding 40256
shall be prosecuted or defended in the name of the Chancellor. On 40257
application to the court or other tribunal, the Chancellor of the 40258
Ohio Board of Regents shall be substituted for the eTech Ohio 40259
Commission as a party to such action or proceeding. 40260

(C) On the effective date of this section, all books, 40261

records, documents, files, transcripts, equipment, furniture, 40262
supplies, and other materials related to the distance learning 40263
clearinghouse assigned to or in the possession of the Commission 40264
shall be transferred to the Chancellor. 40265

Section 733.40. DOE MEDICAID SCHOOL COMPONENT OF THE MEDICAID 40266
PROGRAM 40267

Upon the request of the Superintendent of Public Instruction, 40268
the Director of Budget and Management may transfer up to 40269
\$1,000,000 cash and appropriation in fiscal year 2009 from General 40270
Revenue Fund appropriation item 200550, Foundation Funding, to 40271
appropriation item 200603, Schools Medicaid Administrative Claims 40272
(Fund 3AF0). The funds transferred are to be used by the 40273
Department of Education to pay the expenses the Department incurs 40274
in administering the Medicaid School Component of the Medicaid 40275
program established under sections 5111.71 to 5111.715 of the 40276
Revised Code. On June 1, 2009, or as soon as possible thereafter, 40277
the Director of Budget and Management shall transfer cash and 40278
appropriation back to General Revenue Fund appropriation item 40279
200550, Foundation Funding, the total amount transferred in fiscal 40280
year 2009. 40281

The money deposited into the Medicaid School Program 40282
Administrative Fund (Fund 3AF0) pursuant to division (B) of 40283
section 5111.714 of the Revised Code is hereby appropriated to 40284
appropriation item 200603, Schools Medicaid Administrative Claims, 40285
for fiscal year 2009 and shall be used in accordance with division 40286
(D) of section 5111.714 of the Revised Code. 40287

Section 733.50. Notwithstanding divisions (A)(1)(b) and (c) 40288
of section 3333.122 of the Revised Code, an Ohio resident who 40289
first enrolls in an undergraduate program in the 2008-2009 40290
academic year in an education program of at least two years' 40291

duration sponsored by a private institution of higher education in 40292
this state that meets the requirements of Title VI of the Civil 40293
Rights Act of 1964 and that as of July 1, 2008, has a pending 40294
application for a certificate of authorization from the Chancellor 40295
of the Board of Regents pursuant to Chapter 1713. of the Revised 40296
Code shall be an eligible student, as defined in section 3333.122 40297
of the Revised Code. 40298

For purposes of this section, "pending application" means a 40299
submitted application approved as sufficient by the Chancellor and 40300
that has not been otherwise denied or withdrawn. 40301

Section 733.60. The Governor shall consult with the Speaker 40302
of the House of Representatives and the President of the Senate 40303
prior to appointing initial members of the board of trustees of 40304
the Northeastern Ohio Universities College of Medicine under 40305
division (A)(3) of section 3350.10 of the Revised Code. 40306

Section 737.10. HOME MEDICAL EQUIPMENT SERVICE PROVIDERS 40307

If a provider of home medical equipment services holds a 40308
license or certificate of registration scheduled to expire in an 40309
odd-numbered year pursuant to sections 4752.05 and 4752.12 of the 40310
Revised Code, as those sections existed prior to being amended by 40311
this act, the next renewal of the license or certificate that 40312
occurs after the effective date of this section shall be processed 40313
by the Ohio Respiratory Care Board in accordance with the 40314
even-numbered year licensing and registration periods specified in 40315
sections 4752.05 and 4752.12 of the Revised Code, as amended by 40316
this act. The Board shall provide for a proportionate reduction in 40317
the renewal fee that otherwise would apply for renewing the 40318
license or certificate. 40319

Section 743.10. (A) The amendments made to section 4301.43 40320

and the enactment of sections 4303.071 and 4303.232 of the Revised Code by Am. Sub. H.B. 119 of the 127th General Assembly were not meant to subject the holders of B-2a permits or S permits to the tax levied under section 4301.43 of the Revised Code. The imposition of the tax levied under Section 4301.43 of the Revised Code on those permit holders was the result of a technical drafting error that the General Assembly is now correcting with this section.

(B) The Tax Commissioner shall determine the amount of tax that has been levied under section 4301.43 of the Revised Code on each holder of a B-2a permit and each holder of an S permit and that should not have been collected for the time period beginning on October 1, 2007, and ending on December 31, 2007, or for any period in calendar year 2008 for which a B-2a or S permit holder has already filed a return and paid the tax levied under section 4303.43 of the Revised Code prior to the effective date of this section. The Tax Commissioner then shall refund the amounts so determined to the applicable B-2a permit holders and S permit holders.

Section 751.10. ICF/MR CONVERSION

(A) As used in this section, "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code.

(B) For each quarter of fiscal year 2009, the Director of Mental Retardation and Developmental Disabilities shall certify to the Director of Budget and Management the estimated amount to be transferred from the Department of Job and Family Services to the Department of Mental Retardation and Developmental Disabilities for the provision of home and community-based services made available by the slots sought under section 5111.877 of the

Revised Code. On receipt of the certification from the Director of 40351
Mental Retardation and Developmental Disabilities, the Director of 40352
Budget and Management may do one or more of the following: 40353

(1) Reduce GRF appropriation item 600-525, Health 40355
Care/Medicaid, in the Department of Job and Family Services, by 40356
the estimated amount for providing the home and community-based 40357
services and increase GRF appropriation item 322-416, Medicaid 40358
Waiver - State Match, in the Department of Mental Retardation and 40359
Developmental Disabilities, by the state share of the estimated 40360
amount for the provision of the home and community-based services; 40361
40362

(2) Increase appropriation item 322-639, Medicaid Waiver - 40363
Federal, in the Department of Mental Retardation and Developmental 40364
Disabilities, by the federal share amount of the estimated amount 40365
for the provision of the home and community-based services; 40366

(3) Increase appropriation item 600-655, Interagency 40367
Reimbursement, in the Department of Job and Family Services, by 40368
the federal share of the estimated amount for the provision of the 40369
home and community-based services. 40370

Section 751.20. MONEY FOLLOWS THE PERSON ENHANCED 40371
REIMBURSEMENT FUND 40372

The Money Follows the Person Enhanced Reimbursement Fund is 40373
hereby created in the state treasury. The federal payments made to 40374
the state under subsection (e) of section 6071 of the "Deficit 40375
Reduction Act of 2005," Pub. L. No. 109-171, shall be deposited 40376
into the Fund. The Department of Job and Family Services shall use 40377
money deposited into the Fund for system reform activities related 40378
to the Money Follows the Person demonstration project. 40379

Section 751.23. JFS MEDICAID SCHOOL COMPONENT OF THE MEDICAID 40380

PROGRAM 40381

At the request of the Director of Job and Family Services, 40382
the Director of Budget and Management may increase the 40383
appropriation in appropriation item 600655, Interagency 40384
Reimbursement, for fiscal year 2009 by the amounts the Department 40385
of Job and Family Services receives from the federal government 40386
for the federal share of Medicaid services provided under, and 40387
administrative costs of, the Medicaid School Component of the 40388
Medicaid program established under sections 5111.71 to 5111.715 of 40389
the Revised Code. 40390

Section 751.30. MORATORIUM ON CLOSURE OF STATE MENTAL HEALTH 40391
FACILITIES 40392

(A) As used in this section, "state mental health facility" 40393
means an institution for the care and treatment of individuals 40394
with mental illness that is maintained, operated, managed, and 40395
governed by the Department of Mental Health pursuant to Chapter 40396
5119. of the Revised Code. 40397

(B) Until six months after the effective date of this 40398
section, neither the Governor nor the Department of Mental Health 40399
shall close a state mental health facility, notwithstanding the 40400
provisions of Chapter 5119. of the Revised Code or any other 40401
provision of the Revised Code under which the Department has 40402
jurisdiction over state mental health facilities. 40403

Section 753.10. (A) The Governor is hereby authorized to 40404
execute a deed in the name of the state conveying to a purchaser 40405
and the purchaser's successors and assigns or heirs and assigns 40406
all of the state's right, title, and interest in the following 40407
described real estate: 40408

Being situated in the State of Ohio, County of Marion, 40409

Township of Marion, and being a part of Section 26, Township 5 40410
South, Range 15 East, Marion Township, Marion County, Ohio, and 40411
being part of a 2.424 acre tract conveyed to Franchise Realty 40412
Interstate Corporation by deed dated April 26, 1973, shown of 40413
record in Deed Book 490, Page 464, Recorder's Office, Marion 40414
County, Ohio, and being more particularly described as follows: 40415

Beginning at a PK nail at the intersection of the easterly 40416
line of Section 26 (westerly line of Section 25), with the 40417
centerline of State Route #95 (Mount Vernon Avenue) (the 40418
centerline of State Route #95 is shown on Sheet 12 of 16 of the 40419
Right-of-Way Plans of MAR-95-16.49, Department of Highways, State 40420
of Ohio, Division 6, Delaware, Ohio), said nail is at the 40421
northeasterly corner of said 2.424 acre tract, and the 40422
northwesterly corner of a 30 acre tract (Tract #3) conveyed to the 40423
State of Ohio, shown of record in Deed Book 415, Page 207; 40424

Thence South 0 degrees, 11 minutes 18 seconds West, along the 40425
easterly line of said 2.424 acre tract (easterly line of Section 40426
26), and along the westerly line of said 30 acre tract (Tract #3) 40427
(westerly line of Section 25), passing an iron pin on the 40428
southerly right-of-way line of said State Route #95 at 43.01 feet, 40429
a total distance of 329.50 feet to an iron pin at the 40430
southeasterly corner of said 2.424 acre tract, and the 40431
northeasterly corner of a 17.08 acre tract conveyed to J.C. Neff 40432
and A.J. Uliano (Tract #1), shown of record in Deed Book 435, 346; 40433

Thence South 88 degrees 44 minutes 48 seconds West, along the 40434
southerly line of said 2.424 acre tract, and along the northerly 40435
line of said 17.08 acre tract (Tract #1), a distance of 150.00 40436
feet to an iron pin; 40437

Thence North 0 degrees 11 minutes 18 seconds East, across 40438
said 2.424 acre tract, and along a line parallel to the easterly 40439
line of said 2.424 acre tract, (easterly line of Section 26), 40440
passing an iron pin on the southerly right-of-way line of said 40441

State Route #95 at 286.49 feet, a total distance of 329.50 feet to 40442
a PK nail on the centerline of said State Route #95 (northerly 40443
line of said 2.424 acre tract); 40444

Thence North 88 degrees 44 minutes 48 seconds East, along the 40445
centerline of said State Route #95 (northerly line of said 2.424 40446
acre tract), a distance of 150.00 feet to the place of beginning, 40447
containing 1.134 acres more or less of which 0.148 acres more or 40448
less is within the present right-of-way limits of said State Route 40449
#95, leaving a net acreage of 0.986 acres more or less. 40450

LAST DEED REFERENCE: VOLUME 187 PAGE 558, RECORDS OF MARION 40451
COUNTY, OHIO. 40452

(B) The sale of the real estate described in division (A) of 40453
this section shall be carried out by the Board of Trustees of The 40454
Ohio State University. 40455

(C) Consideration for the real estate described in division 40456
(A) of this section shall be \$365,000, subject to adjustment 40457
pursuant to the purchase contract and costs incidental to the 40458
closing. 40459

(D) Closing costs incident to the sale of the real estate 40460
described in division (A) of this section required to be paid by 40461
the seller under the purchase contract shall be paid by the Board 40462
of Trustees of The Ohio State University. 40463

(E) Upon payment of the purchase price set forth in division 40464
(C) of this section, the Auditor of State, with the assistance of 40465
the Attorney General, shall prepare a deed to the real estate 40466
described in division (A) of this section, which deed shall state 40467
that the conveyance of the property is subject to real estate 40468
taxes and assessments not yet due and payable, those liens and 40469
encumbrances created or assumed by the purchaser, zoning 40470
ordinances and regulations, legal highways and public 40471
rights-of-way, and any easements, conditions, restrictions, and 40472

covenants of record. 40473

The deed shall be executed by the Governor in the name of the 40474
state, countersigned by the Secretary of State, sealed with the 40475
Great Seal of the State, presented in the office of the Auditor of 40476
State for recording, and delivered to the purchaser. The purchaser 40477
shall present the deed for recording in the office of the Marion 40478
County Recorder. 40479

(F) The net proceeds of the sale of the real estate described 40480
in division (A) of this section shall be deposited in The Ohio 40481
State University Land Purchase Account. 40482

(G) This section expires one year after its effective date. 40483

Section 753.20. (A) The Governor is hereby authorized to 40484
execute a Governor's Deed in the name of the state conveying to 40485
the Board of Commissioners of Shelby County, Ohio (grantee), and 40486
the grantee's successors and assigns, all of the state's right, 40487
title, and interest in the following described real estate: 40488

Situated in the State of Ohio, County of Shelby, Township of 40489
Jackson, being a part of the Southeast Quarter of the Southeast 40490
Quarter of Section 29, Township 7 South, Range 7 East, and being 40491
resurvey of that 6.070-acre tract and that 2.820-acre tract as 40492
conveyed to State of Ohio in Deed Volume 221, Page 524, all 40493
references being to those of record in the Recorder's Office, 40494
Shelby County, Ohio, said 8.905-acre parcel being more 40495
particularly bounded and described as follows: 40496

Commencing at a railroad spike found at the intersection of 40497
State Route 119 (width varies) and Wones Road (50' in width), also 40498
being the southeast corner of Section 29; 40499

Thence along the centerline of said State Route 119 and the 40500
southerly line of Section 29, North 89°42'00" West, passing a mag 40501
nail found at 467.78 feet and 777.73 feet, a total distance of 40502

1,222.65 feet to a mag nail set and being the Point of Beginning 40503
of the 8.905-acre parcel herein described; 40504

Thence continuing along the said centerline, North 89°42'00" 40505
West, 90.00 feet to a point at the southeasterly corner of the 40506
76.990-acre tract as conveyed to Lois M. Steenrod and Daniel 40507
Steenrod in Deed Volume 290, Page 34; 40508

Thence leaving the said centerline and along the easterly 40509
line of said Steenrod tract, North 00°53'00" East, passing an iron 40510
pin set in the northerly right-of-way line of said State Route 119 40511
at 50.00 feet, a total distance of 1,142.38 feet to an iron pin 40512
set at the southwesterly corner of the 5.92-acre tract as conveyed 40513
to Robert K. Depweg and Barbara A. Depweg in Deed Volume 299, Page 40514
246; 40515

Thence along the southerly line of said Depweg tract, the 40516
following three (3) courses and distances: 40517

South 89°47'00" East, 340.14 feet to an iron pin set; 40518

South 00°51'00" West, 13.69 feet to an iron pin set; and 40519

South 89°27'00" East, 194.11 feet to an iron pin set at the 40520
northwesterly corner of the 8.02-acre tract as conveyed to William 40521
Ray Young, Carolyn B. Young, and Robert L. Mummy in Deed Volume 40522
301, Page 297; 40523

Thence leaving the said southerly line and along the westerly 40524
line of said William Ray Young, Carolyn B. Young, and Robert L. 40525
Mummy tract, South 00°51'00" West, 633.33 feet to an iron pin set 40526
at the northeasterly corner of the 2.206-acre tract as conveyed to 40527
Daniel W. Steenrod in Official Record Book 1599, Page 18; 40528

Thence along the northerly line of said 2.206-acre tract and 40529
the northerly line of the 2.85-acre tract as conveyed to Daniel W. 40530
Steenrod in Deed Volume 327, Page 435, North 89°42'00" West, 40531
444.92 feet to an iron pin set at the northwesterly corner of said 40532

2.85-acre tract; 40533

Thence along the westerly line of said 2.85-acre tract, South 40534
00°51'00" West, passing an iron pin set in the said northerly 40535
right-of-way line at 445.00 feet, a total distance of 495.00 feet 40536
to the Point of Beginning and containing 8.905 acre, more or less. 40537

The above described area is contained within Shelby County 40538
Auditor Parcel Numbers 19-0629400.004 and 19-0629400.005. 40539

The bearings in the above description are based on the Ohio 40540
State Plane Coordinate System, Ohio North Zone, NAD83. 40541

All iron pins set are 5/8" rebar by 30 inches in length with 40542
red surveyors identification caps marked "J&H, PS 8283". 40543

Subject to all valid and existing easements, restrictions and 40544
conditions of record. 40545

This description may be modified to a final form if 40546
modifications are needed. 40547

(B) The real estate described in division (A) of this section 40548
shall be sold as an entire tract and not in parcels. 40549

(C) The Governor's Deed shall state that consideration for 40550
the conveyance of the real estate described in division (A) of 40551
this section shall be \$1.00 as derived by mutual agreement between 40552
the Director of Administrative Services and the grantee through an 40553
executed offer to purchase real estate. 40554

(D) Prior to the execution of the Governor's Deed, possession 40555
of the real estate described in division (A) of this section may 40556
be governed by an interim lease or license between the Ohio 40557
Department of Administrative Services and the grantee. 40558

(E) Upon payment of the purchase price, the Auditor of State, 40559
with the assistance of the Attorney General, shall prepare a 40560
Governor's Deed to the real estate described in division (A) of 40561
this section. The Governor's Deed shall state the consideration 40562

and shall be executed by the Governor in the name of the state, 40563
countersigned by the Secretary of State, sealed with the Great 40564
Seal of the State, presented in the office of the Auditor of State 40565
for recording, and delivered to the grantee. The grantee shall 40566
present the Governor's Deed for recording in the office of the 40567
Shelby County Recorder. 40568

(F) The Governor's Deed shall contain a restriction that 40569
grantee shall extend the existing agreement between Dayton Public 40570
Television and the state, for Dayton Public Television's right to 40571
use the Premises and tower located thereon, described in division 40572
(A) of this section, through June 30, 2009. 40573

(G) The risk of loss or damage to the real estate described 40574
in division (A) of this section shall remain with and is expressly 40575
assumed by the state until title passes at the time of the 40576
delivery of the Governor's Deed. 40577

(H) The grantee shall pay the costs of the conveyance of the 40578
real estate described in division (A) of this section, including 40579
recordation costs of the Governor's Deed. 40580

(I) This section expires one year after its effective date. 40581

Section 757.10. The purpose of the amendment by this act of 40582
section 5709.121 of the Revised Code is to clarify the intent of 40583
the General Assembly that institutions of the kind described in 40584
the amendment are charitable institutions for the purposes of that 40585
section as it existed before the effective date of the amendment. 40586
Therefore, the amendment applies to any application for exemption, 40587
or the property that is the subject of such application, pending 40588
before the Tax Commissioner on the effective date of this act or 40589
filed thereafter. 40590

Section 803.03. Notwithstanding division (E)(5) of section 40591
5721.37 of the Revised Code, the holder of a certificate for which 40592

a notice of intent to foreclose has been filed with the county treasurer before the effective date of this section shall have ninety days from the effective date of this section to file foreclosure proceedings in a court of competent jurisdiction.

Section 803.06. The amendment by this act of section 5739.02 of the Revised Code, adding divisions (B)(49) and (50), applies to sales described in those divisions on or after August 1, 2008.

Section 803.10. That the amendment of section 5747.01 of the Revised Code by this act applies to taxable years beginning on or after January 1, 2008.

Section 803.20. The amendment by this act to section 6117.012 of the Revised Code applies to any proceedings, covenant, stipulation, obligation, resolution, trust agreement, indenture, loan agreement, lease agreement, agreement, act, or action, or part of it, pending on the effective date of this act.

Section 803.31. Sections 4117.14 and 4117.15 of the Revised Code, as amended by this act, apply only to collective bargaining agreements and extensions and renewals of those agreements entered into on or after the effective date of those sections as amended by this act.

Section 803.40. Sections 4123.26, 4123.32, 4123.37, and 4123.54 of the Revised Code, as amended by this act, apply to all claims pursuant to Chapters 4121., 4123., and 4131. of the Revised Code arising on and after the effective date of those sections as amended by this act.

Section 803.43. Notwithstanding division (A) of section

4121.78 of the Revised Code, the amendments by this act to 40620
sections 4123.26, 4123.32, 4123.37, and 4123.54 of the Revised 40621
Code shall not be subject to the requirement that the Workers' 40622
Compensation Council study all changes to Chapters 4121., 4123., 40623
4127., and 4131. of the Revised Code proposed to the General 40624
Assembly and to report to the General Assembly on their probable 40625
costs, actuarial implications, and desirability as a matter of 40626
public policy. 40627

Section 803.50. BOARDS OF ALCOHOL, DRUG ADDICTION, AND MENTAL 40628
HEALTH SERVICES 40629

The amendments made by this act to section 340.02 of the 40630
Revised Code specifying the areas of interest to be reflected in 40631
the composition of a board of alcohol, drug addiction, and mental 40632
health service do not affect the terms of the members holding 40633
office on the effective date of this section. 40634

Section 806.10. The items of law contained in this act, and 40635
their applications, are severable. If any item of law contained in 40636
this act, or if any application of any item of law contained in 40637
this act, is held invalid, the invalidity does not affect other 40638
items of law contained in this act and their applications that can 40639
be given effect without the invalid item or application. 40640

Section 812.10. Except as otherwise provided in this act, the 40641
amendment, enactment, or repeal by this act of a section is 40642
subject to the referendum under Ohio Constitution, Article II, 40643
Section 1c and section 1.471 of the Revised Code. Such an 40644
amendment, enactment, or repeal takes effect on the date specified 40645
below for the amendment, enactment, or repeal or, if a date is not 40646
specified below for the amendment, enactment, or repeal, on the 40647
ninety-first day after this act is filed with the Secretary of 40648
State. 40649

Sections 9.231, 9.24, 9.835, 107.19, 109.71, 113.061, 117.11, 40650
120.08, 121.31, 122.171, 124.821, 125.02, 125.021, 125.022, 40651
125.04, 125.041, 125.05, 125.051, 125.06, 125.07, 125.18, 125.25, 40652
127.16, 133.08, 133.52, 135.101, 135.102, 135.103, 135.104, 40653
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3703.01, 3734.821, 3735.67, 3743.02, 3743.04, 3743.15, 3743.17, 40673
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3743.65, 3743.70, 3743.99, 3901.3814, 3905.40, 3923.281, 3923.443, 40675
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4123.37, 4123.54, 4141.31, 4141.312, 4301.355, 4301.421, 4301.424, 40677
4301.62, 4303.041, 4303.182, 4303.25, 4510.10, 4511.01, 4511.101, 40678
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6117.28, 6117.30, 6117.34, 6117.38, 6117.41, 6117.42, 6117.43, 40692
6117.44, 6117.45, 6117.49, 6121.045, and 6123.042 of the Revised 40693
Code. New sections 3323.31 and 3323.32 of the Revised Code that 40694
replace sections bearing the same numbers that have been 40695
renumbered. 40696
40697
40698
Section 5721.37 of the Revised Code, except as otherwise 40699
provided in this act. 40700
The amendment by this act of sections 5739.12, 5739.122, 40701
5739.124, 5741.12, 5741.121, and 5741.122 of the Revised Code 40702
takes effect January 1, 2009. 40703
Section 5 of Am. Sub. H.B. 24 of the 127th General Assembly, 40704
and Sections 103.80.50, 201.30, 201.50, 301.20.20, 301.20.80, 40705
401.11, and 401.71 of H.B. 496 of the 127th General Assembly, all 40706
as amended by this act. 40707
All sections of this act prefixed with a section number in 40708
the 200s. 40709
Sections 701.10, 701.20, 703.20, 705.10, 711.10, 715.10, 40710
715.50, 733.30, 733.60, 737.10, 753.10, 753.20, 757.10, 803.03, 40711
803.10, 803.20, 803.31, 803.40, 803.43, 803.50, 812.10, 815.10, 40712
and 815.20 of this act. 40713

Section 812.20. The amendment, enactment, or repeal by this 40714
act of the following sections is exempt from the referendum under 40715
Ohio Constitution, Article II, Section 1d and section 1.471 of the 40716
Revised Code and takes effect on the date specified below for the 40717
amendment, enactment or repeal or, if a date is not specified 40718
below for the amendment, enactment or repeal, immediately when 40719
this act becomes law. 40720

Sections 105.41, 113.40, 117.13, 117.38, 149.30, 519.213, 40721
713.081, 1333.61, 2903.213, 2903.214, 2907.10, 2919.26, 2943.033, 40722
3107.018, 3113.31, 3314.40, 3317.11, 3318.01, 3318.03, 3318.032, 40723
3318.033, 3318.034, 3318.04, 3318.37, 3318.90, 3326.45, 3326.51, 40724
3333.04, 3333.044, 3333.122, 3501.17, 3702.71, 3702.72, 3702.73, 40725
3702.74, 3702.75, 3702.78, 3702.79, 3702.81, 3702.85, 3702.86, 40726
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5101.572, 5111.0210, 5111.091, 5111.31, 5111.71, 5111.711, 40728
5111.712, 5111.713, 5111.714, 5111.715, 5111.874, 5111.875, 40729
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5111.8813, 5111.8814, 5111.8815, 5111.8816, 5111.8817, 5111.94, 40733
5112.311, 5123.196, 5703.82, 5727.84, 5727.85, 5739.21, 5745.05, 40734
5751.20, and 5751.21 of the Revised Code. 40735

The enactment of sections 5112.371 and 5123.0417 of the 40737
Revised Code takes effect July 1, 2008. 40738

The amendment of section 5112.37 of the Revised Code takes 40739
effect July 1, 2008. 40740

Except as otherwise provided in this paragraph, the amendment 40741
of section 5112.31 of the Revised Code takes effect July 1, 2008. 40742
The amendment striking ", except as adjusted under section 40743
5112.311 of the Revised Code," takes effect immediately when this 40744

act becomes law. 40745

The repeal of section 5739.213 of the Revised Code takes 40746
effect July 1, 2008. 40747

Sections 203.50, 209.10, 223.10, and 315.10 of Am. Sub. H.B. 40748
67 of the 127th General Assembly, Section 201.10 of Am. Sub. H.B. 40749
100 of the 127th General Assembly, Sections 207.20.50, 207.20.70, 40750
207.30.10, 207.30.20, 207.30.30, 219.10, 235.10, 249.10, 261.10, 40751
263.10, 263.20.10, 263.20.80, 263.30.10, 269.30.30, 269.30.70, 40752
269.40.50, 269.50.30, 275.10, 293.10, 299.10, 307.10, 309.10, 40753
309.30.13, 309.30.30, 309.30.40, 309.30.41, 309.30.42, 309.40.33, 40754
337.30, 337.30.43, 337.40, 337.40.15, 369.10, 375.10, 375.80.10, 40755
379.10, 393.10, 405.10, 407.10, 512.03, 512.35, and 518.03 of Am. 40756
Sub. H.B. 119 of the 127th General Assembly, and Section 101.10 of 40757
H.B. 496 of the 127th General Assembly, all as amended by this 40758
act. 40759

Sections 503.10, 503.20, 503.30, 503.40, 515.10, 515.20, 40760
515.21, 515.30, 515.40, 515.50, 515.60, 703.30, 707.20, 733.10, 40761
733.13, 733.14, 733.15, 733.20, 733.21, 733.40, 733.50, 751.10, 40762
751.20, 751.23, 751.30, 806.10, 812.20, 812.40, and 812.50 of this 40763
act. 40764

Section 812.30. The amendment, enactment, or repeal by this 40765
act of the following sections provides for or is essential to 40766
implementation of a tax levy, is exempt from the referendum under 40767
Ohio Constitution, Article II, Section 1d, and takes effect on the 40768
date specified below for the amendment, enactment, or repeal or, 40769
if a date is not specified below for the amendment, enactment, or 40770
repeal, immediately when this act becomes law. 40771

Sections 1346.03, 2921.13, and 5739.02 of the Revised Code. 40772

Sections 743.10, 803.06, and 812.30 of this act. 40773

Section 812.40. The amendment by this act of the sections of 40774

law that are listed in the left-hand column of the following table 40775
combine amendments that are and are not exempt from the referendum 40776
under Ohio Constitution, Article II, Sections 1c and 1d and 40777
section 1.471 of the Revised Code. 40778

The middle column identifies the amendments that are subject 40779
to the referendum under Ohio Constitution, Article II, Section 1c 40780
and section 1.471 of the Revised Code and take effect on the 40781
ninety-first day after this act is filed with the Secretary of 40782
State. 40783

The right-hand column identifies the amendments that are 40784
exempt from the referendum under Ohio Constitution, Article II, 40785
Section 1d and section 1.471 of the Revised Code and take effect 40786
immediately when this act becomes law. 40787

Section of law	Amendments subject to referendum	Amendments exempt from referendum	
3317.023	Division (P)	Divisions (A) and (O)	40788 40789

Section 812.50. The amendments by this act of divisions 40790
(E)(1), (E)(3), and (E)(4) of section 5721.37 of the Revised Code 40791
and of division (A) of that section as the amendments pertain to 40792
the extension from three to six years of the time limit within 40793
which a holder of a tax certificate purchased at public auction 40794
may institute a foreclosure action are exempt from the referendum 40795
under Ohio Constitution, Article II, Section 1d and section 1.471 40796
of the Revised Code, and take effect immediately when this act 40797
becomes law. 40798

Section 815.10. Section 109.71 of the Revised Code is 40799
presented in this act as a composite of the section as amended by 40800
both Sub. H.B. 347 and Sub. H.B. 454 of the 126th General 40801
Assembly. Section 2935.01 of the Revised Code is presented in this 40802
act as a composite of the section as amended by both Sub. H.B. 545 40803

and H.B. 675 of the 124th General Assembly. Section 4301.421 of 40804
the Revised Code is presented in this act as a composite of the 40805
section as amended by both Sub. H.B. 239 and Am. Sub. S.B. 188 of 40806
the 121st General Assembly. The General Assembly, applying the 40807
principle stated in division (B) of section 1.52 of the Revised 40808
Code that amendments are to be harmonized if reasonably capable of 40809
simultaneous operation, finds that the composites are the 40810
resulting versions of the sections in effect prior to the 40811
effective date of the sections as presented in this act. 40812

Section 815.20. The amendment by this act of section 3501.19 40814
of the Revised Code does not supersede the earlier repeal, with 40815
delayed effective date, of that section. 40816