

As Reported by the Committee of Conference, Part II

Part II of this act continues Part I

Sec. 5121.04. (A) ~~The department of mental health and the~~ 64919
department of mental retardation and developmental disabilities 64920
shall investigate the financial condition of the ~~patients in~~ 64921
~~hospitals and~~ residents in institutions, residents whose care or 64922
treatment is being paid for in a private facility or home under 64923
the control of the department ~~of mental retardation and~~ 64924
~~developmental disabilities~~, and of the relatives named in section 64925
5121.06 of the Revised Code as liable for the support of such 64926
~~patients or~~ residents, in order to determine the ability of any 64927
~~patient,~~ resident, or ~~such~~ liable relatives to pay for the support 64928
of the ~~patient or~~ resident and to provide suitable clothing as 64929
required by the superintendent of the institution. 64930

~~The department of mental health shall investigate the~~ 64931
~~financial condition of patients receiving state operated community~~ 64932
~~mental health services and of the liable relatives to determine~~ 64933
~~the patient's or relative's ability to pay for the patient's~~ 64934
~~support. In all cases, in determining ability to pay and the~~ 64935
~~amount to be charged, due regard shall be had for others who may~~ 64936
~~be dependent for support upon such relatives or the estate of the~~ 64937
~~patient.~~ 64938

(B) The department shall follow the provisions of this 64939
division in determining the ability to pay of a ~~patient or~~ 64940
resident or the ~~patient's or~~ resident's liable relatives and the 64941
amount to be charged such ~~patient or~~ resident or liable relatives. 64942

(1) Subject to divisions (B)(10) and (11) of this section, a 64943
~~patient or~~ resident without dependents shall be liable for the 64944
full applicable cost. A ~~patient or~~ resident without dependents who 64945
has a gross annual income equal to or exceeding the sum of the 64946

full applicable cost, plus fifty dollars per month, regardless of 64947
the source of such income, shall pay currently the full amount of 64948
the applicable cost; if the ~~patient's or~~ resident's gross annual 64949
income is less than such sum, not more than fifty dollars per 64950
month shall be kept for personal use by or on behalf of the 64951
~~patient or~~ resident, except as permitted in the state plan for 64952
providing medical assistance under Title XIX of the "Social 64953
Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and 64954
the balance shall be paid currently on the ~~patient's or~~ resident's 64955
support. Subject to divisions (B)(10) and (11) of this section, 64956
the estate of a ~~patient or~~ resident without dependents shall pay 64957
currently any remaining difference between the applicable cost and 64958
the amounts prescribed in this section, or shall execute an 64959
agreement with the department for payment to be made at some 64960
future date under terms suitable to the department. However, no 64961
security interest, mortgage, or lien shall be taken, granted, or 64962
charged against any principal residence of a ~~patient or~~ resident 64963
without dependents under an agreement or otherwise to secure 64964
support payments, and no foreclosure actions shall be taken on 64965
security interests, mortgages, or liens taken, granted, or charged 64966
against principal residences of ~~patients or~~ residents prior to 64967
October 7, 1977. 64968

(2) The ability to pay of a ~~patient or~~ resident with 64969
dependents, or of a liable relative of a ~~patient or~~ resident 64970
either with or without dependents, shall be determined in 64971
accordance with the ~~patient's, resident's, or liable relative's~~ 64972
income or other assets, the needs of others who are dependent on 64973
such income and other assets for support, and, if applicable, 64974
divisions (B)(10) and (11) of this section. 64975

For the first thirty days of care and treatment of each 64976
admission ~~and for the first thirty days of care and treatment from~~ 64977
~~state-operated community mental health services,~~ but in no event 64978

for more than thirty days in any calendar year, the mentally ill	64979
patient or mentally retarded resident with dependents or the	64980
liable relative of a mentally ill patient or a mentally retarded	64981
resident either with or without dependents shall be charged an	64982
amount equal to the percentage of the average applicable cost	64983
determined in accordance with the schedule of adjusted gross	64984
annual income contained after this paragraph. After such first	64985
thirty days of care and treatment, such mentally ill patient or	64986
mentally retarded resident or such liable relative shall be	64987
charged an amount equal to the percentage of a base support rate	64988
of four dollars per day for mentally ill patients and mentally	64989
retarded residents, as determined in accordance with the schedule	64990
of gross annual income contained after this paragraph, or in	64991
accordance with division (B)(5) of this section. Beginning January	64992
1, 1978, the department shall increase the base rate when the	64993
consumer price index average is more than 4.0 for the preceding	64994
calendar year by not more than the average for such calendar year.	64995
Adjusted Gross Annual	64996
Income of Patient or Resident	64997
or Liable Relative (FN a)	64998
Number of Dependents (FN b)	64999
	8 or
	more
	65000
Rate of Support (In Percentages)	65001
\$15,000 or less	65002
15,001 to 17,500	65003
17,501 to 20,000	65004
20,001 to 21,000	65005
21,001 to 22,000	65006
22,001 to 23,000	65007
23,001 to 24,000	65008
24,001 to 25,000	65009
25,001 to 26,000	65010

26,001 to 27,000	60	55	50	45	40	35	30	25	65011
27,001 to 28,000	70	60	55	50	45	40	35	30	65012
28,001 to 30,000	80	70	60	55	50	45	40	35	65013
30,001 to 40,000	90	80	70	60	55	50	45	40	65014
40,001 and over	100	90	80	70	60	55	50	45	65015

Footnote a. The ~~patient or~~ resident or relative shall furnish 65016
a copy of the ~~patient's,~~ resident's, or relative's federal income 65017
tax return as evidence of gross annual income. 65018

Footnote b. The number of dependents includes the liable 65019
relative but excludes ~~the patient or a~~ resident in ~~the hospital or~~
an institution. "Dependent" includes any person who receives more 65020
than half the person's support from the ~~patient~~ resident or the 65021
~~patient's~~ resident's liable relative. 65022
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(3) A ~~patient or~~ resident or liable relative having medical, 65024
funeral, or related expenses in excess of four per cent of the 65025
adjusted gross annual income, which expenses were not covered by 65026
insurance, may adjust such gross annual income by reducing the 65027
adjusted gross annual income by the full amount of such expenses. 65028
Proof of such expenses satisfactory to the department must be 65029
furnished. 65030

(4) Additional dependencies may be claimed if: 65031

(a) The liable relative is blind; 65032

(b) The liable relative is over sixty-five; 65033

(c) A child is a college student with expenses in excess of 65034
fifty dollars per month; 65035

(d) The services of a housekeeper, costing in excess of fifty 65036
dollars per month, are required if the person who normally keeps 65037
house for minor children is the ~~patient or~~ resident. 65038

(5) If with respect to any ~~patient or~~ resident with 65039
dependents there is chargeable under division (B)(2) of this 65040

section less than fifty per cent of the applicable cost or, if the 65041
base support rate was used, less than fifty per cent of the amount 65042
determined by use of the base support rate, and if with respect to 65043
such ~~patient~~ or resident there is a liable relative who has an 65044
estate having a value in excess of fifteen thousand dollars or if 65045
such ~~patient~~ or resident has a dependent and an estate having a 65046
value in excess of fifteen thousand dollars, there shall be paid 65047
with respect to such ~~patient~~ or resident a total of fifty per cent 65048
of the applicable cost or the base support rate amount, as the 65049
case may be, on a current basis or there shall be executed with 65050
respect to such ~~patient~~ or resident an agreement with the 65051
department for payment to be made at some future date under terms 65052
suitable to the department. 65053

(6) When a person has been a ~~patient~~ or resident for fifteen 65054
years and the support charges for which a relative is liable have 65055
been paid for the fifteen-year period, the liable relative shall 65056
be relieved of any further support charges. 65057

(7) The department shall accept voluntary payments from 65058
~~patients~~ or residents or liable relatives whose incomes are below 65059
the minimum shown in the schedule set forth in this division. The 65060
department also shall accept voluntary payments in excess of 65061
required amounts from both liable and nonliable relatives. 65062

(8) If a ~~patient~~ or resident is covered by an insurance 65063
policy, or other contract that provides for payment of expenses 65064
for care and treatment for ~~mental illness~~ or mental retardation or 65065
other developmental disability at or from an institution, or 65066
facility (including a ~~hospital~~ or community service unit under the 65067
jurisdiction of the department), ~~or state-operated community~~ 65068
~~mental health service~~, the other provisions of this section, 65069
except divisions (B)(8), (10), and (11) of this section, and of 65070
section ~~5121.03~~ 5121.01 of the Revised Code shall be suspended to 65071

the extent that such insurance policy or other contract is in 65072
force, and such ~~patient~~ or resident shall be charged the full 65073
amount of the applicable cost. Any insurance carrier or other 65074
third party payor providing coverage for such care and treatment 65075
shall pay for this support obligation in an amount equal to the 65076
lesser of either the applicable cost or the benefits provided 65077
under the policy or other contract. Whether or not an insured, 65078
owner of, or other person having an interest in such policy or 65079
other contract is liable for support payments under other 65080
provisions of this chapter, the insured, policy owner, or other 65081
person shall assign payment directly to the department of all 65082
assignable benefits under the policy or other contract and shall 65083
pay over to the department, within ten days of receipt, all 65084
insurance or other benefits received as reimbursement or payment 65085
for expenses incurred by the ~~patient~~ or resident or for any other 65086
reason. If the insured, policy owner, or other person refuses to 65087
assign such payment to the department or refuses to pay such 65088
received reimbursements or payments over to the department within 65089
ten days of receipt, the insured's, policy owners', or other 65090
person's total liability for the services equals the applicable 65091
statutory liability for payment for the services as determined 65092
under other provisions of this chapter, plus the amounts payable 65093
under the terms of the policy or other contract. In no event shall 65094
this total liability exceed the full amount of the applicable 65095
cost. Upon its request, the department is entitled to a court 65096
order that compels the insured, owner of, or other person having 65097
an interest in the policy or other contract to comply with the 65098
assignment requirements of this division or that itself serves as 65099
a legally sufficient assignment in compliance with such 65100
requirements. Notwithstanding section ~~5122.31~~ 5123.89 of the 65101
Revised Code and any other law relating to confidentiality of 65102
records, the managing officer of the institution or facility where 65103

a person is or has been a ~~patient or~~ resident, ~~or the managing~~ 65104
~~officer of the state operated community mental health services~~ 65105
~~from which the patient receives services,~~ shall disclose pertinent 65106
medical information concerning the ~~patient or~~ resident to the 65107
insurance carrier or other third party payor in question, in order 65108
to effect collection from the carrier or payor of the state's 65109
claim for care and treatment under this division. For such 65110
disclosure, the managing officer is not subject to any civil or 65111
criminal liability. 65112

(9) The rate to be charged for pre-admission care, 65113
after-care, day-care, or routine consultation and treatment 65114
services shall be based upon the ability of the ~~patient or~~ 65115
resident or the ~~patient's or~~ resident's liable relatives to pay. 65116
When it is determined by the department that a charge shall be 65117
made, such charge shall be computed as provided in divisions 65118
(B)(1) and (2) of this section. 65119

(10) If a ~~patient or~~ resident with or without dependents is 65120
the beneficiary of a trust created pursuant to section 1339.51 of 65121
the Revised Code, then, notwithstanding any contrary provision of 65122
this chapter or of a rule adopted pursuant to this chapter, 65123
divisions (C) and (D) of that section shall apply in determining 65124
the assets or resources of the ~~patient or~~ resident, the ~~patient's~~ 65125
~~or~~ resident's estate, the settlor, or the settlor's estate and to 65126
claims arising under this chapter against the ~~patient or~~ resident, 65127
the ~~patient's or~~ resident's estate, the settlor, or the settlor's 65128
estate. 65129

(11) If the department ~~of mental retardation and~~ 65130
~~developmental disabilities~~ waives the liability of an individual 65131
and the individual's liable relatives pursuant to section 5123.194 65132
of the Revised Code, the liability of the individual and relative 65133
ceases in accordance with the waiver's terms. 65134

(C) The department may enter into agreements with a ~~patient~~ 65135
~~or~~ resident or a liable relative for support payments to be made 65136
in the future. However, no security interest, mortgage, or lien 65137
shall be taken, granted, or charged against any principal family 65138
residence of a ~~patient or~~ resident with dependents or a liable 65139
relative under an agreement or otherwise to secure support 65140
payments, and no foreclosure actions shall be taken on security 65141
interests, mortgages or liens taken, granted, or charged against 65142
principal residences of ~~patients or~~ residents or liable relatives 65143
prior to October 7, 1977. 65144

(D) The department shall make all investigations and 65145
determinations required by this section within ninety days after a 65146
~~patient or~~ resident is admitted to an institution under the 65147
department's control ~~or a patient begins to receive state operated~~ 65148
~~community mental health services,~~ and immediately shall notify by 65149
mail the persons liable of the amount to be charged. 65150

(E) All actions to enforce the collection of payments agreed 65151
upon or charged by the department shall be commenced within six 65152
years after the date of default of an agreement to pay support 65153
charges or the date such payment becomes delinquent. If a payment 65154
is made pursuant to an agreement which is in default, a new 65155
six-year period for actions to enforce the collection of payments 65156
under such agreement shall be computed from the date of such 65157
payment. For purposes of this division an agreement is in default 65158
or a payment is delinquent if a payment is not made within thirty 65159
days after it is incurred or a payment, pursuant to an agreement, 65160
is not made within thirty days after the date specified for such 65161
payment. In all actions to enforce the collection of payment for 65162
the liability for support, every court of record shall receive 65163
into evidence the proof of claim made by the state together with 65164
all debts and credits, and it shall be prima-facie evidence of the 65165

facts contained in it.

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Sec. 5121.05. ~~The department of mental health and the~~
department of mental retardation and developmental disabilities
may subpoena witnesses, take testimony under oath, and examine any
public records relating to the income and other assets of a
~~patient or resident or of a relative liable for such patient's or~~
~~resident's support~~ relative. All information, conclusions, and
recommendations shall be submitted to the department by the
investigating agent of the department. The department shall
determine the amount of support to be paid, by whom, and whether
clothing shall be furnished by the relatives or guardian.

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Sec. 5121.06. (A) The following persons other than the
~~patient or resident or the patient's or resident's estate~~ are
liable relatives and all the following persons are jointly and
severally liable for the support of a ~~patient or resident~~ in a
~~hospital or an~~ institution under the control of ~~the department of~~
~~mental health or~~ the department of mental retardation and
developmental disabilities ~~or for the support of a patient~~
~~receiving state operated community mental health services:~~

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(1) The ~~patient or resident or the patient's or resident's~~
estate;

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(2) The ~~patient's or resident's~~ spouse;

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(3) The father or mother, or both, of a minor ~~patient or~~
resident under the age of eighteen years.

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(B) The department shall determine, pursuant to section
5121.04 of the Revised Code, the amount to be charged each ~~such~~
resident and liable ~~person~~ relative in the order named in this
section, but shall not collect from any person more than one
hundred per cent of the applicable cost.

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(C) An action to collect delinquent payments or to enforce 65195
agreements in default may be brought against any or all persons 65196
named in this section. To the extent parents of adult ~~patients or~~ 65197
residents, pursuant to the language of this section previously in 65198
force, incurred charges for the support of such ~~patients or~~ 65199
residents between the eighteenth birthday of such ~~patient or~~ 65200
resident and July 1, 1975, their liability for such period may be 65201
cancelled, compromised, or settled as provided in section 5121.07 65202
of the Revised Code. 65203

(D) Irrespective of the number of ~~patients or~~ residents whose 65204
care might be chargeable against a liable relative, no individual 65205
liable relative nor ~~any~~ group of liable relatives who are members 65206
of the same family unit shall be charged with the support of more 65207
than one ~~patient or~~ resident during the same period of time, and 65208
different periods of time for which such liable relative has paid 65209
the charges for such different ~~patients' or~~ residents' care and 65210
support shall be added together for the purpose of completing the 65211
maximum fifteen-year period of liability of such liable relative 65212
under division (B)(6) of section 5121.04 of the Revised Code. 65213

Sec. 5121.061. The authority of ~~the department of mental~~ 65214
~~health or~~ the department of mental retardation and developmental 65215
disabilities to modify support charges pursuant to section 5121.04 65216
of the Revised Code shall not be exercised until the ~~patient or~~ 65217
resident or liable relative has petitioned the department for 65218
modification as provided in section 5121.07 of the Revised Code 65219
and has offered to the department satisfactory proof of ~~his~~ the 65220
resident's or liable relative's earnings and assets. The 65221
department may modify the charges if its investigation warrants 65222
such modification. 65223

Sec. 5121.07. Any person who has been charged with the 65224

payment of the support of a ~~patient or resident of any benevolent~~ 65225
~~institution;~~ or for pre-admission care, after-care, day-care, or 65226
routine consultation and treatment services in a community service 65227
unit under the control of ~~the department of mental health or the~~ 65228
department of mental retardation and developmental disabilities; 65229
~~or for the cost of state-operated community mental health services~~ 65230
may petition the department for a release from, or modification 65231
of, such charge, and the department, after an investigation, may 65232
cancel or modify such former charge, or may cancel, compromise, or 65233
settle any accrued liability in an amount not exceeding five 65234
thousand dollars. Amounts in excess thereof may be canceled, 65235
compromised, or settled as provided in section 131.02 of the 65236
Revised Code. The department may for due cause increase the amount 65237
previously ordered paid. 65238

Sec. 5121.08. The managing officers of the ~~benevolent~~ 65239
institutions under the control of ~~the department of mental health~~ 65240
~~and~~ the department of mental retardation and developmental 65241
disabilities, ~~the managing officers of state-operated community~~ 65242
~~mental health services,~~ and the committing court, if requested, 65243
shall submit to the department such information as they may obtain 65244
concerning the financial condition of any ~~patient or resident or~~ 65245
of relatives liable for the ~~patient's or resident's~~ support. 65246

Sec. 5121.09. In case the estate of any ~~patient or resident~~ 65247
in a ~~benevolent~~ an institution under the jurisdiction of ~~the~~ 65248
~~department of mental health or the department of mental~~ 65249
retardation and developmental disabilities ~~or receiving~~ 65250
~~state-operated community mental health services~~ is sufficient for 65251
the ~~patient's or resident's~~ support, without hardship to any 65252
others who may be dependent thereon, and no guardian has been 65253
appointed for such estate, the agent of the department shall 65254
petition the probate court of the proper county to appoint a 65255

guardian. 65256

Sec. 5121.10. Upon the death of a ~~person who is a patient or~~ 65257
~~resident,~~ or ~~has been a patient or~~ former resident, of any 65258
~~benevolent~~ institution under the jurisdiction of ~~the department of~~ 65259
~~mental health or~~ the department of mental retardation and 65260
~~developmental disabilities or state-operated community mental~~ 65261
~~health services,~~ or upon the death of a person responsible under 65262
section 5121.06 of the Revised Code for the support of a ~~patient~~ 65263
~~or~~ resident, the department may waive the presentation of any 65264
claim for support against the estate of such decedent, when in its 65265
judgment an otherwise dependent person will be directly benefited 65266
by the estate. Claims against an estate for support of a ~~patient~~ 65267
~~or~~ resident are subject to section 1339.51 and Chapter 2117. of 65268
the Revised Code, and shall be treated, and may be barred, the 65269
same as the claims of other creditors of the estate, pursuant to 65270
that section or chapter. 65271

The department may accept from a guardian or trustee of a 65272
~~patient or~~ resident a contract agreeing to pay to the state from 65273
the property of the guardian's or trustee's ward before or at the 65274
death of the ward a fixed annual amount for the support of the 65275
ward while the ward is a ~~patient or~~ resident, with interest at 65276
four per cent per annum. A copy of the contract shall be filed in 65277
the probate court of the proper county and duly entered as a part 65278
of the records concerning the ward. 65279

Sec. 5121.11. The state shall bear the expense of the burial 65280
or cremation of an indigent ~~patient or~~ resident who dies in a 65281
state ~~hospital for the mentally ill, or~~ institution ~~for the~~ 65282
~~mentally retarded,~~ operated by the department of mental 65283
retardation and developmental disabilities under section 5123.03 65284
of the Revised Code or in a state correctional institution, if the 65285
body is not claimed for interment or cremation at the expense of 65286

friends or relatives, or is not delivered for anatomical purposes 65287
or for the study of embalming in accordance with section 1713.34 65288
of the Revised Code. The managing officer of the institution shall 65289
provide at the grave of the person or, if the person's cremated 65290
remains are buried, at the grave of the person's cremated remains, 65291
a metal, stone, or concrete marker on which shall be inscribed the 65292
name and age of the person and the date of death. 65293

Sec. 5121.12. The support and maintenance of ~~patients~~ 65294
~~confined in state hospitals for the mentally ill or of residents~~ 65295
~~confined in state institutions for the mentally retarded~~ operated 65296
by the department of mental retardation and developmental 65297
disabilities under section 5123.03 of the Revised Code, including 65298
those transferred to them from state correctional institutions, 65299
and also including persons under indictment or conviction for 65300
crime, shall be collected and paid in accordance with ~~this chapter~~ 65301
sections 5121.01 to 5121.21 of the Revised Code. 65302

Sec. 5121.21. ~~(A)~~ If payment of any amount due the state 65303
under the provisions of Chapter 5121. of the Revised Code is made 65304
on account of a ~~patient or~~ resident by any liable relative, as 65305
defined in division (A) of section 5121.06 of the Revised Code, 65306
such relative may recover the following amounts from the following 65307
persons; provided, that in no event may such relative recover in 65308
total more than such relative has paid the state, and provided, 65309
that in no event is the person from whom recovery is sought 65310
obliged to pay at a rate of support higher than such person would 65311
have paid had the state proceeded directly against such person: 65312

~~(1)~~(A) Any liable person may recover from the ~~patient or~~ 65313
resident, ~~his~~ the resident's guardian, or from the executor or 65314
administrator of the ~~patient's or~~ resident's estate, the full 65315
amount of payment made by such liable relative. 65316

~~(2)~~(B) Any liable relative may recover from the ~~patient's or~~ 65317
resident's ~~husband or wife,~~ spouse the full amount of payment made 65318
by such liable relative. 65319

~~(3)~~(C) A minor ~~patient's or~~ resident's mother may recover 65320
from such minor ~~patient's or~~ resident's father ~~the full~~ one-half 65321
of the amount of payment made by such mother. 65322

~~(4)~~(D) Any liable relative, other than the ~~patient's or~~ 65323
resident's spouse and other than a minor ~~patient's or~~ resident's 65324
parent, may recover from such ~~of a patient's or~~ resident's adult 65325
sons and daughters as are liable under division (A)(4) of section 65326
5121.06 of the Revised Code, the full amount of payment made by 65327
such liable relative; provided, that there may be recovered from 65328
each such son or daughter only such proportion of the total 65329
payment as the figure one bears to the total number of such adult 65330
sons and daughters. 65331

~~(5)~~(E) An adult ~~patient's or~~ resident's mother may recover 65332
from an adult ~~patient's or~~ resident's father ~~the full~~ one-half of 65333
the amount of payment made by such mother. 65334

Sec. 5121.30. As used in sections 5121.30 to 5121.56 of the 65335
Revised Code: 65336

(A) "Community mental health services client" or "client" 65337
means a person receiving state-operated community mental health 65338
services. 65339

(B) "Countable assets" means all of the following: 65340

(1) Cash; 65341

(2) Bank deposits; 65342

(3) Securities; 65343

(4) Individual retirement accounts; 65344

(5) Qualified employer plans, including 401(k) and Keogh 65345

<u>plans;</u>	65346
<u>(6) Annuities;</u>	65347
<u>(7) Funds in a trust created under section 1339.51 of the Revised Code;</u>	65348
<u>(8) Investment property and income;</u>	65349
<u>(9) The cash surrender values of life insurance policies;</u>	65350
<u>(10) Assets acquired by gift, bequest, devise, or inheritance;</u>	65351
<u>(11) Any other asset determined by the department of mental health to be equivalent to the assets enumerated in this division.</u>	65352
<u>(C) "Federal poverty level" or "FPL" means the income level represented by the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.</u>	65353
<u>(D) "Federal poverty guidelines" means the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.</u>	65354
<u>(E) "Hospital" means an institution, hospital, or other place established, controlled, or supervised by the department of mental health under Chapter 5119. of the Revised Code.</u>	65355
<u>(F) "Liable relative" means all of the following:</u>	65356
<u>(1) A patient's spouse;</u>	65357
<u>(2) A patient's mother or father, or both, if the patient is</u>	65358

under eighteen years of age; 65375

(3) A patient's guardian. 65376

(G) "Patient" means a person admitted to a hospital for 65377
inpatient care or treatment, including a person transferred to a 65378
hospital from a state correctional institution or a person under 65379
indictment or conviction who has been transferred to a hospital. 65380

Sec. 5121.31. All patients shall be maintained at the expense 65381
of the state. The traveling and incidental expenses in conveying 65382
them to a hospital shall be paid by the county of commitment. On 65383
admission, patients shall be neatly and comfortably clothed. 65384
Thereafter, the expense of necessary clothing shall be borne by 65385
the responsible relatives or guardian if they are financially 65386
able. If not furnished, the state shall bear the expense. Any 65387
required traveling expense after admission to the hospital shall 65388
be borne by the state if the responsible relatives or guardian is 65389
unable to do so. 65390

Sec. 5121.32. On an annual basis, the department of mental 65391
health shall determine both of the following using generally 65392
accepted governmental accounting principles: 65393

(A) The applicable per diem charge for each hospital operated 65394
by the department; 65395

(B) The ancillary per diem rate for each hospital operated by 65396
the department. 65397

In determining a hospital's applicable per diem charge and 65398
ancillary per diem rate, the department shall consider the average 65399
actual per diem cost of maintaining and treating a patient at the 65400
hospital or, at the department's discretion, the average actual 65401
per diem cost of maintaining and treating a patient in a unit of 65402
the hospital. 65403

Sec. 5121.33. Except as provided in sections 5121.35, 5121.43, 5121.46, 5121.47, 5121.49, and 5121.52 of the Revised Code, the department of mental health shall, for each billing cycle, charge a patient, patient's estate, or liable relative an amount equal to the sum of the following:

(A) The applicable per diem charge multiplied by the number of days the patient was admitted to the hospital;

(B) An amount that was previously billed but not paid.

Sec. 5121.34. (A) A patient, patient's estate, and patient's liable relatives shall be jointly and severally liable for amounts charged by the department of mental health in accordance with section 5121.33 or 5121.35 of the Revised Code. In no case shall any of the foregoing persons be liable for more than one hundred per cent of the full sum charged under section 5121.33 of the Revised Code.

(B) Collections of support payments shall be made by the department and, subject to meeting prior requirements for payment and crediting of such collections and other available receipts, in accordance with the bond proceedings applicable to obligations issued pursuant to section 154.20 of the Revised Code. The collections and other available receipts designated by the director of mental health for deposit in the special accounts, together with insurance contract payments provided for in section 5121.43 of the Revised Code, shall be remitted to the treasurer of state for deposit in the state treasury to the credit of the mental health operating fund, which is hereby created, to be used for the general purposes of the department. The department shall make refunds of overpayment of support charges from the mental health operating fund.

Sec. 5121.35. The department of mental health shall charge a patient, patient's estate, or liable relative an amount discounted from the amount the department charges under section 5121.33 of the Revised Code if the department determines through the application process described in section 5121.36 of the Revised Code or through the financial assessment process described in section 5121.37 of the Revised Code that the patient, estate, or relative is eligible for a discount.

Sec. 5121.36. (A) A patient, patient's estate, or liable relative may apply for a discount by completing an application form prescribed by the director of mental health. The department of mental health may require a patient, estate, or relative to furnish any of the following with an application form:

(1) A copy of the patient's, estate's, or liable relative's federal income tax return for the year preceding the date of application or, if that is not yet available, the preceding year;

(2) A copy of the patient's, estate's, or liable relative's employee tax withholding return (form W-2) for the year preceding the date of application;

(3) Any other relevant documents prescribed by the director of mental health.

(B) To be considered, an application must be submitted to the department not later than ninety days after the date the patient is admitted to a hospital.

(C) From the information provided by a patient, estate, or relative, the department shall determine whether the department will charge the person a discounted amount in accordance with sections 5121.40 and 5121.41 of the Revised Code. In making this determination, the department shall consider whether the patient is covered by an insurance policy or other contract that provides

for payment of expenses and treatment for mental illness. If the 65463
department determines that the patient has coverage, the 65464
department shall require payment in accordance with section 65465
5121.43 of the Revised Code. 65466

(D) The department shall notify the patient, executor or 65467
administrator of the patient's estate, or liable relative who 65468
submitted the application form in writing regarding whether that 65469
person will be charged a discounted amount and the per diem rate 65470
to be charged. 65471

(E) In accordance with section 5121.42 of the Revised Code, 65472
the department may, at any time, modify an amount charged or 65473
change the per diem rate to be charged if the department learns of 65474
countable assets or income that was not previously disclosed or 65475
was acquired after the application form was submitted. Within a 65476
reasonable time, the department shall notify in writing any person 65477
affected by a modification or change. 65478

Sec. 5121.37. After a patient's admittance to a hospital, the 65479
department of mental health shall conduct a financial assessment 65480
to determine whether the patient, patient's estate, or liable 65481
relative will be charged an amount discounted from the amount the 65482
department charges under section 5121.33 of the Revised Code. The 65483
department shall make the determination in accordance with 65484
sections 5121.40 and 5121.41 of the Revised Code. 65485

If a discounted rate is to be charged, the department shall 65486
notify the person whose financial condition was assessed. The 65487
notice shall specify the per diem rate to be charged. 65488

In accordance with section 5121.42 of the Revised Code, the 65489
department may, at any time, modify an amount charged or change 65490
the per diem rate to be charged if the department learns of 65491
countable assets or income that was not previously disclosed or 65492

was acquired after the assessment was conducted. Within a 65493
reasonable time, the department shall notify in writing any person 65494
affected by a modification or change. 65495

Sec. 5121.38. The department of mental health may subpoena 65496
witnesses, take testimony under oath, and examine any public 65497
records relating to the income and other assets of a patient or of 65498
a relative liable for such patient's support. All information, 65499
conclusions, and recommendations shall be submitted to the 65500
department by the investigating agent of the department. 65501

Sec. 5121.40. (A) A patient, patient's estate, or liable 65502
relative may be eligible to be charged an amount discounted from 65503
the amount the department of mental health charges under section 65504
5121.33 of the Revised Code if the patient, estate, or relative 65505
has countable assets with a total value that is not greater than 65506
an amount equal to fifty per cent of the difference between the 65507
following: 65508

(1) The gross annual income that corresponds with a family 65509
size of two persons at one hundred per cent of the federal poverty 65510
level for the state; 65511

(2) The gross annual income that corresponds with a family 65512
size of one person at one hundred per cent of the federal poverty 65513
level for the state. For purposes of determining family size, the 65514
patient is one dependent. One additional dependent shall be 65515
included for each of the following circumstances and persons: 65516

(a) The patient or liable relative is legally blind or deaf. 65517

(b) The patient or liable relative is of sixty-five years of 65518
age or older. 65519

(c) Each child under eighteen years of age for which the 65520
patient or liable relative has legal custody; 65521

(d) The patient's or liable relative's spouse. 65522

(B) A patient, estate, or relative may, not later than ninety 65523
days after the patient's admission to a hospital, surrender the 65524
value of countable assets sufficient to reduce countable assets to 65525
not more than the limit described in division (A) of this section. 65526

Sec. 5121.41. (A) If the assets of a patient, patient's 65527
estate, or liable relative do not exceed the countable asset limit 65528
in section 5121.40 of the Revised Code and the annual income of 65529
the patient, estate, or relative does not exceed four hundred per 65530
cent of the federal poverty level, the patient, estate, or 65531
relative shall be charged an amount discounted from the amount the 65532
department charges under section 5121.33 of the Revised Code for 65533
the first thirty days the patient is admitted as an inpatient in a 65534
hospital and for which the patient is liable for the cost of care. 65535
The amount of the discount shall be computed according to the 65536
following schedule: 65537

	<u>Annual Gross Income</u>						65538
	<u>Expressed as a Percentage of FPL</u>						65539
<u>Inpatient</u>	<u>0 -</u>	<u>176 -</u>	<u>200 -</u>	<u>250 -</u>	<u>300 -</u>	<u>350 -</u>	65540
<u>Days at a</u>	<u>175</u>	<u>199</u>	<u>249</u>	<u>299</u>	<u>349</u>	<u>400</u>	65541
<u>Hospital</u>							65542
	<u>Percentage discount from charged amount</u>						65543
<u>1 - 14</u>	<u>100</u>	<u>90</u>	<u>70</u>	<u>50</u>	<u>30</u>	<u>10</u>	65544
<u>15 - 30</u>	<u>100</u>	<u>95</u>	<u>75</u>	<u>55</u>	<u>35</u>	<u>15</u>	65545

(B) A patient, estate, or relative who is charged a 65546
discounted amount for the first thirty days the patient is 65547
admitted as an inpatient and who has an annual income not greater 65548
than one hundred seventy-five per cent of the federal poverty 65549
level shall not be charged for the days the patient is admitted 65550
beyond the thirtieth day. 65551

(C) A patient, estate, or relative who is charged a 65552

discounted amount for the first thirty days the patient is 65553
admitted as an inpatient and who has an annual income greater than 65554
one hundred seventy-five per cent of the federal poverty level 65555
shall be charged an amount equal to the sum of the following for 65556
the days the patient is admitted beyond the thirtieth day: 65557

(1) The ancillary per diem rate multiplied by the number of 65558
days the patient was admitted to the hospital; 65559

(2) An amount that was previously charged but not paid. 65560

Sec. 5121.42. (A) Except as provided in division (B) of this 65561
section, a patient, patient's estate, or liable relative shall 65562
cease to be eligible for a discount under sections 5121.36 or 65563
5121.37 of the Revised Code on accumulation of countable assets in 65564
excess of an amount equal to fifty per cent of the difference 65565
between the following: 65566

(1) The gross annual income that corresponds with a family 65567
size of two persons at one hundred per cent of the federal poverty 65568
level for the state; 65569

(2) The gross annual income that corresponds with a family 65570
size of one person at one hundred per cent of the federal poverty 65571
level for the state. 65572

(B) Money needed to meet the patient's needs and burial fund 65573
as determined by a needs assessment conducted by the department of 65574
mental health pursuant to rules adopted under section 5119.01 of 65575
the Revised Code shall be excluded from any determination the 65576
department makes under division (A) of this section. 65577

Sec. 5121.43. If a patient is covered by an insurance policy 65578
or other contract that provides for payment of expenses for care 65579
and treatment for mental illness at or from a hospital under the 65580
jurisdiction of the department of mental health, sections 5121.33 65581

to 5121.55 of the Revised Code are inapplicable to the extent that 65582
the policy or contract is in force. Any insurance carrier or other 65583
third party payor providing coverage for such care and treatment 65584
shall pay for the patient's support obligation in amounts equal to 65585
the lesser of amounts charged by the department under section 65586
5121.33 of the Revised Code or the benefits provided under the 65587
policy or other contract. Whether or not an insured, owner of, or 65588
other person having an interest in such policy or other contract 65589
is liable for support payments, the insured, policy owner, or 65590
other person shall assign payment directly to the department of 65591
all assignable benefits under the policy or other contract and 65592
shall pay to the department, within ten days of receipt, all 65593
insurance or other benefits received as reimbursement or payment 65594
for expenses incurred by the patient or for any other reason. If 65595
the insured, policy owner, or other person refuses to assign 65596
payment to the department or refuses to pay received 65597
reimbursements or payments to the department within ten days of 65598
receipt, the total liability of the insured, policy owner, or 65599
other person for the services is an amount equal to the per diem 65600
charge for the hospital where the patient was admitted multiplied 65601
by the number of days the patient was admitted. 65602

In no event shall this total liability exceed the 65603
department's actual cost of providing care and treatment to a 65604
patient. The department may disqualify patients and liable 65605
relatives who have retained third party funds from future 65606
discounts. The department may request that the attorney general 65607
petition a court of competent jurisdiction to compel the insured, 65608
owner of, or other person having an interest in the policy or 65609
contract to comply with the assignment requirements in this 65610
section. 65611

Sec. 5121.44. The department of mental health may enter into 65612

an extended payment agreement with a patient, patient's estate, or 65613
liable relative who has notified the department that the patient, 65614
estate, or relative cannot reasonably pay an amount the department 65615
has charged. In no case shall the department take a security 65616
interest, mortgage, or lien against the principal family residence 65617
of a patient or liable relative. 65618

Sec. 5121.45. (A) For purposes of this section, "delinquent 65619
payment" means an amount owed by a patient, patient's estate, or 65620
liable relative to the department of mental health for which the 65621
person has failed to do either of the following not later than 65622
ninety days after the service associated with the charge was 65623
incurred: 65624

(1) Make payment in full; 65625

(2) Make a payment in accordance with the terms of an 65626
agreement entered into under section 5121.44 of the Revised Code. 65627

(B) An action to enforce the collection of a delinquent 65628
payment shall be commenced not later than six years after the 65629
later of the following: 65630

(1) The last date the department received money to satisfy 65631
the delinquent payment; 65632

(2) The date the charge was due. 65633

(C) In all actions to enforce the collection of delinquent 65634
payments, a court of record shall receive into evidence the proof 65635
of claim document made by the state together with all debts and 65636
credits. The proof of claim document shall be prima-facie evidence 65637
of the facts stated in the document. 65638

Sec. 5121.46. The department of mental health shall not 65639
charge a liable relative under sections 5121.33 and 5121.35 of the 65640

<u>Revised Code who has done either of the following:</u>	65641
<u>(A) Paid all amounts charged by the department for the care</u>	65642
<u>and treatment of a particular patient for fifteen consecutive</u>	65643
<u>years;</u>	65644
<u>(B) Paid amounts charged by the department for the care and</u>	65645
<u>treatment of more than one patient for a total of fifteen</u>	65646
<u>consecutive years.</u>	65647
<u>Sec. 5121.47. Irrespective of the number of patients for</u>	65648
<u>which the department of mental health may charge a liable relative</u>	65649
<u>under sections 5121.33 or 5121.35 of the Revised Code, the</u>	65650
<u>department shall not charge a liable relative or group of liable</u>	65651
<u>relatives who are members of the same family unit for the support</u>	65652
<u>of more than one patient during the same period of time.</u>	65653
<u>Sec. 5121.48. The department shall accept voluntary payments</u>	65654
<u>from a patient, patient's estate, or liable relative in excess of</u>	65655
<u>a discounted amount charged in accordance with section 5121.35 of</u>	65656
<u>the Revised Code.</u>	65657
<u>Sec. 5121.49. (A) Any person who has been charged under</u>	65658
<u>section 5121.33 or 5121.35 of the Revised Code may petition the</u>	65659
<u>department of mental health to do the following:</u>	65660
<u>(1) Release the person from a charge;</u>	65661
<u>(2) Modify or cancel a charge.</u>	65662
<u>(B) The department shall respond to a petition in writing and</u>	65663
<u>inform the petitioner of whether a release, modification, or</u>	65664
<u>cancellation has been approved.</u>	65665
<u>Sec. 5121.50. When a patient is committed to a hospital</u>	65666
<u>pursuant to judicial proceedings, the judge ordering the</u>	65667

commitment shall: 65668

(A) Make a reliable report on the financial condition of the patient and of each liable relative, as provided in rules adopted by the director of mental health; 65669
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(B) Certify the report required under division (A) of this section to the managing officer of the hospital. The managing officer shall thereupon enter in the managing officer's records the name and address of any guardian appointed and of any relative liable for the patient's support. 65672
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Sec. 5121.51. In case the estate of any patient in a hospital is sufficient for the patient's support and no guardian has been appointed for such estate, the agent of the department of mental health shall petition the probate court of the proper county to appoint a guardian. 65677
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Sec. 5121.52. On the death of a person who is a patient, or has been a patient in a hospital, or on the death of a person responsible under section 5121.34 of the Revised Code for the support of a patient, the department of mental health may waive the presentation of any claim for support against the estate of such decedent, when in its judgment an otherwise dependent person will be directly benefited by the estate. Claims against an estate for support of a patient are subject to section 1339.51 and Chapter 2117. of the Revised Code, and shall be treated, and may be barred, the same as the claims of other creditors of the estate, pursuant to that section or chapter. 65682
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The department of mental health may accept from a guardian or trustee of a patient a contract agreeing to pay to the state from the property of the guardian's or trustee's ward before or at the death of the ward a fixed annual amount for the support of the 65693
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ward while the ward is a patient, with interest at four per cent 65697
per annum. A copy of the contract shall be filed in the probate 65698
court of the proper county and duly entered as a part of the 65699
records concerning the ward. 65700

Sec. 5121.53. The state shall bear the expense of the burial 65701
or cremation of an indigent patient who dies in a hospital if the 65702
body is not claimed for interment or cremation at the expense of 65703
friends or relatives, or is not delivered for anatomical purposes 65704
or for the study of embalming in accordance with section 1713.34 65705
of the Revised Code. The managing officer of the hospital shall 65706
provide at the grave of the patient or, if the patient's cremated 65707
remains are buried, at the grave of the patient's cremated 65708
remains, a metal, stone, or concrete marker on which shall be 65709
inscribed the name and age of the patient and the date of death. 65710

Sec. 5121.54. If payment of any amount due the state under 65711
the provisions of this chapter is made on account of a patient by 65712
any liable relative, as defined in section 5121.30 of the Revised 65713
Code, the relative may recover from the patient, the patient's 65714
guardian, or the executor or administrator of the patient's 65715
estate, the full amount of payment made by the liable relative; 65716
provided, that in no event may a relative recover in total more 65717
than the relative has paid the state, and provided, that in no 65718
event is the person from whom recovery is sought obliged to pay at 65719
a rate of support higher than the person would have paid had the 65720
state proceeded directly against that person. 65721

Sec. 5121.55. The cost for support of a client of 65722
state-operated community mental health services is an amount 65723
determined using guidelines the department of mental health shall 65724
issue. The guidelines shall be based on cost findings and 65725
rate-settings applicable to such services. 65726

Sec. 5121.56. The support and maintenance of patients 65727
confined in state hospitals for the mentally ill, including 65728
persons transferred to them from state correctional institutions, 65729
and also including persons under indictment or conviction for 65730
crime, shall be collected and paid in accordance with sections 65731
5121.30 to 5121.55 of the Revised Code. 65732

Sec. 5122.03. A patient admitted under section 5122.02 of the 65733
Revised Code who requests ~~his~~ release in writing, or whose release 65734
is requested in writing by ~~his~~ the patient's counsel, legal 65735
guardian, parent, spouse, or adult next of kin shall be released 65736
forthwith, except that when: 65737

(A) The patient was admitted on ~~his~~ the patient's own 65738
application and the request for release is made by a person other 65739
than the patient, release may be conditional upon the agreement of 65740
the patient; or 65741

(B) The chief clinical officer of the hospital, within three 65742
court days from the receipt of the request for release, files or 65743
causes to be filed with the court of the county where the patient 65744
is hospitalized or of the county where the patient is a resident, 65745
an affidavit under section 5122.11 of the Revised Code. Release 65746
may be postponed until the hearing held under section 5122.141 of 65747
the Revised Code. A telephone communication within three court 65748
days from the receipt of the request for release from the chief 65749
clinical officer to the court, indicating that the required 65750
affidavit has been mailed, is sufficient compliance with the time 65751
limit for filing such affidavit. 65752

Unless the patient is released within three days from the 65753
receipt of the request by the chief clinical officer, the request 65754
shall serve as a request for an initial hearing under section 65755
5122.141 of the Revised Code. If the court finds that the patient 65756

is a mentally ill person subject to hospitalization by court 65757
order, all provisions of this chapter with respect to involuntary 65758
hospitalization apply to such person. 65759

Judicial proceedings for hospitalization shall not be 65760
commenced with respect to a voluntary patient except pursuant to 65761
this section. 65762

Sections ~~5121.01 to 5121.10~~ 5121.30 to 5121.56 of the Revised 65763
Code apply to persons received in a hospital operated by the 65764
department of mental health on a voluntary application. 65765

The chief clinical officer of the hospital shall provide 65766
reasonable means and arrangements for informing patients of their 65767
rights to release as provided in this section and for assisting 65768
them in making and presenting requests for release or for a 65769
hearing under section 5122.141 of the Revised Code. 65770

Before a patient is released from a public hospital, the 65771
chief clinical officer shall, when possible, notify the board of 65772
the patient's county of residence of the patient's pending release 65773
after ~~he~~ the chief clinical officer has informed the patient that 65774
the board will be so notified. 65775

Sec. 5122.31. (A) All certificates, applications, records, 65776
and reports made for the purpose of this chapter and sections 65777
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 65778
Code, other than court journal entries or court docket entries, 65779
and directly or indirectly identifying a patient or former patient 65780
or person whose hospitalization has been sought under this 65781
chapter, shall be kept confidential and shall not be disclosed by 65782
any person except: 65783

~~(A)(1)~~ If the person identified, or the person's legal 65784
guardian, if any, or if the person is a minor, the person's parent 65785
or legal guardian, consents, and if the disclosure is in the best 65786

interests of the person, as may be determined by the court for 65787
judicial records and by the chief clinical officer for medical 65788
records; 65789

~~(B)~~(2) When disclosure is provided for in this chapter or 65790
section 5123.60 of the Revised Code; 65791

~~(C)~~(3) That hospitals, boards of alcohol, drug addiction, and 65792
mental health services, and community mental health agencies may 65793
release necessary medical information to insurers and other 65794
third-party payers, including government entities responsible for 65795
processing and authorizing payment, to obtain payment for goods 65796
and services furnished to the patient; 65797

~~(D)~~(4) Pursuant to a court order signed by a judge; 65798

~~(E)~~(5) That a patient shall be granted access to the 65799
patient's own psychiatric and medical records, unless access 65800
specifically is restricted in a patient's treatment plan for clear 65801
treatment reasons; 65802

~~(F)~~(6) That hospitals and other institutions and facilities 65803
within the department of mental health may exchange psychiatric 65804
records and other pertinent information with other hospitals, 65805
institutions, and facilities of the department, and with community 65806
mental health agencies and boards of alcohol, drug addiction, and 65807
mental health services with which the department has a current 65808
agreement for patient care or services. Records and information 65809
that may be released pursuant to this division shall be limited to 65810
medication history, physical health status and history, financial 65811
status, summary of course of treatment in the hospital, summary of 65812
treatment needs, and a discharge summary, if any. 65813

~~(G)~~(7) That a patient's family member who is involved in the 65814
provision, planning, and monitoring of services to the patient may 65815
receive medication information, a summary of the patient's 65816
diagnosis and prognosis, and a list of the services and personnel 65817

available to assist the patient and the patient's family, if the 65818
patient's treating physician determines that the disclosure would 65819
be in the best interests of the patient. No such disclosure shall 65820
be made unless the patient is notified first and receives the 65821
information and does not object to the disclosure. 65822

~~(H)~~(8) That community mental health agencies may exchange 65823
psychiatric records and certain other information with the board 65824
of alcohol, drug addiction, and mental health services and other 65825
agencies in order to provide services to a person involuntarily 65826
committed to a board. Release of records under this division shall 65827
be limited to medication history, physical health status and 65828
history, financial status, summary of course of treatment, summary 65829
of treatment needs, and discharge summary, if any. 65830

~~(I)~~(9) That information may be disclosed to the executor or 65831
the administrator of an estate of a deceased patient when the 65832
information is necessary to administer the estate; 65833

~~(J)~~(10) That records in the possession of the Ohio historical 65834
society may be released to the closest living relative of a 65835
deceased patient upon request of that relative; 65836

~~(K)~~(11) That information may be disclosed to staff members of 65837
the appropriate board or to staff members designated by the 65838
director of mental health for the purpose of evaluating the 65839
quality, effectiveness, and efficiency of services and determining 65840
if the services meet minimum standards. Information obtained 65841
during such evaluations shall not be retained with the name of any 65842
patient. 65843

~~(L)~~(12) That records pertaining to the patient's diagnosis, 65844
course of treatment, treatment needs, and prognosis shall be 65845
disclosed and released to the appropriate prosecuting attorney if 65846
the patient was committed pursuant to section 2945.38, 2945.39, 65847
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 65848

attorney designated by the board for proceedings pursuant to 65849
involuntary commitment under this chapter. 65850

~~(M)~~(13) That the department of mental health may exchange 65851
psychiatric hospitalization records, other mental health treatment 65852
records, and other pertinent information with the department of 65853
rehabilitation and correction to ensure continuity of care for 65854
inmates who are receiving mental health services in an institution 65855
of the department of rehabilitation and correction. The department 65856
shall not disclose those records unless the inmate is notified, 65857
receives the information, and does not object to the disclosure. 65858
The release of records under this division is limited to records 65859
regarding an inmate's medication history, physical health status 65860
and history, summary of course of treatment, summary of treatment 65861
needs, and a discharge summary, if any. 65862

~~(N)~~(14) That a community mental health agency that ceases to 65863
operate may transfer to either a community mental health agency 65864
that assumes its caseload or to the board of alcohol, drug 65865
addiction, and mental health services of the service district in 65866
which the patient resided at the time services were most recently 65867
provided any treatment records that have not been transferred 65868
elsewhere at the patient's request. 65869

~~(O)~~(B) Before records are disclosed pursuant to divisions 65870
~~(C)~~(A)(3), ~~(F)~~(6), and ~~(H)~~(8) of this section, the custodian of 65871
the records shall attempt to obtain the patient's consent for the 65872
disclosure. No person shall reveal the contents of a medical 65873
record of a patient except as authorized by law. 65874

(C) The managing officer of a hospital who releases necessary 65875
medical information under division (A)(3) of this section to allow 65876
an insurance carrier or other third party payor to comply with 65877
section 5121.43 of the Revised Code shall neither be subject to 65878
criminal nor civil liability. 65879

Sec. 5123.01. As used in this chapter: 65880

(A) "Chief medical officer" means the licensed physician 65881
appointed by the managing officer of an institution for the 65882
mentally retarded with the approval of the director of mental 65883
retardation and developmental disabilities to provide medical 65884
treatment for residents of the institution. 65885

(B) "Chief program director" means a person with special 65886
training and experience in the diagnosis and management of the 65887
mentally retarded, certified according to division (C) of this 65888
section in at least one of the designated fields, and appointed by 65889
the managing officer of an institution for the mentally retarded 65890
with the approval of the director to provide habilitation and care 65891
for residents of the institution. 65892

(C) "Comprehensive evaluation" means a study, including a 65893
sequence of observations and examinations, of a person leading to 65894
conclusions and recommendations formulated jointly, with 65895
dissenting opinions if any, by a group of persons with special 65896
training and experience in the diagnosis and management of persons 65897
with mental retardation or a developmental disability, which group 65898
shall include individuals who are professionally qualified in the 65899
fields of medicine, psychology, and social work, together with 65900
such other specialists as the individual case may require. 65901

(D) "Education" means the process of formal training and 65902
instruction to facilitate the intellectual and emotional 65903
development of residents. 65904

(E) "Habilitation" means the process by which the staff of 65905
the institution assists the resident in acquiring and maintaining 65906
those life skills that enable the resident to cope more 65907
effectively with the demands of the resident's own person and of 65908
the resident's environment and in raising the level of the 65909

resident's physical, mental, social, and vocational efficiency. 65910
Habilitation includes but is not limited to programs of formal, 65911
structured education and training. 65912

~~(F) "Habilitation center services" means services provided by~~ 65913
~~a habilitation center certified by the department of mental~~ 65914
~~retardation and developmental disabilities under section 5123.041~~ 65915
~~of the Revised Code and covered by the medicaid program pursuant~~ 65916
~~to rules adopted under section 5111.041 of the Revised Code.~~ 65917

~~(G)~~ "Health officer" means any public health physician, 65918
public health nurse, or other person authorized or designated by a 65919
city or general health district. 65920

~~(H)~~(G) "Home and community-based services" means 65921
medicaid-funded home and community-based services specified in 65922
division (B)(1) of section 5111.87 of the Revised Code provided 65923
under the medicaid waiver components the department of mental 65924
retardation and developmental disabilities administers pursuant to 65925
section 5111.871 of the Revised Code. 65926

~~(I)~~(H) "Indigent person" means a person who is unable, 65927
without substantial financial hardship, to provide for the payment 65928
of an attorney and for other necessary expenses of legal 65929
representation, including expert testimony. 65930

~~(J)~~(I) "Institution" means a public or private facility, or a 65931
part of a public or private facility, that is licensed by the 65932
appropriate state department and is equipped to provide 65933
residential habilitation, care, and treatment for the mentally 65934
retarded. 65935

~~(K)~~(J) "Licensed physician" means a person who holds a valid 65936
certificate issued under Chapter 4731. of the Revised Code 65937
authorizing the person to practice medicine and surgery or 65938
osteopathic medicine and surgery, or a medical officer of the 65939
government of the United States while in the performance of the 65940

officer's official duties. 65941

~~(I)~~(K) "Managing officer" means a person who is appointed by 65942
the director of mental retardation and developmental disabilities 65943
to be in executive control of an institution for the mentally 65944
retarded under the jurisdiction of the department. 65945

~~(M)~~(L) "Medicaid" has the same meaning as in section 5111.01 65946
of the Revised Code. 65947

~~(N)~~(M) "Medicaid case management services" means case 65948
management services provided to an individual with mental 65949
retardation or other developmental disability that the state 65950
medicaid plan requires. 65951

~~(O)~~(N) "Mentally retarded person" means a person having 65952
significantly subaverage general intellectual functioning existing 65953
concurrently with deficiencies in adaptive behavior, manifested 65954
during the developmental period. 65955

~~(P)~~(O) "Mentally retarded person subject to 65956
institutionalization by court order" means a person eighteen years 65957
of age or older who is at least moderately mentally retarded and 65958
in relation to whom, because of the person's retardation, either 65959
of the following conditions exist: 65960

(1) The person represents a very substantial risk of physical 65961
impairment or injury to self as manifested by evidence that the 65962
person is unable to provide for and is not providing for the 65963
person's most basic physical needs and that provision for those 65964
needs is not available in the community; 65965

(2) The person needs and is susceptible to significant 65966
habilitation in an institution. 65967

~~(Q)~~(P) "A person who is at least moderately mentally 65968
retarded" means a person who is found, following a comprehensive 65969
evaluation, to be impaired in adaptive behavior to a moderate 65970

degree and to be functioning at the moderate level of intellectual 65971
functioning in accordance with standard measurements as recorded 65972
in the most current revision of the manual of terminology and 65973
classification in mental retardation published by the American 65974
association on mental retardation. 65975

~~(R)~~(O) As used in this division, "substantial functional 65976
limitation," "developmental delay," and "established risk" have 65977
the meanings established pursuant to section 5123.011 of the 65978
Revised Code. 65979

"Developmental disability" means a severe, chronic disability 65980
that is characterized by all of the following: 65981

(1) It is attributable to a mental or physical impairment or 65982
a combination of mental and physical impairments, other than a 65983
mental or physical impairment solely caused by mental illness as 65984
defined in division (A) of section 5122.01 of the Revised Code. 65985

(2) It is manifested before age twenty-two. 65986

(3) It is likely to continue indefinitely. 65987

(4) It results in one of the following: 65988

(a) In the case of a person under three years of age, at 65989
least one developmental delay or an established risk; 65990

(b) In the case of a person at least three years of age but 65991
under six years of age, at least two developmental delays or an 65992
established risk; 65993

(c) In the case of a person six years of age or older, a 65994
substantial functional limitation in at least three of the 65995
following areas of major life activity, as appropriate for the 65996
person's age: self-care, receptive and expressive language, 65997
learning, mobility, self-direction, capacity for independent 65998
living, and, if the person is at least sixteen years of age, 65999
capacity for economic self-sufficiency. 66000

(5) It causes the person to need a combination and sequence of special, interdisciplinary, or other type of care, treatment, or provision of services for an extended period of time that is individually planned and coordinated for the person.

~~(S)~~(R) "Developmentally disabled person" means a person with a developmental disability.

~~(T)~~(S) "State institution" means an institution that is tax-supported and under the jurisdiction of the department.

~~(U)~~(T) "Residence" and "legal residence" have the same meaning as "legal settlement," which is acquired by residing in Ohio for a period of one year without receiving general assistance prior to July 17, 1995, under former Chapter 5113. of the Revised Code, financial assistance under Chapter 5115. of the Revised Code, or assistance from a private agency that maintains records of assistance given. A person having a legal settlement in the state shall be considered as having legal settlement in the assistance area in which the person resides. No adult person coming into this state and having a spouse or minor children residing in another state shall obtain a legal settlement in this state as long as the spouse or minor children are receiving public assistance, care, or support at the expense of the other state or its subdivisions. For the purpose of determining the legal settlement of a person who is living in a public or private institution or in a home subject to licensing by the department of job and family services, the department of mental health, or the department of mental retardation and developmental disabilities, the residence of the person shall be considered as though the person were residing in the county in which the person was living prior to the person's entrance into the institution or home. Settlement once acquired shall continue until a person has been continuously absent from Ohio for a period of one year or has acquired a legal residence in another state. A woman who marries a

man with legal settlement in any county immediately acquires the 66033
settlement of her husband. The legal settlement of a minor is that 66034
of the parents, surviving parent, sole parent, parent who is 66035
designated the residential parent and legal custodian by a court, 66036
other adult having permanent custody awarded by a court, or 66037
guardian of the person of the minor, provided that: 66038

(1) A minor female who marries shall be considered to have 66039
the legal settlement of her husband and, in the case of death of 66040
her husband or divorce, she shall not thereby lose her legal 66041
settlement obtained by the marriage. 66042

(2) A minor male who marries, establishes a home, and who has 66043
resided in this state for one year without receiving general 66044
assistance prior to July 17, 1995, under former Chapter 5113. of 66045
the Revised Code, financial assistance under Chapter 5115. of the 66046
Revised Code, or assistance from a private agency that maintains 66047
records of assistance given shall be considered to have obtained a 66048
legal settlement in this state. 66049

(3) The legal settlement of a child under eighteen years of 66050
age who is in the care or custody of a public or private child 66051
caring agency shall not change if the legal settlement of the 66052
parent changes until after the child has been in the home of the 66053
parent for a period of one year. 66054

No person, adult or minor, may establish a legal settlement 66055
in this state for the purpose of gaining admission to any state 66056
institution. 66057

~~(V)~~(U)(1) "Resident" means, subject to division (R)(2) of 66058
this section, a person who is admitted either voluntarily or 66059
involuntarily to an institution or other facility pursuant to 66060
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 66061
Code subsequent to a finding of not guilty by reason of insanity 66062
or incompetence to stand trial or under this chapter who is under 66063

observation or receiving habilitation and care in an institution. 66064

(2) "Resident" does not include a person admitted to an 66065
institution or other facility under section 2945.39, 2945.40, 66066
2945.401, or 2945.402 of the Revised Code to the extent that the 66067
reference in this chapter to resident, or the context in which the 66068
reference occurs, is in conflict with any provision of sections 66069
2945.37 to 2945.402 of the Revised Code. 66070

~~(W)~~(V) "Respondent" means the person whose detention, 66071
commitment, or continued commitment is being sought in any 66072
proceeding under this chapter. 66073

~~(X)~~(W) "Working day" and "court day" mean Monday, Tuesday, 66074
Wednesday, Thursday, and Friday, except when such day is a legal 66075
holiday. 66076

~~(Y)~~(X) "Prosecutor" means the prosecuting attorney, village 66077
solicitor, city director of law, or similar chief legal officer 66078
who prosecuted a criminal case in which a person was found not 66079
guilty by reason of insanity, who would have had the authority to 66080
prosecute a criminal case against a person if the person had not 66081
been found incompetent to stand trial, or who prosecuted a case in 66082
which a person was found guilty. 66083

~~(Z)~~(Y) "Court" means the probate division of the court of 66084
common pleas. 66085

Sec. 5123.045. ~~(A)~~ No person or government entity shall 66086
receive payment for providing home and community-based services 66087
unless the person or government entity is one of the following: 66088

~~(1)~~(A) Certified under ~~this~~ section 5123.16 of the Revised 66089
Code; 66090

~~(2)~~ Certified as a supported living provider under section 66091
~~5126.431 of the Revised Code~~; 66092

~~(3)~~(B) Licensed as a residential facility under section 66093

~~5123.19 of the Revised Code. Division (A)(3) of this section does 66094
not apply to an intermediate care facility for the mentally 66095
retarded as defined in section 5111.20 of the Revised Code. 66096~~

~~(B) The department of mental retardation and developmental 66097
disabilities shall do all of the following in accordance with 66098
Chapter 119. of the Revised Code: 66099~~

~~(1) Certify a person or government entity to provide home and 66100
community based services if the person or government entity 66101
satisfies the requirements for certification established by rules 66102
adopted under division (C) of this section; 66103~~

~~(2) Revoke a certificate when required to do so by rules 66104
adopted under division (C) of this section; 66105~~

~~(3) Hold hearings when there is a dispute between the 66106
department and a person or government entity concerning actions 66107
the department takes or does not take under division (B)(1) or (2) 66108
of this section. 66109~~

~~(C) The director of mental retardation and developmental 66110
disabilities shall adopt rules in accordance with Chapter 119. of 66111
the Revised Code establishing certification requirements and 66112
procedures for a person or government entity that seeks to provide 66113
home and community based services and is not certified as a 66114
supported living provider under section 5126.431 of the Revised 66115
Code or licensed as a residential facility under section 5123.19 66116
of the Revised Code. The rules shall specify the program areas for 66117
which certification is required and include procedures for all of 66118
the following: 66119~~

~~(1) Ensuring that providers comply with section 5126.28 or 66120
5126.281 of the Revised Code, as appropriate; 66121~~

~~(2) Evaluating the services provided to ensure that they are 66122
provided in a quality manner advantageous to the individual 66123
receiving the services. The procedures shall require that all of 66124~~

~~the following be considered as part of an evaluation:~~ 66125

~~(a) The provider's experience and financial responsibility;~~ 66126

~~(b) The provider's ability to comply with standards for the home and community based services that the provider provides;~~ 66127
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~~(c) The provider's ability to meet the needs of the individuals served;~~ 66129
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~~(d) Any other factor the director considers relevant.~~ 66131

~~(3) Determining when to revoke a provider's certificate. The reasons for which a certificate may be revoked may include good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious to individuals being served.~~ 66132
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~~(D) The records of an evaluation conducted in accordance with rules adopted under division (C)(2) of this section are public records for purposes of section 149.43 of the Revised Code and shall be made available on request of any person, including individuals being served, individuals seeking home and community based services, and county boards of mental retardation and developmental disabilities.~~ 66137
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Sec. 5123.046. The department of mental retardation and developmental disabilities shall review each component of the three-calendar year plan it receives from a county board of mental retardation and developmental disabilities under section 5126.054 of the Revised Code and, in consultation with the department of job and family services and office of budget and management, approve each component that includes all the information and conditions specified in that section. The fourth component of the plan shall be approved or disapproved not later than forty-five days after the fourth component is submitted to the department under division (B)(3) of section 5126.054 of the Revised Code. If

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the department approves all four components of the plan, the plan 66155
is approved. Otherwise, the plan is disapproved. If the plan is 66156
disapproved, the department shall take action against the county 66157
board under division (B) of section 5126.056 of the Revised Code. 66158

In approving plans under this section, the department shall 66159
ensure that the aggregate of all plans provide for the increased 66160
enrollment into home and community-based services during each 66161
state fiscal year of at least five hundred individuals who did not 66162
receive residential services, supported living, or home and 66163
community-based services the prior state fiscal year if the 66164
department has enough additional enrollment available for this 66165
purpose. 66166

The department shall establish protocols that the department 66167
shall use to determine whether a county board is complying with 66168
the programmatic and financial accountability mechanisms and 66169
achieving outcomes specified in its approved plan. If the 66170
department determines that a county board is not in compliance 66171
with the mechanisms or achieving the outcomes specified in its 66172
approved plan, the department may take action under division 66173
(G)(F) of section 5126.055 of the Revised Code. 66174

Sec. 5123.047. (A) ~~The department of mental retardation and 66175
developmental disabilities shall pay the nonfederal share of 66176
medicaid expenditures for habilitation center services provided to 66177
an individual with mental retardation or other developmental 66178
disability unless section 5111.041 of the Revised Code requires a 66179
county board of mental retardation and developmental disabilities 66180
or a school district to pay the nonfederal share.~~ 66181

~~(B) The department of mental retardation and developmental 66182
disabilities shall pay the nonfederal share of medicaid 66183
expenditures for medicaid case management services if ~~either of 66184
the following apply:~~ 66185~~

~~(1) The the services are provided to an individual with 66186
mental retardation or other developmental disability who a county 66187
board of mental retardation and developmental disabilities has 66188
determined under section 5126.041 of the Revised Code is not 66189
eligible for county board services+ 66190~~

~~(2) The services are provided to an individual with mental 66191
retardation or other developmental disability by a public or 66192
private agency with which the department has contracted under 66193
section 5123.56 of the Revised Code to provide protective services 66194
to the individual. 66195~~

~~(C)(B) The department shall pay the nonfederal share of 66196
medicaid expenditures for home and community-based services if 66197
either any of the following apply: 66198~~

(1) The services are provided to an individual with mental 66199
retardation or other developmental disability who a county board 66200
has determined under section 5126.041 of the Revised Code is not 66201
eligible for county board services; 66202

(2) The services are provided to an individual with mental 66203
retardation or other developmental disability given priority for 66204
the services pursuant to division (D)(3) of section 5126.042 of 66205
the Revised Code. The department shall pay the nonfederal share of 66206
medicaid expenditures for home and community-based services 66207
provided to such an individual for as long as the individual 66208
continues to be eligible for and receive the services, regardless 66209
of whether the services are provided after June 30, 2003. 66210

(3) An agreement entered into under section 5123.048 of the 66211
Revised Code requires that the department pay the nonfederal share 66212
of medicaid expenditures for the services. 66213

Sec. 5123.048. The director of mental retardation and 66214
developmental disabilities may enter into an agreement with a 66215

county board of mental retardation and developmental disabilities 66216
under which the department of mental retardation and developmental 66217
disabilities is to pay the nonfederal share of medicaid 66218
expenditures for home and community-based services provided to 66219
individuals with mental retardation or other developmental 66220
disability residing in the county served by the county board. 66221

Sec. 5123.049. The director of mental retardation and 66222
developmental disabilities shall adopt rules in accordance with 66223
Chapter 119. of the Revised Code governing the authorization and 66224
payment of home and community-based services, and medicaid case 66225
management services, ~~and habilitation center services~~. The rules 66226
shall provide for private providers of the services to receive one 66227
hundred per cent of the medicaid allowable payment amount and for 66228
government providers of the services to receive the federal share 66229
of the medicaid allowable payment, less the amount withheld as a 66230
fee under section 5123.0412 of the Revised Code and any amount 66231
that may be required by rules adopted under section 5123.0413 of 66232
the Revised Code to be deposited into the state MR/DD risk fund. 66233
The rules shall establish the process by which county boards of 66234
mental retardation and developmental disabilities shall certify 66235
and provide the nonfederal share of medicaid expenditures that the 66236
county board is required by division (A) of section 5126.057 of 66237
the Revised Code to pay. The process shall require a county board 66238
to certify that the county board has funding available at one time 66239
for two months costs for those expenditures. The process may 66240
permit a county board to certify that the county board has funding 66241
available at one time for more than two months costs for those 66242
expenditures. 66243

Sec. 5123.0412. (A) The department of mental retardation and 66244
developmental disabilities shall charge each county board of 66245

mental retardation and developmental disabilities an annual fee 66246
equal to one and one-half per cent of the total value of all 66247
medicaid paid claims for medicaid case management services and 66248
home and community-based services ~~for which the county board~~ 66249
~~contracts or provides itself~~ provided during the year to an 66250
individual eligible for services from the county board. No county 66251
board shall pass the cost of a fee charged to the county board 66252
under this section on to a ~~person or government entity with which~~ 66253
~~the county board contracts to provide the~~ another provider of 66254
these services. 66255

(B) The fees collected under this section shall be deposited 66256
into the ODMR/DD administration and oversight fund and the ODJFS 66257
administration and oversight fund, both of which are hereby 66258
created in the state treasury. The portion of the fees to be 66259
deposited into the ODMR/DD administration and oversight fund and 66260
the portion of the fees to be deposited into the ODJFS 66261
administration and oversight fund shall be the portion specified 66262
in an interagency agreement entered into under division (C) of 66263
this section. The department of mental retardation and 66264
developmental disabilities shall use the money in the ODMR/DD 66265
administration and oversight fund and the department of job and 66266
family services shall use the money in the ODJFS administration 66267
and oversight fund for both of the following purposes: 66268

(1) The administrative and oversight costs of ~~habilitation~~ 66269
~~center services,~~ medicaid case management services, and home and 66270
community-based services ~~that a county board develops and monitors~~ 66271
~~and the county board or a person or government entity under~~ 66272
~~contract with the county board provides~~. The administrative and 66273
oversight costs shall include costs for staff, systems, and other 66274
resources the departments need and dedicate solely to the 66275
following duties associated with the services: 66276

(a) Eligibility determinations; 66277

(b) Training;	66278
(c) Fiscal management;	66279
(d) Claims processing;	66280
(e) Quality assurance oversight;	66281
(f) Other duties the departments identify.	66282
(2) Providing technical support to county boards' local administrative authority under section 5126.055 of the Revised Code for the services.	66283 66284 66285
(C) The departments of mental retardation and developmental disabilities and job and family services shall enter into an interagency agreement to do both of the following:	66286 66287 66288
(1) Specify which portion of the fees collected under this section is to be deposited into the ODMR/DD administration and oversight fund and which portion is to be deposited into the ODJFS administration and oversight fund;	66289 66290 66291 66292
(2) Provide for the departments to coordinate the staff whose costs are paid for with money in the ODMR/DD administration and oversight fund and the ODJFS administration and oversight fund.	66293 66294 66295
(D) The departments shall submit an annual report to the director of budget and management certifying how the departments spent the money in the ODMR/DD administration and oversight fund and the ODJFS administration and oversight fund for the purposes specified in division (B) of this section.	66296 66297 66298 66299 66300
<u>Sec. 5123.16. (A) In accordance with Chapter 119. of the Revised Code, the director of mental retardation and developmental disabilities shall adopt and may amend and rescind rules for the certification of persons or government entities as described in division (A) of section 5123.045 of the Revised Code that provide or propose to provide home and community-based waiver services.</u>	66301 66302 66303 66304 66305 66306

<u>The rules shall establish or specify all of the following:</u>	66307
<u>(1) Procedures for issuing and renewing certification and establishing expiration dates for currently certified providers;</u>	66308
<u>(2) Procedures and criteria for denying, refusing to renew, terminating, and revoking certification in accordance with this section and Chapter 119. of the Revised Code;</u>	66310
<u>(3) Procedures for ordering the suspension of a certified provider's certification;</u>	66313
<u>(4) Fees for issuing and renewing certification. All fees collected pursuant to this section shall be deposited in the state treasury to the credit of the provider certification fund, which is hereby created. Money credited to the fund shall be used solely for the operation of the provider certification program established under this section.</u>	66315
<u>(5) Program services for which certification is required and provider standards for those services;</u>	66316
<u>(6) Procedures for certification;</u>	66317
<u>(7) Procedures for ensuring that providers comply with sections 5123.52 and 5126.281 of the Revised Code.</u>	66318
<u>(B) A provider's certification may be terminated when the certified provider has not billed for services for a period of more than twelve consecutive months and the provider has been notified in accordance with Chapter 119. of the Revised Code.</u>	66319
<u>(C) The director may suspend or revoke a provider's certification in accordance with Chapter 119. of the Revised Code for good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, noncompliance with provider certification standards, financial irresponsibility, or other conduct the department determines is injurious to individuals being served.</u>	66320
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(D)(1) The director may suspend a certified provider's certification to serve one or more individuals currently served by the provider in one or more counties before providing an opportunity for an adjudication under Chapter 119. of the Revised Code when the director determines that the certified provider has demonstrated a pattern of serious noncompliance with certification standards or that a violation of certification standards creates a substantial risk to the health and safety of an individual served by the certified provider and both the following conditions are met: 66337
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(a) The individual or guardian, as appropriate, has been made aware of the patterns of serious noncompliance or violations of certification standards that create a substantial risk to the health and safety of the individual, and the individual or guardian does not choose to select another certified provider; and 66347
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(b) A county board of mental retardation and developmental disabilities has filed a complaint with the probate court in accordance with section 5126.33 of the Revised Code and the probate court does not issue an order authorizing the board to arrange protective services for the individual. 66352
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(2) The director may suspend a certified provider's certification to begin to serve one or more individuals not currently being served by the provider in one or more counties before providing an opportunity for an adjudication under Chapter 119. of the Revised Code when the director determines that the certified provider has demonstrated a pattern of serious noncompliance with certification standards or that a violation of certification standards creates a substantial risk to the health and safety of an individual served by the certified provider. 66357
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(3) Except as provided in division (D)(4) of this section, appeals from proceedings initiated to terminate a provider's 66366
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certification under division (B) of this section or to suspend or 66368
revoke a provider's certification under division (C) of this 66369
section shall be conducted in accordance with Chapter 119. of the 66370
Revised Code. 66371

(4) Appeals from proceedings initiated to order the 66372
suspension of a certified provider's certification shall be 66373
conducted in accordance with Chapter 119. of the Revised Code, 66374
unless the order was issued before providing an opportunity for an 66375
adjudication, in which case all of the following apply: 66376

(a) The department shall notify the certified provider within 66377
twenty-four hours of ordering of the suspension. 66378

(b) The certified provider may request a hearing not later 66379
than ten days after receiving the notice specified in section 66380
119.07 of the Revised Code. 66381

(c) If a timely request for a hearing is made, the hearing 66382
shall commence not later than thirty days after the department 66383
receives the request. 66384

(d) After commencing, the hearing shall continue, 66385
uninterrupted, except for Saturdays, Sundays, and legal holidays, 66386
unless other interruptions are agreed to by the provider and the 66387
director. 66388

(e) If the hearing is conducted by a hearing examiner, the 66389
hearing examiner shall file a report and recommendations not later 66390
than ten days after the close of the hearing. For purposes of 66391
division (D)(4)(d) of this section, the hearing shall not be 66392
considering closed until the hearing examiner receives the 66393
transcript of the hearing, if a transcript is ordered, and all 66394
post-hearing briefs, if any, are timely filed. 66395

(f) A copy of such written report and recommendations of the 66396
hearing examiner shall, within five days of the date of the filing 66397

thereof, be served upon the provider or the provider's attorney, 66398
by certified mail. 66399

(g) The provider may file objections to the report and 66400
recommendations not later than five days after the receipt of the 66401
report and recommendations. 66402

(h) No recommendation of the hearing examiner shall be 66403
approved, modified, or disapproved by the department until five 66404
days after service of the hearing examiner's report and 66405
recommendations upon the provider or the provider's attorney. 66406

(i) Not later than fifteen days after the service of such 66407
report and recommendations of the hearing examiner upon the 66408
provider or the provider's attorney, the director shall issue an 66409
order approving, modifying, or disapproving the report and 66410
recommendation. 66411

(j) The order shall be lifted when the provider has submitted 66412
an acceptable plan of compliance and the department determines the 66413
plan of compliance has been appropriately implemented. 66414

(k) Following the issuance of an adjudication order by the 66415
director, the provider may appeal the order in accordance with 66416
section 119.12 of the Revised Code. 66417

(l) Notwithstanding the pendency of the hearing, the director 66418
shall lift the order for the suspension of the certified 66419
provider's certification under division (D)(1) or (D)(2) of this 66420
section when the director determines that the violation that 66421
formed the basis for the order has been corrected. The hearing 66422
shall continue unless the provider withdraws, in writing, the 66423
appeal of the department's suspension. 66424

(E) All applicants for or holders of certification under this 66425
section shall maintain a current address with the director at all 66426
times. 66427

(F) An applicant whose certification has been denied in accordance with this section may not apply to become a certified provider within one year of the date of the applicant's denial of certification. A certified provider whose certification has been revoked in accordance with this section may not apply for certification within five years of the revocation of the certified provider's certification. 66428
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(G) The records of surveys of providers conducted in accordance with this section are public records for purposes of section 149.43 of the Revised Code and shall be made available upon request of any person, including individuals being served, individuals seeking home and community-based services, and county boards of mental retardation and developmental disabilities. 66435
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(H) The certification of a provider that is certified to provide home and community-based services on the effective date of this section shall remain in effect until the department establishes an expiration date for the certification unless the certification is voluntarily surrendered or terminated, suspended or revoked in accordance with this section. 66441
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(I) As used in this section, "home and community-based services" has the same meaning as in section 5126.01 of the Revised Code. 66447
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(J) The director of mental retardation and developmental disabilities shall not apply any provisions of sections 5126.40 to 5126.47 of the Revised Code to any provider of home and community-based services certified under this section. 66450
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Sec. 5123.34. This chapter attempts to do all of the following: 66454
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(A) Provide humane and scientific treatment and care and the highest attainable degree of individual development for persons 66456
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with mental retardation or a developmental disability; 66458

(B) Promote the study of the causes of mental retardation and 66459
developmental disabilities, with a view to ultimate prevention; 66460

(C) Secure by uniform and systematic management the highest 66461
attainable degree of economy in the administration of the 66462
institutions under the control of the department of mental 66463
retardation and developmental disabilities. 66464

Sections 5123.02 to 5123.04, ~~5123.041 to 5123.042~~, 5123.043, 66465
5123.10, 5123.21, 5123.221, 5123.25, and 5123.31 of the Revised 66466
Code shall be liberally construed to attain these purposes. 66467

Sec. 5123.41. As used in this section and sections 5123.42 to 66468
5123.47 of the Revised Code: 66469

(A) "Adult services" has the same meaning as in section 66470
5126.01 of the Revised Code. 66471

(B) "Certified home and community-based services provider" 66472
means a person or government entity certified under section 66473
~~5123.045~~ 5123.16 of the Revised Code. 66474

(C) "Certified supported living provider" means a person or 66475
government entity certified under section 5126.431 of the Revised 66476
Code. 66477

(D) "Drug" has the same meaning as in section 4729.01 of the 66478
Revised Code. 66479

(E) "Family support services" has the same meaning as in 66480
section 5126.01 of the Revised Code. 66481

(F) "Health-related activities" means the following: 66482

(1) Taking vital signs; 66483

(2) Application of clean dressings that do not require health 66484
assessment; 66485

(3) Basic measurement of bodily intake and output;	66486
(4) Oral suctioning;	66487
(5) Use of glucometers;	66488
(6) External urinary catheter care;	66489
(7) Emptying and replacing colostomy bags;	66490
(8) Collection of specimens by noninvasive means.	66491
(G) "Licensed health professional authorized to prescribe drugs" has the same meaning as in section 4729.01 of the Revised Code.	66492 66493 66494
(H) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.	66495 66496
(I) "MR/DD personnel" means the employees and the workers under contract who provide specialized services to individuals with mental retardation and developmental disabilities. "MR/DD personnel" includes those who provide the services as follows:	66497 66498 66499 66500
(1) Through direct employment with the department of mental retardation and developmental disabilities or a county board of mental retardation and developmental disabilities;	66501 66502 66503
(2) Through an entity under contract with the department of mental retardation and developmental disabilities or a county board of mental retardation and developmental disabilities;	66504 66505 66506
(3) Through direct employment or by being under contract with private entities, including private entities that operate residential facilities.	66507 66508 66509
(J) "Nursing delegation" means the process established in rules adopted by the board of nursing pursuant to Chapter 4723. of the Revised Code under which a registered nurse or licensed practical nurse acting at the direction of a registered nurse transfers the performance of a particular nursing activity or task	66510 66511 66512 66513 66514

to another person who is not otherwise authorized to perform the activity or task. 66515
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(K) "Prescribed medication" means a drug that is to be administered according to the instructions of a licensed health professional authorized to prescribe drugs. 66517
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(L) "Residential facility" means a facility licensed under section 5123.19 of the Revised Code or subject to section 5123.192 of the Revised Code. 66520
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(M) "Specialized services" has the same meaning as in section 5123.50 of the Revised Code. 66523
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(N) "Tube feeding" means the provision of nutrition to an individual through a gastrostomy tube or a jejunostomy tube. 66525
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Sec. 5123.701. (A) Except as provided in division (E) of this section, any person in the community who is eighteen years of age or older and who is or believes self to be mentally retarded may make written application to the managing officer of any institution for temporary admission for short-term care. The application may be made on behalf of a minor by a parent or guardian, and on behalf of an adult adjudicated mentally incompetent by a guardian. 66527
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(B) For purposes of this section, short-term care shall be defined to mean appropriate services provided to a person with mental retardation for no more than fourteen consecutive days and for no more than forty-two days in a fiscal year. When circumstances warrant, the fourteen-day period may be extended at the discretion of the managing officer. Short-term care is provided in a developmental center to meet the family's or caretaker's needs for separation from the person with mental retardation. 66535
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(C) The managing officer of an institution, with the 66544

concurrence of the chief program director, may admit a person for
short-term care only after a medical examination has been made of
the person and only if the managing officer concludes that the
person is mentally retarded.

(D) If application for admission for short-term care of a
minor or of a person adjudicated mentally incompetent is made by
the minor's parent or guardian or by the incompetent's guardian
and the minor or incompetent is admitted, the probate division of
the court of common pleas shall determine, upon petition by the
legal rights service, whether the admission for short-term care is
in the best interest of the minor or the incompetent.

(E) A person who is found not guilty by reason of insanity
shall not admit self to an institution for short-term care unless
a hearing was held regarding the person pursuant to division (A)
of section 2945.40 of the Revised Code and either of the following
applies:

(1) The person was found at the hearing not to be a mentally
retarded person subject to institutionalization by court order;

(2) The person was found at the hearing to be a mentally
retarded person subject to institutionalization by court order,
was involuntarily committed, and was finally discharged.

(F) The mentally retarded person, liable relatives, and
guardians of mentally retarded persons admitted for respite care
shall pay support charges in accordance with sections ~~5121.03~~
5121.01 to ~~5121.07~~ 5121.21 of the Revised Code.

(G) At the conclusion of each period of short-term care, the
person shall return to the person's family or caretaker. Under no
circumstances shall a person admitted for short-term care
according to this section remain in the institution after the
period of short-term care unless the person is admitted according
to section 5123.70, sections 5123.71 to 5123.76, or section

2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code. 66576
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Sec. 5123.71. (A)(1) Proceedings for the involuntary 66578
institutionalization of a person pursuant to sections 5123.71 to 66579
5123.76 of the Revised Code shall be commenced by the filing of an 66580
affidavit with the probate division of the court of common pleas 66581
of the county where the person resides or where the person is 66582
institutionalized, in the manner and form prescribed by the 66583
department of mental retardation and developmental disabilities 66584
either on information or actual knowledge, whichever is determined 66585
to be proper by the court. The affidavit may be filed only by a 66586
person who has custody of the individual as a parent, guardian, or 66587
service provider or by a person acting on behalf of the department 66588
or a county board of mental retardation and developmental 66589
disabilities. This section does not apply regarding the 66590
institutionalization of a person pursuant to section 2945.39, 66591
2945.40, 2945.401, or 2945.402 of the Revised Code. 66592

The affidavit shall contain an allegation setting forth the 66593
specific category or categories under division ~~(P)~~(O) of section 66594
5123.01 of the Revised Code upon which the commencement of 66595
proceedings is based and a statement of the factual ground for the 66596
belief that the person is a mentally retarded person subject to 66597
institutionalization by court order. Except as provided in 66598
division (A)(2) of this section, the affidavit shall be 66599
accompanied by both of the following: 66600

(a) A comprehensive evaluation report prepared by the 66601
person's evaluation team that includes a statement by the members 66602
of the team certifying that they have performed a comprehensive 66603
evaluation of the person and that they are of the opinion that the 66604
person is a mentally retarded person subject to 66605
institutionalization by court order; 66606

(b) An assessment report prepared by the county board of
mental retardation and developmental disabilities under section
5123.711 of the Revised Code specifying that the individual is in
need of services on an emergency or priority basis.

(2) In lieu of the comprehensive evaluation report, the
affidavit may be accompanied by a written and sworn statement that
the person or the guardian of a person adjudicated incompetent has
refused to allow a comprehensive evaluation and county board
assessment and assessment reports. Immediately after accepting an
affidavit that is not accompanied by the reports of a
comprehensive evaluation and county board assessment, the court
shall cause a comprehensive evaluation and county board assessment
of the person named in the affidavit to be performed. The
evaluation shall be conducted in the least restrictive environment
possible and the assessment shall be conducted in the same manner
as assessments conducted under section 5123.711 of the Revised
Code. The evaluation and assessment must be completed before a
probable cause hearing or full hearing may be held under section
5123.75 or 5123.76 of the Revised Code.

A written report of the evaluation team's findings and the
county board's assessment shall be filed with the court. The
reports shall, consistent with the rules of evidence, be accepted
as probative evidence in any proceeding under section 5123.75 or
5123.76 of the Revised Code. If the counsel for the person who is
evaluated or assessed is known, the court shall send to the
counsel a copy of the reports as soon as possible after they are
filed and prior to any proceedings under section 5123.75 or
5123.76 of the Revised Code.

(B) Any person who is involuntarily detained in an
institution or otherwise is in custody under this chapter shall be
informed of the right to do the following:

(1) Immediately make a reasonable number of telephone calls 66638
or use other reasonable means to contact an attorney, a physician, 66639
or both, to contact any other person or persons to secure 66640
representation by counsel, or to obtain medical assistance, and be 66641
provided assistance in making calls if the assistance is needed 66642
and requested; 66643

(2) Retain counsel and have independent expert evaluation 66644
and, if the person is an indigent person, be represented by 66645
court-appointed counsel and have independent expert evaluation at 66646
court expense; 66647

(3) Upon request, have a hearing to determine whether there 66648
is probable cause to believe that the person is a mentally 66649
retarded person subject to institutionalization by court order. 66650

(C) No person who is being treated by spiritual means through 66651
prayer alone in accordance with a recognized religious method of 66652
healing may be ordered detained or involuntarily committed unless 66653
the court has determined that the person represents a very 66654
substantial risk of self-impairment, self-injury, or impairment or 66655
injury to others. 66656

Sec. 5123.76. (A) The full hearing shall be conducted in a 66657
manner consistent with the procedures outlined in this chapter and 66658
with due process of law. The hearing shall be held by a judge of 66659
the probate division or, upon transfer by the judge of the probate 66660
division, by another judge of the court of common pleas, or a 66661
referee designated by the judge of the probate division. Any 66662
referee designated by the judge of the probate division must be an 66663
attorney. 66664

(1) The following shall be made available to counsel for the 66665
respondent: 66666

(a) All relevant documents, information, and evidence in the 66667

custody or control of the state or prosecutor; 66668

(b) All relevant documents, information, and evidence in the 66669
custody or control of the institution, facility, or program in 66670
which the respondent currently is held or in which the respondent 66671
has been held pursuant to these proceedings; 66672

(c) With the consent of the respondent, all relevant 66673
documents, information, and evidence in the custody or control of 66674
any institution or person other than the state. 66675

(2) The respondent has the right to be represented by counsel 66676
of the respondent's choice and has the right to attend the hearing 66677
except if unusual circumstances of compelling medical necessity 66678
exist that render the respondent unable to attend and the 66679
respondent has not expressed a desire to attend. 66680

(3) If the respondent is not represented by counsel and the 66681
court determines that the conditions specified in division (A)(2) 66682
of this section justify the respondent's absence and the right to 66683
counsel has not been validly waived, the court shall appoint 66684
counsel forthwith to represent the respondent at the hearing, 66685
reserving the right to tax costs of appointed counsel to the 66686
respondent unless it is shown that the respondent is indigent. If 66687
the court appoints counsel, or if the court determines that the 66688
evidence relevant to the respondent's absence does not justify the 66689
absence, the court shall continue the case. 66690

(4) The respondent shall be informed of the right to retain 66691
counsel, to have independent expert evaluation, and, if an 66692
indigent person, to be represented by court appointed counsel and 66693
have expert independent evaluation at court expense. 66694

(5) The hearing may be closed to the public unless counsel 66695
for the respondent requests that the hearing be open to the 66696
public. 66697

(6) Unless objected to by the respondent, the respondent's 66698
counsel, or the designee of the director of mental retardation and 66699
developmental disabilities, the court, for good cause shown, may 66700
admit persons having a legitimate interest in the proceedings. 66701

(7) The affiant under section 5123.71 of the Revised Code 66702
shall be subject to subpoena by either party. 66703

(8) The court shall examine the sufficiency of all documents 66704
filed and shall inform the respondent, if present, and the 66705
respondent's counsel of the nature of the content of the documents 66706
and the reason for which the respondent is being held or for which 66707
the respondent's placement is being sought. 66708

(9) The court shall receive only relevant, competent, and 66709
material evidence. 66710

(10) The designee of the director shall present the evidence 66711
for the state. In proceedings under this chapter, the attorney 66712
general shall present the comprehensive evaluation, assessment, 66713
diagnosis, prognosis, record of habilitation and care, if any, and 66714
less restrictive habilitation plans, if any. The attorney general 66715
does not have a similar presentation responsibility in connection 66716
with a person who has been found not guilty by reason of insanity 66717
and who is the subject of a hearing under section 2945.40 of the 66718
Revised Code to determine whether the person is a mentally 66719
retarded person subject to institutionalization by court order. 66720

(11) The respondent has the right to testify and the 66721
respondent or the respondent's counsel has the right to subpoena 66722
witnesses and documents and to present and cross-examine 66723
witnesses. 66724

(12) The respondent shall not be compelled to testify and 66725
shall be so advised by the court. 66726

(13) On motion of the respondent or the respondent's counsel 66727

for good cause shown, or upon the court's own motion, the court
may order a continuance of the hearing.

(14) To an extent not inconsistent with this chapter, the
Rules of Civil Procedure shall be applicable.

(B) Unless, upon completion of the hearing, the court finds
by clear and convincing evidence that the respondent named in the
affidavit is a mentally retarded person subject to
institutionalization by court order, it shall order the
respondent's discharge forthwith.

(C) If, upon completion of the hearing, the court finds by
clear and convincing evidence that the respondent is a mentally
retarded person subject to institutionalization by court order,
the court may order the respondent's discharge or order the
respondent, for a period not to exceed ninety days, to any of the
following:

(1) A public institution, provided that commitment of the
respondent to the institution will not cause the institution to
exceed its licensed capacity determined in accordance with section
5123.19 of the Revised Code and provided that such a placement is
indicated by the comprehensive evaluation report filed pursuant to
section 5123.71 of the Revised Code;

(2) A private institution;

(3) A county mental retardation program;

(4) Receive private habilitation and care;

(5) Any other suitable facility, program, or the care of any
person consistent with the comprehensive evaluation, assessment,
diagnosis, prognosis, and habilitation needs of the respondent.

(D) Any order made pursuant to division (C)(2), (4), or (5)
of this section shall be conditional upon the receipt by the court
of consent by the facility, program, or person to accept the

respondent.

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(E) In determining the place to which, or the person with whom, the respondent is to be committed, the court shall consider the comprehensive evaluation, assessment, diagnosis, and projected habilitation plan for the respondent, and shall order the implementation of the least restrictive alternative available and consistent with habilitation goals.

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(F) If, at any time it is determined by the director of the facility or program to which, or the person to whom, the respondent is committed that the respondent could be equally well habilitated in a less restrictive environment that is available, the following shall occur:

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(1) The respondent shall be released by the director of the facility or program or by the person forthwith and referred to the court together with a report of the findings and recommendations of the facility, program, or person.

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(2) The director of the facility or program or the person shall notify the respondent's counsel and the designee of the director of mental retardation and developmental disabilities.

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(3) The court shall dismiss the case or order placement in the less restrictive environment.

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(G)(1) Except as provided in divisions (G)(2) and (3) of this section, any person who has been committed under this section may apply at any time during the ninety-day period for voluntary admission to an institution under section 5123.69 of the Revised Code. Upon admission of a voluntary resident, the managing officer immediately shall notify the court, the respondent's counsel, and the designee of the director in writing of that fact by mail or otherwise, and, upon receipt of the notice, the court shall dismiss the case.

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(2) A person who is found incompetent to stand trial or not guilty by reason of insanity and who is committed pursuant to section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code shall not be voluntarily admitted to an institution pursuant to division (G)(1) of this section until after the termination of the commitment, as described in division (J) of section 2945.401 of the Revised Code.

(H) If, at the end of any commitment period, the respondent has not already been discharged or has not requested voluntary admission status, the director of the facility or program, or the person to whose care the respondent has been committed, shall discharge the respondent forthwith, unless at least ten days before the expiration of that period the designee of the director of mental retardation and developmental disabilities or the prosecutor files an application with the court requesting continued commitment.

(1) An application for continued commitment shall include a written report containing a current comprehensive evaluation and assessment, a diagnosis, a prognosis, an account of progress and past habilitation, and a description of alternative habilitation settings and plans, including a habilitation setting that is the least restrictive setting consistent with the need for habilitation. A copy of the application shall be provided to respondent's counsel. The requirements for notice under section 5123.73 of the Revised Code and the provisions of divisions (A) to (E) of this section apply to all hearings on such applications.

(2) A hearing on the first application for continued commitment shall be held at the expiration of the first ninety-day period. The hearing shall be mandatory and may not be waived.

(3) Subsequent periods of commitment not to exceed one hundred eighty days each may be ordered by the court if the

designee of the director of mental retardation and developmental disabilities files an application for continued commitment, after a hearing is held on the application or without a hearing if no hearing is requested and no hearing required under division (H)(4) of this section is waived. Upon the application of a person involuntarily committed under this section, supported by an affidavit of a licensed physician alleging that the person is no longer a mentally retarded person subject to institutionalization by court order, the court for good cause shown may hold a full hearing on the person's continued commitment prior to the expiration of any subsequent period of commitment set by the court.

(4) A mandatory hearing shall be held at least every two years after the initial commitment.

(5) If the court, after a hearing upon a request to continue commitment, finds that the respondent is a mentally retarded person subject to institutionalization by court order, the court may make an order pursuant to divisions (C), (D), and (E) of this section.

(I) Notwithstanding the provisions of division (H) of this section, no person who is found to be a mentally retarded person subject to institutionalization by court order pursuant to division ~~(P)~~(O)(2) of section 5123.01 of the Revised Code shall be held under involuntary commitment for more than five years.

(J) The managing officer admitting a person pursuant to a judicial proceeding, within ten working days of the admission, shall make a report of the admission to the department.

Sec. 5126.01. As used in this chapter:

(A) As used in this division, "adult" means an individual who is eighteen years of age or over and not enrolled in a program or

service under Chapter 3323. of the Revised Code and an individual 66849
sixteen or seventeen years of age who is eligible for adult 66850
services under rules adopted by the director of mental retardation 66851
and developmental disabilities pursuant to Chapter 119. of the 66852
Revised Code. 66853

(1) "Adult services" means services provided to an adult 66854
outside the home, except when they are provided within the home 66855
according to an individual's assessed needs and identified in an 66856
individual service plan, that support learning and assistance in 66857
the area of self-care, sensory and motor development, 66858
socialization, daily living skills, communication, community 66859
living, social skills, or vocational skills. 66860

(2) "Adult services" includes all of the following: 66861

(a) Adult day habilitation services; 66862

(b) Adult day care; 66863

(c) Prevocational services; 66864

(d) Sheltered employment; 66865

(e) Educational experiences and training obtained through 66866
entities and activities that are not expressly intended for 66867
individuals with mental retardation and developmental 66868
disabilities, including tradeschools, vocational or technical 66869
schools, adult education, job exploration and sampling, unpaid 66870
work experience in the community, volunteer activities, and 66871
spectator sports; 66872

(f) Community employment services and supported employment 66873
services. 66874

(B)(1) "Adult day habilitation services" means adult services 66875
that do the following: 66876

(a) Provide access to and participation in typical activities 66877
and functions of community life that are desired and chosen by the 66878

general population, including such activities and functions as 66879
opportunities to experience and participate in community 66880
exploration, companionship with friends and peers, leisure 66881
activities, hobbies, maintaining family contacts, community 66882
events, and activities where individuals without disabilities are 66883
involved; 66884

(b) Provide supports or a combination of training and 66885
supports that afford an individual a wide variety of opportunities 66886
to facilitate and build relationships and social supports in the 66887
community. 66888

(2) "Adult day habilitation services" includes all of the 66889
following: 66890

(a) Personal care services needed to ensure an individual's 66891
ability to experience and participate in vocational services, 66892
educational services, community activities, and any other adult 66893
day habilitation services; 66894

(b) Skilled services provided while receiving adult day 66895
habilitation services, including such skilled services as behavior 66896
management intervention, occupational therapy, speech and language 66897
therapy, physical therapy, and nursing services; 66898

(c) Training and education in self-determination designed to 66899
help the individual do one or more of the following: develop 66900
self-advocacy skills, exercise the individual's civil rights, 66901
acquire skills that enable the individual to exercise control and 66902
responsibility over the services received, and acquire skills that 66903
enable the individual to become more independent, integrated, or 66904
productive in the community; 66905

(d) Recreational and leisure activities identified in the 66906
individual's service plan as therapeutic in nature or assistive in 66907
developing or maintaining social supports; 66908

(e) Counseling and assistance provided to obtain housing, 66909
including such counseling as identifying options for either rental 66910
or purchase, identifying financial resources, assessing needs for 66911
environmental modifications, locating housing, and planning for 66912
ongoing management and maintenance of the housing selected; 66913

(f) Transportation necessary to access adult day habilitation 66914
services; 66915

(g) Habilitation management, as described in section 5126.14 66916
of the Revised Code. 66917

(3) "Adult day habilitation services" does not include 66918
activities that are components of the provision of residential 66919
services, family support services, or supported living services. 66920

(C) "Appointing authority" means the following: 66921

(1) In the case of a member of a county board of mental 66922
retardation and developmental disabilities appointed by, or to be 66923
appointed by, a board of county commissioners, the board of county 66924
commissioners; 66925

(2) In the case of a member of a county board appointed by, 66926
or to be appointed by, a senior probate judge, the senior probate 66927
judge. 66928

(D) "Community employment services" or "supported employment 66929
services" means job training and other services related to 66930
employment outside a sheltered workshop. "Community employment 66931
services" or "supported employment services" include all of the 66932
following: 66933

(1) Job training resulting in the attainment of competitive 66934
work, supported work in a typical work environment, or 66935
self-employment; 66936

(2) Supervised work experience through an employer paid to 66937
provide the supervised work experience; 66938

(3) Ongoing work in a competitive work environment at a wage commensurate with workers without disabilities;	66939 66940
(4) Ongoing supervision by an employer paid to provide the supervision.	66941 66942
(E) As used in this division, "substantial functional limitation," "developmental delay," and "established risk" have the meanings established pursuant to section 5123.011 of the Revised Code.	66943 66944 66945 66946
"Developmental disability" means a severe, chronic disability that is characterized by all of the following:	66947 66948
(1) It is attributable to a mental or physical impairment or a combination of mental and physical impairments, other than a mental or physical impairment solely caused by mental illness as defined in division (A) of section 5122.01 of the Revised Code;	66949 66950 66951 66952
(2) It is manifested before age twenty-two;	66953
(3) It is likely to continue indefinitely;	66954
(4) It results in one of the following:	66955
(a) In the case of a person under age three, at least one developmental delay or an established risk;	66956 66957
(b) In the case of a person at least age three but under age six, at least two developmental delays or an established risk;	66958 66959
(c) In the case of a person age six or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the person's age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least age sixteen, capacity for economic self-sufficiency.	66960 66961 66962 66963 66964 66965 66966
(5) It causes the person to need a combination and sequence	66967

of special, interdisciplinary, or other type of care, treatment, 66968
or provision of services for an extended period of time that is 66969
individually planned and coordinated for the person. 66970

(F) "Early childhood services" means a planned program of 66971
habilitation designed to meet the needs of individuals with mental 66972
retardation or other developmental disabilities who have not 66973
attained compulsory school age. 66974

(G)(1) "Environmental modifications" means the physical 66975
adaptations to an individual's home, specified in the individual's 66976
service plan, that are necessary to ensure the individual's 66977
health, safety, and welfare or that enable the individual to 66978
function with greater independence in the home, and without which 66979
the individual would require institutionalization. 66980

(2) "Environmental modifications" includes such adaptations 66981
as installation of ramps and grab-bars, widening of doorways, 66982
modification of bathroom facilities, and installation of 66983
specialized electric and plumbing systems necessary to accommodate 66984
the individual's medical equipment and supplies. 66985

(3) "Environmental modifications" does not include physical 66986
adaptations or improvements to the home that are of general 66987
utility or not of direct medical or remedial benefit to the 66988
individual, including such adaptations or improvements as 66989
carpeting, roof repair, and central air conditioning. 66990

(H) "Family support services" means the services provided 66991
under a family support services program operated under section 66992
5126.11 of the Revised Code. 66993

(I) "Habilitation" means the process by which the staff of 66994
the facility or agency assists an individual with mental 66995
retardation or other developmental disability in acquiring and 66996
maintaining those life skills that enable the individual to cope 66997
more effectively with the demands of the individual's own person 66998

and environment, and in raising the level of the individual's 66999
personal, physical, mental, social, and vocational efficiency. 67000
Habilitation includes, but is not limited to, programs of formal, 67001
structured education and training. 67002

~~(J) "Habilitation center services" means services provided by 67003
a habilitation center certified by the department of mental 67004
retardation and developmental disabilities under section 5123.041 67005
of the Revised Code and covered by the medicaid program pursuant 67006
to rules adopted under section 5111.041 of the Revised Code. 67007~~

~~(K)~~ "Home and community-based services" means medicaid-funded 67008
home and community-based services specified in division (B)(1) of 67009
section 5111.87 of the Revised Code and provided under the 67010
medicaid waiver components the department of mental retardation 67011
and developmental disabilities administers pursuant to section 67012
5111.871 of the Revised Code. 67013

~~(L)~~(K) "Immediate family" means parents, brothers, sisters, 67014
spouses, sons, daughters, mothers-in-law, fathers-in-law, 67015
brothers-in-law, sisters-in-law, sons-in-law, and 67016
daughters-in-law. 67017

~~(M)~~(L) "Medicaid" has the same meaning as in section 5111.01 67018
of the Revised Code. 67019

~~(N)~~(M) "Medicaid case management services" means case 67020
management services provided to an individual with mental 67021
retardation or other developmental disability that the state 67022
medicaid plan requires. 67023

~~(O)~~(N) "Mental retardation" means a mental impairment 67024
manifested during the developmental period characterized by 67025
significantly subaverage general intellectual functioning existing 67026
concurrently with deficiencies in the effectiveness or degree with 67027
which an individual meets the standards of personal independence 67028
and social responsibility expected of the individual's age and 67029

cultural group. 67030

~~(P)~~(O) "Residential services" means services to individuals 67031
with mental retardation or other developmental disabilities to 67032
provide housing, food, clothing, habilitation, staff support, and 67033
related support services necessary for the health, safety, and 67034
welfare of the individuals and the advancement of their quality of 67035
life. "Residential services" includes program management, as 67036
described in section 5126.14 of the Revised Code. 67037

~~(Q)~~(P) "Resources" means available capital and other assets, 67038
including moneys received from the federal, state, and local 67039
governments, private grants, and donations; appropriately 67040
qualified personnel; and appropriate capital facilities and 67041
equipment. 67042

~~(R)~~(O) "Senior probate judge" means the current probate judge 67043
of a county who has served as probate judge of that county longer 67044
than any of the other current probate judges of that county. If a 67045
county has only one probate judge, "senior probate judge" means 67046
that probate judge. 67047

~~(S)~~(R) "Service and support administration" means the duties 67048
performed by a service and support administrator pursuant to 67049
section 5126.15 of the Revised Code. 67050

~~(T)~~(S)(1) "Specialized medical, adaptive, and assistive 67051
equipment, supplies, and supports" means equipment, supplies, and 67052
supports that enable an individual to increase the ability to 67053
perform activities of daily living or to perceive, control, or 67054
communicate within the environment. 67055

(2) "Specialized medical, adaptive, and assistive equipment, 67056
supplies, and supports" includes the following: 67057

(a) Eating utensils, adaptive feeding dishes, plate guards, 67058
mylatex straps, hand splints, reaches, feeder seats, adjustable 67059
pointer sticks, interpreter services, telecommunication devices 67060

for the deaf, computerized communications boards, other 67061
communication devices, support animals, veterinary care for 67062
support animals, adaptive beds, supine boards, prone boards, 67063
wedges, sand bags, sidelayers, bolsters, adaptive electrical 67064
switches, hand-held shower heads, air conditioners, humidifiers, 67065
emergency response systems, folding shopping carts, vehicle lifts, 67066
vehicle hand controls, other adaptations of vehicles for 67067
accessibility, and repair of the equipment received. 67068

(b) Nondisposable items not covered by medicaid that are 67069
intended to assist an individual in activities of daily living or 67070
instrumental activities of daily living. 67071

~~(U)~~(T) "Supportive home services" means a range of services 67072
to families of individuals with mental retardation or other 67073
developmental disabilities to develop and maintain increased 67074
acceptance and understanding of such persons, increased ability of 67075
family members to teach the person, better coordination between 67076
school and home, skills in performing specific therapeutic and 67077
management techniques, and ability to cope with specific 67078
situations. 67079

~~(V)~~(U)(1) "Supported living" means services provided for as 67080
long as twenty-four hours a day to an individual with mental 67081
retardation or other developmental disability through any public 67082
or private resources, including moneys from the individual, that 67083
enhance the individual's reputation in community life and advance 67084
the individual's quality of life by doing the following: 67085

(a) Providing the support necessary to enable an individual 67086
to live in a residence of the individual's choice, with any number 67087
of individuals who are not disabled, or with not more than three 67088
individuals with mental retardation and developmental disabilities 67089
unless the individuals are related by blood or marriage; 67090

(b) Encouraging the individual's participation in the 67091

community;	67092
(c) Promoting the individual's rights and autonomy;	67093
(d) Assisting the individual in acquiring, retaining, and improving the skills and competence necessary to live successfully in the individual's residence.	67094 67095 67096
(2) "Supported living" includes the provision of all of the following:	67097 67098
(a) Housing, food, clothing, habilitation, staff support, professional services, and any related support services necessary to ensure the health, safety, and welfare of the individual receiving the services;	67099 67100 67101 67102
(b) A combination of life-long or extended-duration supervision, training, and other services essential to daily living, including assessment and evaluation and assistance with the cost of training materials, transportation, fees, and supplies;	67103 67104 67105 67106 67107
(c) Personal care services and homemaker services;	67108
(d) Household maintenance that does not include modifications to the physical structure of the residence;	67109 67110
(e) Respite care services;	67111
(f) Program management, as described in section 5126.14 of the Revised Code.	67112 67113
Sec. 5126.035. (A) As used in this section:	67114
(1) "Provider" means a person or government entity that provides services to an individual with mental retardation or other developmental disability pursuant to a service contract.	67115 67116 67117
(2) "Service contract" means a contract between a county board of mental retardation and developmental disabilities and a	67118 67119

provider under which the provider is to provide services to an individual with mental retardation or other developmental disability. 67120
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(B) Each service contract that a county board of mental retardation and developmental disabilities enters into with a provider shall do ~~all~~ both of the following: 67123
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~~(1) Comply with rules adopted under division (E) of this section;~~ 67126
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~~(2)~~ If the provider is to provide home and community-based services, or medicaid case management services, ~~or habilitation center services,~~ comply with all applicable statewide medicaid requirements; 67128
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~~(3)~~(2) Include a general operating agreement component and an individual service needs addendum. 67132
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(C) The general operating agreement component shall include all of the following: 67134
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(1) The roles and responsibilities of the county board regarding services for individuals with mental retardation or other developmental disability who reside in the county the county board serves; 67136
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(2) The roles and responsibilities of the provider as specified in the individual service needs addendum; 67140
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(3) Procedures for the county board to monitor the provider's services; 67142
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(4) Procedures for the county board to evaluate the quality of care and cost effectiveness of the provider's services; 67144
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(5) Procedures for payment of eligible claims; 67146

(6) If the provider is to provide home and community-based services, or medicaid case management services, ~~or habilitation~~ 67147
67148

center services , both of the following:	67149
(a) Procedures for reimbursement that conform to the statewide reimbursement process and the county board's plan submitted under section 5126.054 of the Revised Code;	67150 67151 67152
(b) Procedures that ensure that the county board pays the nonfederal share of the medicaid expenditures that the county board is required by division (A) of section 5126.057 of the Revised Code to pay.	67153 67154 67155 67156
(7) Procedures for the county board to perform service utilization reviews and the implementation of required corrective actions;	67157 67158 67159
(8) Procedures for the provider to submit claims for payment for a service no later than three hundred thirty days after the date the service is provided;	67160 67161 67162
(9) Procedures for rejecting claims for payment that are submitted after the time required by division (B)(9) <u>(C)(8)</u> of this section;	67163 67164 67165
(10) Procedures for developing, modifying, and executing initial and subsequent service plans. The procedures shall provide for the provider's participation.	67166 67167 67168
(11) Procedures for affording individuals due process protections;	67169 67170
(12) General staffing, training, and certification requirements that are consistent with state requirements and compensation arrangements that are necessary to attract, train, and retain competent personnel to deliver the services pursuant to the individual service needs addendum;	67171 67172 67173 67174 67175
(13) Methods to be used to document services provided and procedures for submitting reports the county board requires;	67176 67177
(14) Methods for authorizing and documenting within	67178

seventy-two hours changes to the individual service needs	67179
addendum. The methods shall allow for changes to be initially	67180
authorized verbally and subsequently in writing.	67181
(15) Procedures for modifying the individual service needs	67182
addendum in accordance with changes to the recipient's	67183
individualized service plan;	67184
(16) Procedures for terminating the individual service needs	67185
addendum within thirty days of a request made by the recipient;	67186
(17) A requirement that all parties to the contract accept	67187
the contract's terms and conditions;	67188
(18) A designated contact person and the method of contacting	67189
the designated person to respond to medical or behavioral problems	67190
and allegations of major unusual incidents or unusual incidents;	67191
(19) Procedures for ensuring the health and welfare of the	67192
recipient;	67193
(20) Procedures for ensuring fiscal accountability and the	67194
collection and reporting of programmatic data;	67195
(21) Procedures for implementing the mediation and	67196
arbitration process under section 5126.036 of the Revised Code;	67197
(22) Procedures for amending or terminating the contract,	67198
including as necessary to make the general operating agreement	67199
component consistent with any changes made to the individual	67200
service needs addendum;	67201
(23) Anything else allowable under federal and state law that	67202
the county board and provider agree to.	67203
(D) The individual service needs addendum shall be consistent	67204
with the general operating agreement component and include all of	67205
the following:	67206
(1) The name of the individual with mental retardation or	67207

other developmental disability who is to receive the services from 67208
the provider and any information about the recipient that the 67209
provider needs to be able to provide the services; 67210

(2) A clear and complete description of the services that the 67211
recipient is to receive as determined using statewide assessment 67212
tools; 67213

(3) A copy of the recipient's assessment and individualized 67214
service plan; 67215

(4) A clear and complete description of the provider's 67216
responsibilities to the recipient and county board in providing 67217
appropriate services in a coordinated manner with other providers 67218
and in a manner that contributes to and ensures the recipient's 67219
health, safety, and welfare. 67220

(E) ~~The director of mental retardation and developmental~~ 67221
~~disabilities shall adopt rules in accordance with Chapter 119. of~~ 67222
~~the Revised Code governing service contracts.~~ A service contract 67223
does not negate the requirement that a provider of home and 67224
community-based services, or medicaid case management services, ~~or~~ 67225
~~habilitation center services~~ have a medicaid provider agreement 67226
with the department of job and family services. 67227

Sec. 5126.042. (A) As used in this section, "emergency" means 67228
any situation that creates for an individual with mental 67229
retardation or developmental disabilities a risk of substantial 67230
self-harm or substantial harm to others if action is not taken 67231
within thirty days. An "emergency" may include one or more of the 67232
following situations: 67233

(1) Loss of present residence for any reason, including legal 67234
action; 67235

(2) Loss of present caretaker for any reason, including 67236
serious illness of the caretaker, change in the caretaker's 67237

status, or inability of the caretaker to perform effectively for the individual; 67238
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(3) Abuse, neglect, or exploitation of the individual; 67240

(4) Health and safety conditions that pose a serious risk to the individual or others of immediate harm or death; 67241
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(5) Change in the emotional or physical condition of the individual that necessitates substantial accommodation that cannot be reasonably provided by the individual's existing caretaker. 67243
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(B) If a county board of mental retardation and developmental disabilities determines that available resources are not sufficient to meet the needs of all individuals who request programs and services and may be offered the programs and services, it shall establish waiting lists for services. The board may establish priorities for making placements on its waiting lists according to an individual's emergency status and shall establish priorities in accordance with divisions (D) and (E) of this section. 67246
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The individuals who may be placed on a waiting list include individuals with a need for services on an emergency basis and individuals who have requested services for which resources are not available. 67255
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Except for an individual who is to receive priority for services pursuant to division (D)(3) of this section, an individual who currently receives a service but would like to change to another service shall not be placed on a waiting list but shall be placed on a service substitution list. The board shall work with the individual, service providers, and all appropriate entities to facilitate the change in service as expeditiously as possible. The board may establish priorities for making placements on its service substitution lists according to an individual's emergency status. 67259
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In addition to maintaining waiting lists and service substitution lists, a board shall maintain a long-term service planning registry for individuals who wish to record their intention to request in the future a service they are not currently receiving. The purpose of the registry is to enable the board to document requests and to plan appropriately. The board may not place an individual on the registry who meets the conditions for receipt of services on an emergency basis.

(C) A county board shall establish a separate waiting list for each of the following categories of services, and may establish separate waiting lists within the waiting lists:

- (1) Early childhood services;
- (2) Educational programs for preschool and school age children;
- (3) Adult services;
- (4) Service and support administration;
- (5) Residential services and supported living;
- (6) Transportation services;
- (7) Other services determined necessary and appropriate for persons with mental retardation or a developmental disability according to their individual habilitation or service plans;
- (8) Family support services provided under section 5126.11 of the Revised Code.

(D) Except as provided in division (G) of this section, a county board shall do, as priorities, all of the following in accordance with the assessment component, approved under section 5123.046 of the Revised Code, of the county board's plan developed under section 5126.054 of the Revised Code:

- (1) For the purpose of obtaining additional federal medicaid

funds for home and community-based services, and medicaid case management services, ~~and habilitation center services~~, do both of the following: 67298
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(a) Give an individual who is eligible for home and community-based services and meets both of the following requirements priority over any other individual on a waiting list established under division (C) of this section for home and community-based services that include supported living, residential services, or family support services: 67301
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(i) Is twenty-two years of age or older; 67307

(ii) Receives supported living or family support services. 67308

(b) Give an individual who is eligible for home and community-based services and meets both of the following requirements priority over any other individual on a waiting list established under division (C) of this section for home and community-based services that include adult services: 67309
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(i) Resides in the individual's own home or the home of the individual's family and will continue to reside in that home after enrollment in home and community-based services; 67314
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(ii) Receives adult services from the county board. 67317

(2) As federal medicaid funds become available pursuant to division (D)(1) of this section, give an individual who is eligible for home and community-based services and meets any of the following requirements priority for such services over any other individual on a waiting list established under division (C) of this section: 67318
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(a) Does not receive residential services or supported living, either needs services in the individual's current living arrangement or will need services in a new living arrangement, and has a primary caregiver who is sixty years of age or older; 67324
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(b) Is less than twenty-two years of age and has at least one 67328
of the following service needs that are unusual in scope or 67329
intensity: 67330

(i) Severe behavior problems for which a behavior support 67331
plan is needed; 67332

(ii) An emotional disorder for which anti-psychotic 67333
medication is needed; 67334

(iii) A medical condition that leaves the individual 67335
dependent on life-support medical technology; 67336

(iv) A condition affecting multiple body systems for which a 67337
combination of specialized medical, psychological, educational, or 67338
habilitation services are needed; 67339

(v) A condition the county board determines to be comparable 67340
in severity to any condition described in division (D)(2)(b)(i) to 67341
(iv) of this section and places the individual at significant risk 67342
of institutionalization. 67343

(c) Is twenty-two years of age or older, does not receive 67344
residential services or supported living, and is determined by the 67345
county board to have intensive needs for home and community-based 67346
services on an in-home or out-of-home basis. 67347

(3) In fiscal years 2002 and 2003, give an individual who is 67348
eligible for home and community-based services, resides in an 67349
intermediate care facility for the mentally retarded or nursing 67350
facility, chooses to move to another setting with the help of home 67351
and community-based services, and has been determined by the 67352
department of mental retardation and developmental disabilities to 67353
be capable of residing in the other setting, priority over any 67354
other individual on a waiting list established under division (C) 67355
of this section for home and community-based services who does not 67356
meet these criteria. The department of mental retardation and 67357

developmental disabilities shall identify the individuals to
receive priority under division (D)(3) of this section, assess the
needs of the individuals, and notify the county boards that are to
provide the individuals priority under division (D)(3) of this
section of the individuals identified by the department and the
individuals' assessed needs.

(E) Except as provided in division (G) of this section and
for a number of years and beginning on a date specified in rules
adopted under division (K) of this section, a county board shall
give an individual who is eligible for home and community-based
services, resides in a nursing facility, and chooses to move to
another setting with the help of home and community-based
services, priority over any other individual on a waiting list
established under division (C) of this section for home and
community-based services who does not meet these criteria.

(F) If two or more individuals on a waiting list established
under division (C) of this section for home and community-based
services have priority for the services pursuant to division
(D)(1) or (2) or (E) of this section, a county board may use,
until December 31, ~~2005~~ 2007, criteria specified in rules adopted
under division (K)(2) of this section in determining the order in
which the individuals with priority will be offered the services.
Otherwise, the county board shall offer the home and
community-based services to such individuals in the order they are
placed on the waiting list.

(G)(1) No individual may receive priority for services
pursuant to division (D) or (E) of this section over an individual
placed on a waiting list established under division (C) of this
section on an emergency status.

(2) No more than four hundred individuals in the state may
receive priority for services during the ~~2004~~ 2006 and ~~2005~~ 2007

biennium pursuant to division (D)(2)(b) of this section. 67389

(3) No more than a total of seventy-five individuals in the 67390
state may receive priority for services during state fiscal years 67391
2002 and 2003 pursuant to division (D)(3) of this section. 67392

(4) No more than forty individuals in the state may receive 67393
priority for services pursuant to division (E) of this section for 67394
each year that priority category is in effect as specified in 67395
rules adopted under division (K) of this section. 67396

(H) Prior to establishing any waiting list under this 67397
section, a county board shall develop and implement a policy for 67398
waiting lists that complies with this section and rules adopted 67399
under division (K) of this section. 67400

Prior to placing an individual on a waiting list, the county 67401
board shall assess the service needs of the individual in 67402
accordance with all applicable state and federal laws. The county 67403
board shall place the individual on the appropriate waiting list 67404
and may place the individual on more than one waiting list. The 67405
county board shall notify the individual of the individual's 67406
placement and position on each waiting list on which the 67407
individual is placed. 67408

At least annually, the county board shall reassess the 67409
service needs of each individual on a waiting list. If it 67410
determines that an individual no longer needs a program or 67411
service, the county board shall remove the individual from the 67412
waiting list. If it determines that an individual needs a program 67413
or service other than the one for which the individual is on the 67414
waiting list, the county board shall provide the program or 67415
service to the individual or place the individual on a waiting 67416
list for the program or service in accordance with the board's 67417
policy for waiting lists. 67418

When a program or service for which there is a waiting list 67419

becomes available, the county board shall reassess the service 67420
needs of the individual next scheduled on the waiting list to 67421
receive that program or service. If the reassessment demonstrates 67422
that the individual continues to need the program or service, the 67423
board shall offer the program or service to the individual. If it 67424
determines that an individual no longer needs a program or 67425
service, the county board shall remove the individual from the 67426
waiting list. If it determines that an individual needs a program 67427
or service other than the one for which the individual is on the 67428
waiting list, the county board shall provide the program or 67429
service to the individual or place the individual on a waiting 67430
list for the program or service in accordance with the board's 67431
policy for waiting lists. The county board shall notify the 67432
individual of the individual's placement and position on the 67433
waiting list on which the individual is placed. 67434

(I) A child subject to a determination made pursuant to 67435
section 121.38 of the Revised Code who requires the home and 67436
community-based services provided through a medicaid component 67437
that the department of mental retardation and developmental 67438
disabilities administers under section 5111.871 of the Revised 67439
Code shall receive services through that medicaid component. For 67440
all other services, a child subject to a determination made 67441
pursuant to section 121.38 of the Revised Code shall be treated as 67442
an emergency by the county boards and shall not be subject to a 67443
waiting list. 67444

(J) Not later than the fifteenth day of March of each 67445
even-numbered year, each county board shall prepare and submit to 67446
the director of mental retardation and developmental disabilities 67447
its recommendations for the funding of services for individuals 67448
with mental retardation and developmental disabilities and its 67449
proposals for reducing the waiting lists for services. 67450

(K)(1) The department of mental retardation and developmental 67451

disabilities shall adopt rules in accordance with Chapter 119. of 67452
the Revised Code governing waiting lists established under this 67453
section. The rules shall include procedures to be followed to 67454
ensure that the due process rights of individuals placed on 67455
waiting lists are not violated. 67456

(2) As part of the rules adopted under this division, the 67457
department shall adopt rules establishing criteria a county board 67458
may use under division (F) of this section in determining the 67459
order in which individuals with priority for home and 67460
community-based services will be offered the services. The rules 67461
shall also specify conditions under which a county board, when 67462
there is no individual with priority for home and community-based 67463
services pursuant to division (D)(1) or (2) or (E) of this section 67464
available and appropriate for the services, may offer the services 67465
to an individual on a waiting list for the services but not given 67466
such priority for the services. The rules adopted under division 67467
(K)(2) of this section shall cease to have effect December 31, 67468
~~2005~~ 2007. 67469

(3) As part of the rules adopted under this division, the 67470
department shall adopt rules specifying both of the following for 67471
the priority category established under division (E) of this 67472
section: 67473

(a) The number of years, which shall not exceed five, that 67474
the priority category will be in effect; 67475

(b) The date that the priority category is to go into effect. 67476

(L) The following shall take precedence over the applicable 67477
provisions of this section: 67478

(1) Medicaid rules and regulations; 67479

(2) Any specific requirements that may be contained within a 67480
medicaid state plan amendment or waiver program that a county 67481

board has authority to administer or with respect to which it has 67482
authority to provide services, programs, or supports. 67483

Sec. 5126.054. (A) Each county board of mental retardation 67484
and developmental disabilities shall, by resolution, develop a 67485
three-calendar year plan that includes the following four 67486
components: 67487

(1) An assessment component that includes all of the 67488
following: 67489

(a) The number of individuals with mental retardation or 67490
other developmental disability residing in the county who need the 67491
level of care provided by an intermediate care facility for the 67492
mentally retarded, may seek home and community-based services, are 67493
given priority for the services pursuant to division (D) of 67494
section 5126.042 of the Revised Code; the service needs of those 67495
individuals; and the projected annualized cost for services; 67496

(b) The source of funds available to the county board to pay 67497
the nonfederal share of medicaid expenditures that the county 67498
board is required by division (A) of section 5126.057 of the 67499
Revised Code to pay; 67500

(c) Any other applicable information or conditions that the 67501
department of mental retardation and developmental disabilities 67502
requires as a condition of approving the component under section 67503
5123.046 of the Revised Code. 67504

(2) A component that provides for the recruitment, training, 67505
and retention of existing and new direct care staff necessary to 67506
implement services included in individualized service plans, 67507
including behavior management services and health management 67508
services such as delegated nursing and other habilitation 67509
services, and protect the health and welfare of individuals 67510
receiving services included in the individual's individualized 67511

service plan by complying with safeguards for unusual and major 67512
unusual incidents, day-to-day program management, and other 67513
requirements the department shall identify. A county board shall 67514
develop this component in collaboration with providers of 67515
medicaid-funded services with which the county board contracts. A 67516
county board shall include all of the following in the component: 67517

(a) The source and amount of funds available for the 67518
component; 67519

(b) A plan and timeline for implementing the component with 67520
the medicaid providers under contract with the county board; 67521

(c) The mechanisms the county board shall use to ensure the 67522
financial and program accountability of the medicaid provider's 67523
implementation of the component. 67524

(3) A preliminary implementation component that specifies the 67525
number of individuals to be provided, during the first year that 67526
the plan is in effect, home and community-based services pursuant 67527
to the priority given to them under divisions (D)(1) and (2) of 67528
section 5126.042 of the Revised Code and the types of home and 67529
community-based services the individuals are to receive; 67530

(4) A component that provides for the implementation of 67531
~~habilitation center services,~~ medicaid case management services, 67532
and home and community-based services for individuals who begin to 67533
receive the services on or after the date the plan is approved 67534
under section 5123.046 of the Revised Code. A county board shall 67535
include all of the following in the component: 67536

(a) If the department of mental retardation and developmental 67537
disabilities or department of job and family services requires, an 67538
agreement to pay the nonfederal share of medicaid expenditures 67539
that the county board is required by division (A) of section 67540
5126.057 of the Revised Code to pay; 67541

(b) How the services are to be phased in over the period the plan covers, including how the county board will serve individuals on a waiting list established under division (C) of section 5126.042 who are given priority status under division (D)(1) of that section;

(c) Any agreement or commitment regarding the county board's funding of home and community-based services that the county board has with the department at the time the county board develops the component;

(d) Assurances adequate to the department that the county board will comply with all of the following requirements:

(i) To provide the types of home and community-based services specified in the preliminary implementation component required by division (A)(3) of this section to at least the number of individuals specified in that component;

(ii) To use any additional funds the county board receives for the services to improve the county board's resource capabilities for supporting such services available in the county at the time the component is developed and to expand the services to accommodate the unmet need for those services in the county;

(iii) To employ a business manager who is either a new employee who has earned at least a bachelor's degree in business administration or a current employee who has the equivalent experience of a bachelor's degree in business administration. If the county board will employ a new employee, the county board shall include in the component a timeline for employing the employee.

(iv) To employ or contract with a medicaid services manager who is either a new employee who has earned at least a bachelor's degree or a current employee who has the equivalent experience of a bachelor's degree. If the county board will employ a new

employee, the county board shall include in the component a 67573
timeline for employing the employee. Two or three county boards 67574
that have a combined total enrollment in county board services not 67575
exceeding one thousand individuals as determined pursuant to 67576
certifications made under division (B) of section 5126.12 of the 67577
Revised Code may satisfy this requirement by sharing the services 67578
of a medicaid services manager or using the services of a medicaid 67579
services manager employed by or under contract with a regional 67580
council that the county boards establish under section 5126.13 of 67581
the Revised Code. 67582

(e) An agreement to comply with the method, developed by 67583
rules adopted under section 5123.0413 of the Revised Code, of 67584
paying for extraordinary costs, including extraordinary costs for 67585
services to individuals with mental retardation or other 67586
developmental disability, and ensuring the availability of 67587
adequate funds in the event a county property tax levy for 67588
services for individuals with mental retardation or other 67589
developmental disability fails; 67590

(f) Programmatic and financial accountability measures and 67591
projected outcomes expected from the implementation of the plan; 67592

(g) Any other applicable information or conditions that the 67593
department requires as a condition of approving the component 67594
under section 5123.046 of the Revised Code. 67595

(B) For the purpose of obtaining the department's approval 67596
under section 5123.046 of the Revised Code of the plan the county 67597
board develops under division (A) of this section, a county board 67598
shall do all of the following: 67599

(1) Submit the components required by divisions (A)(1) and 67600
(2) of this section to the department not later than August 1, 67601
2001; 67602

(2) Submit the component required by division (A)(3) of this 67603

section to the department not later than January 31, 2002; 67604

(3) Submit the component required by division (A)(4) of this 67605
section to the department not later than July 1, 2002. 67606

(C) A county board whose plan developed under division (A) of 67607
this section is approved by the department under section 5123.046 67608
of the Revised Code shall update and renew the plan in accordance 67609
with a schedule the department shall develop. 67610

Sec. 5126.055. (A) Except as provided in section 5126.056 of 67611
the Revised Code, a county board of mental retardation and 67612
developmental disabilities has medicaid local administrative 67613
authority to, and shall, do all of the following for an individual 67614
with mental retardation or other developmental disability who 67615
resides in the county that the county board serves and seeks or 67616
receives home and community-based services: 67617

(1) Perform assessments and evaluations of the individual. As 67618
part of the assessment and evaluation process, the county board 67619
shall do all of the following: 67620

(a) Make a recommendation to the department of mental 67621
retardation and developmental disabilities on whether the 67622
department should approve or deny the individual's application for 67623
the services, including on the basis of whether the individual 67624
needs the level of care an intermediate care facility for the 67625
mentally retarded provides; 67626

(b) If the individual's application is denied because of the 67627
county board's recommendation and the individual requests a 67628
hearing under section 5101.35 of the Revised Code, present, with 67629
the department of mental retardation and developmental 67630
disabilities or department of job and family services, whichever 67631
denies the application, the reasons for the recommendation and 67632
denial at the hearing; 67633

(c) If the individual's application is approved, recommend to the departments of mental retardation and developmental disabilities and job and family services the services that should be included in the individual's individualized service plan and, if either department approves, reduces, denies, or terminates a service included in the individual's individualized service plan under section 5111.871 of the Revised Code because of the county board's recommendation, present, with the department that made the approval, reduction, denial, or termination, the reasons for the recommendation and approval, reduction, denial, or termination at a hearing under section 5101.35 of the Revised Code.

(2) If the individual has been identified by the department of mental retardation and developmental disabilities as an individual to receive priority for home and community-based services pursuant to division (D)(3) of section 5126.042 of the Revised Code, assist the department in expediting the transfer of the individual from an intermediate care facility for the mentally retarded or nursing facility to the home and community-based services;

(3) In accordance with the rules adopted under section 5126.046 of the Revised Code, perform the county board's duties under that section regarding assisting the individual's right to choose a qualified and willing provider of the services and, at a hearing under section 5101.35 of the Revised Code, present evidence of the process for appropriate assistance in choosing providers;

(4) Unless the county board provides the services under division (A)(5) of this section, contract with the person or government entity the individual chooses in accordance with section 5126.046 of the Revised Code to provide the services if the person or government entity is qualified and agrees to provide the services. The contract shall contain all the provisions

required by section 5126.035 of the Revised Code and require the
provider to agree to furnish, in accordance with the provider's
medicaid provider agreement and for the authorized reimbursement
rate, the services the individual requires.

(5) If the county board is certified under section ~~5123.045~~
5123.16 of the Revised Code to provide the services and agrees to
provide the services to the individual and the individual chooses
the county board to provide the services, furnish, in accordance
with the county board's medicaid provider agreement and for the
authorized reimbursement rate, the services the individual
requires;

(6) Monitor the services provided to the individual and
ensure the individual's health, safety, and welfare. The
monitoring shall include quality assurance activities. If the
county board provides the services, the department of mental
retardation and developmental disabilities shall also monitor the
services.

(7) Develop, with the individual and the provider of the
individual's services, an effective individualized service plan
that includes coordination of services, recommend that the
departments of mental retardation and developmental disabilities
and job and family services approve the plan, and implement the
plan unless either department disapproves it;

(8) Have an investigative agent conduct investigations under
section 5126.313 of the Revised Code that concern the individual;

(9) Have a service and support administrator perform the
duties under division (B)(9) of section 5126.15 of the Revised
Code that concern the individual.

~~(B) Except as provided in section 5126.056 of the Revised
Code, a county board has medicaid local administrative authority
to, and shall, do all of the following for an individual with~~

~~mental retardation or other developmental disability who resides 67697
in the county that the county board serves and seeks or receives 67698
medicaid case management services or habilitation center services, 67699
other than habilitation center services for which a school 67700
district is required by division (E) of section 5111.041 of the 67701
Revised Code to pay the nonfederal share: 67702~~

~~(1) Perform assessments and evaluations of the individual for 67703
the purpose of recommending to the departments of mental 67704
retardation and developmental disabilities and job and family 67705
services the services that should be included in the individual's 67706
individualized service plan: 67707~~

~~(2) If the department of mental retardation and developmental 67708
disabilities or department of job and family services approves, 67709
reduces, denies, or terminates a service included in the 67710
individual's individualized service plan under section 5111.041 or 67711
5111.042 of the Revised Code because of the county board's 67712
recommendation under division (B)(1) of this section, present, 67713
with the department that made the approval, reduction, denial, or 67714
termination, the reasons for the recommendation and approval, 67715
reduction, denial, or termination at a hearing under section 67716
5101.35 of the Revised Code and inform the individual that the 67717
individual may file a complaint with the county board under 67718
section 5126.06 of the Revised Code at the same time the 67719
individual pursues an appeal under section 5101.35 of the Revised 67720
Code: 67721~~

~~(3) In accordance with rules the departments of mental 67722
retardation and developmental disabilities and job and family 67723
services shall adopt in accordance with Chapter 119. of the 67724
Revised Code governing the process for individuals to choose 67725
providers of medicaid case management services and habilitation 67726
center services, assist the individual in choosing the provider of 67727
the services. The rules shall provide for both of the following: 67728~~

~~(a) The county board providing the individual up to date information about qualified providers that the department of mental retardation and developmental disabilities shall make available to the county board;~~ 67729
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~~(b) If the individual chooses a provider who is qualified and willing to provide the services but is denied that provider, the individual receiving timely notice that the individual may request a hearing under section 5101.35 of the Revised Code and, at the hearing, the county board presenting evidence of the process for appropriate assistance in choosing providers.~~ 67733
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~~(4) Unless the county board provides the services under division (B)(5) of this section, contract with the person or government entity that the individual chooses in accordance with the rules adopted under division (B)(3) of this section to provide the services if the person or government entity is qualified and agrees to provide the services. The contract shall contain all the provisions required by section 5126.035 of the Revised Code and require the provider to agree to furnish, in accordance with the provider's medicaid provider agreement and for the authorized reimbursement rate, the services the individual requires.~~ 67739
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~~(5) If the county board is certified under section 5123.041 of the Revised Code to provide the services and agrees to provide the services to the individual and the individual chooses the county board to provide the services, furnish, in accordance with the county board's medicaid provider agreement and for the authorized reimbursement rate, the services the individual requires;~~ 67749
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~~(6) Monitor the services provided to the individual. The monitoring shall include quality assurance activities. If the county board provides the services, the department of mental retardation and developmental disabilities shall also monitor the~~ 67756
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~~services.~~ 67760

~~(7) Develop with the individual and the provider of the individual's services, and with the approval of the departments of mental retardation and developmental disabilities and job and family services, implement an effective plan for coordinating the services in accordance with the individual's approved individualized service plan;~~ 67761
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~~(8) Have an investigative agent conduct investigations under section 5126.313 of the Revised Code that concern the individual;~~ 67767
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~~(9) Have a service and support administrator perform the duties under division (B)(9) of section 5126.15 of the Revised Code that concern the individual.~~ 67769
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~~(C)~~ A county board shall perform its medicaid local administrative authority under this section in accordance with all of the following: 67772
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(1) The county board's plan that the department of mental retardation and developmental disabilities approves under section 5123.046 of the Revised Code; 67775
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(2) All applicable federal and state laws; 67778

(3) All applicable policies of the departments of mental retardation and developmental disabilities and job and family services and the United States department of health and human services; 67779
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(4) The department of job and family services' supervision under its authority under section 5111.01 of the Revised Code to act as the single state medicaid agency; 67783
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(5) The department of mental retardation and developmental disabilities' oversight. 67786
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~~(D)~~(C) The departments of mental retardation and developmental disabilities and job and family services shall 67788
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communicate with and provide training to county boards regarding 67790
medicaid local administrative authority granted by this section. 67791
The communication and training shall include issues regarding 67792
audit protocols and other standards established by the United 67793
States department of health and human services that the 67794
departments determine appropriate for communication and training. 67795
County boards shall participate in the training. The departments 67796
shall assess the county board's compliance against uniform 67797
standards that the departments shall establish. 67798

~~(E)~~(D) A county board may not delegate its medicaid local 67799
administrative authority granted under this section but may 67800
contract with a person or government entity, including a council 67801
of governments, for assistance with its medicaid local 67802
administrative authority. A county board that enters into such a 67803
contract shall notify the director of mental retardation and 67804
developmental disabilities. The notice shall include the tasks and 67805
responsibilities that the contract gives to the person or 67806
government entity. The person or government entity shall comply in 67807
full with all requirements to which the county board is subject 67808
regarding the person or government entity's tasks and 67809
responsibilities under the contract. The county board remains 67810
ultimately responsible for the tasks and responsibilities. 67811

~~(F)~~(E) A county board that has medicaid local administrative 67812
authority under this section shall, through the departments of 67813
mental retardation and developmental disabilities and job and 67814
family services, reply to, and cooperate in arranging compliance 67815
with, a program or fiscal audit or program violation exception 67816
that a state or federal audit or review discovers. The department 67817
of job and family services shall timely notify the department of 67818
mental retardation and developmental disabilities and the county 67819
board of any adverse findings. After receiving the notice, the 67820
county board, in conjunction with the department of mental 67821

retardation and developmental disabilities, shall cooperate fully 67822
with the department of job and family services and timely prepare 67823
and send to the department a written plan of correction or 67824
response to the adverse findings. The county board is liable for 67825
any adverse findings that result from an action it takes or fails 67826
to take in its implementation of medicaid local administrative 67827
authority. 67828

~~(G)~~(F) If the department of mental retardation and 67829
developmental disabilities or department of job and family 67830
services determines that a county board's implementation of its 67831
medicaid local administrative authority under this section is 67832
deficient, the department that makes the determination shall 67833
require that county board do the following: 67834

(1) If the deficiency affects the health, safety, or welfare 67835
of an individual with mental retardation or other developmental 67836
disability, correct the deficiency within twenty-four hours; 67837

(2) If the deficiency does not affect the health, safety, or 67838
welfare of an individual with mental retardation or other 67839
developmental disability, receive technical assistance from the 67840
department or submit a plan of correction to the department that 67841
is acceptable to the department within sixty days and correct the 67842
deficiency within the time required by the plan of correction. 67843

Sec. 5126.056. (A) The department of mental retardation and 67844
developmental disabilities shall take action under division (B) of 67845
this section against a county board of mental retardation and 67846
developmental disabilities if any of the following are the case: 67847

(1) The county board fails to submit to the department all 67848
the components of its three-year plan required by section 5126.054 67849
of the Revised Code within the time required by division (B) of 67850
that section. 67851

(2) The department disapproves the county board's three-year plan under section 5123.046 of the Revised Code. 67852
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(3) The county board fails, as required by division (C) of section 5126.054 of the Revised Code, to update and renew its three-year plan in accordance with a schedule the department develops under that section. 67854
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(4) The county board fails to implement its initial or renewed three-year plan approved by the department. 67858
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(5) The county board fails to correct a deficiency within the time required by division ~~(G)~~(F) of section 5126.055 of the Revised Code to the satisfaction of the department. 67860
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(6) The county board fails to submit an acceptable plan of correction to the department within the time required by division ~~(G)~~(F)(2) of section 5126.055 of the Revised Code. 67863
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(B) If required by division (A) of this section to take action against a county board, the department shall issue an order terminating the county board's medicaid local administrative authority over all or part of home and community-based services, medicaid case management services, ~~habilitation center services,~~ all or part of two of those services, or all or part of all three both of those services. The department shall provide a copy of the order to the board of county commissioners, senior probate judge, county auditor, and president and superintendent of the county board. The department shall specify in the order the medicaid local administrative authority that the department is terminating, the reason for the termination, and the county board's option and responsibilities under this division. 67866
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A county board whose medicaid local administrative authority is terminated may, not later than thirty days after the department issues the termination order, recommend to the department that another county board that has not had any of its medicaid local 67879
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administrative authority terminated or another entity the 67883
department approves administer the services for which the county 67884
board's medicaid local administrative authority is terminated. The 67885
department may contract with the other county board or entity to 67886
administer the services. If the department enters into such a 67887
contract, the county board shall adopt a resolution giving the 67888
other county board or entity full medicaid local administrative 67889
authority over the services that the other county board or entity 67890
is to administer. The other county board or entity shall be known 67891
as the contracting authority. 67892

If the department rejects the county board's recommendation 67893
regarding a contracting authority, the county board may appeal the 67894
rejection under section 5123.043 of the Revised Code. 67895

If the county board does not submit a recommendation to the 67896
department regarding a contracting authority within the required 67897
time or the department rejects the county board's recommendation 67898
and the rejection is upheld pursuant to an appeal, if any, under 67899
section 5123.043 of the Revised Code, the department shall appoint 67900
an administrative receiver to administer the services for which 67901
the county board's medicaid local administrative authority is 67902
terminated. To the extent necessary for the department to appoint 67903
an administrative receiver, the department may utilize employees 67904
of the department, management personnel from another county board, 67905
or other individuals who are not employed by or affiliated with in 67906
any manner a person that provides home and community-based 67907
services, or medicaid case management services, ~~or habilitation~~ 67908
~~center services~~ pursuant to a contract with any county board. The 67909
administrative receiver shall assume full administrative 67910
responsibility for the county board's services for which the 67911
county board's medicaid local administrative authority is 67912
terminated. 67913

The contracting authority or administrative receiver shall 67914

develop and submit to the department a plan of correction to
remediate the problems that caused the department to issue the
termination order. If, after reviewing the plan, the department
approves it, the contracting authority or administrative receiver
shall implement the plan.

The county board shall transfer control of state and federal
funds it is otherwise eligible to receive for the services for
which the county board's medicaid local administrative authority
is terminated and funds the county board may use under division
(B) of section 5126.057 of the Revised Code to pay the nonfederal
share of the services that the county board is required by
division (A) of that section to pay. The county board shall
transfer control of the funds to the contracting authority or
administrative receiver administering the services. The amount the
county board shall transfer shall be the amount necessary for the
contracting authority or administrative receiver to fulfill its
duties in administering the services, including its duties to pay
its personnel for time worked, travel, and related matters. If the
county board fails to make the transfer, the department may
withhold the state and federal funds from the county board and
bring a mandamus action against the county board in the court of
common pleas of the county served by the county board or in the
Franklin county court of common pleas. The mandamus action may not
require that the county board transfer any funds other than the
funds the county board is required by division (B) of this section
to transfer.

The contracting authority or administrative receiver has the
right to authorize the payment of bills in the same manner that
the county board may authorize payment of bills under this chapter
and section 319.16 of the Revised Code.

Sec. 5126.057. (A) A county board of mental retardation and

developmental disabilities that has medicaid local administrative 67946
authority under division (A) of section 5126.055 of the Revised 67947
Code for home and community-based services shall pay the 67948
nonfederal share of medicaid expenditures for such services 67949
provided to an individual with mental retardation or other 67950
developmental disability who the county board determines under 67951
section 5126.041 of the Revised Code is eligible for county board 67952
services unless division ~~(C)~~(B)(2) or (3) of section 5123.047 of 67953
the Revised Code requires the department of mental retardation and 67954
developmental disabilities to pay the nonfederal share. 67955

A county board that ~~has medicaid local administrative~~ 67956
~~authority under division (B) of section 5126.055 of the Revised~~ 67957
~~Code for~~ provides medicaid case management services shall pay the 67958
nonfederal share of medicaid expenditures for such services 67959
provided to an individual with mental retardation or other 67960
developmental disability who the county board determines under 67961
section 5126.041 of the Revised Code is eligible for county board 67962
services ~~unless division (B)(2) of section 5123.047 of the Revised~~ 67963
~~Code requires the department of mental retardation and~~ 67964
~~developmental disabilities to pay the nonfederal share.~~ 67965

~~A county board shall pay the nonfederal share of medicaid~~ 67966
~~expenditures for habilitation center services when required to do~~ 67967
~~so by division (D) of section 5111.041 of the Revised Code.~~ 67968

(B) A county board may use the following funds to pay the 67969
nonfederal share of the services that the county board is required 67970
by division (A) of this section to pay: 67971

(1) To the extent consistent with the levy that generated the 67972
taxes, the following taxes: 67973

(a) Taxes levied pursuant to division (L) of section 5705.19 67974
of the Revised Code and section 5705.222 of the Revised Code; 67975

(b) Taxes levied under section 5705.191 of the Revised Code 67976
that the board of county commissioners allocates to the county 67977
board to pay the nonfederal share of the services. 67978

(2) Funds that the department of mental retardation and 67979
developmental disabilities distributes to the county board under 67980
sections 5126.11, 5126.12, 5126.15, 5126.18, and 5126.44 of the 67981
Revised Code; 67982

~~(3) Funds that the department allocates to the county board 67983
for habilitation center services provided under section 5111.041 67984
of the Revised Code; 67985~~

~~(4) Earned federal revenue funds the county board receives 67986
for medicaid services the county board provides pursuant to the 67987
county board's valid medicaid provider agreement. 67988~~

(C) If by December 31, 2001, the United States secretary of 67989
health and human services approves at least five hundred more 67990
slots for home and community-based services for calendar year 2002 67991
than were available for calendar year 2001, each county board 67992
shall provide, by the last day of calendar year 2001, assurances 67993
to the department of mental retardation and developmental 67994
disabilities that the county board will have for calendar year 67995
2002 at least one-third of the value of one-half, effective mill 67996
levied in the county the preceding year available to pay the 67997
nonfederal share of the services that the county board is required 67998
by division (A) of this section to pay. 67999

If by December 31, 2002, the United States secretary approves 68000
at least five hundred more slots for home and community-based 68001
services for calendar year 2003 than were available for calendar 68002
year 2002, each county board shall provide, by the last day of 68003
calendar year 2002, assurances to the department that the county 68004
board will have for calendar year 2003 at least two-thirds of the 68005
value of one-half, effective mill levied in the county the 68006

preceding year available to pay the nonfederal share of the 68007
services that the county board is required by division (A) of this 68008
section to pay. 68009

If by December 31, 2003, the United States secretary approves 68010
at least five hundred more slots for home and community-based 68011
services for calendar year 2004 than were available for calendar 68012
year 2003, each county board shall provide, by the last day of 68013
calendar year 2003 and each calendar year thereafter, assurances 68014
to the department that the county board will have for calendar 68015
year 2004 and each calendar year thereafter at least the value of 68016
one-half, effective mill levied in the county the preceding year 68017
available to pay the nonfederal share of the services that the 68018
county board is required by division (A) of this section to pay. 68019

(D) Each year, each county board shall adopt a resolution 68020
specifying the amount of funds it will use in the next year to pay 68021
the nonfederal share of the services that the county board is 68022
required by division (A) of this section to pay. The amount 68023
specified shall be adequate to assure that the services will be 68024
available in the county in a manner that conforms to all 68025
applicable state and federal laws. A county board shall state in 68026
its resolution that the payment of the nonfederal share represents 68027
an ongoing financial commitment of the county board. A county 68028
board shall adopt the resolution in time for the county auditor to 68029
make the determination required by division (E) of this section. 68030

(E) Each year, a county auditor shall determine whether the 68031
amount of funds a county board specifies in the resolution it 68032
adopts under division (D) of this section will be available in the 68033
following year for the county board to pay the nonfederal share of 68034
the services that the county board is required by division (A) of 68035
this section to pay. The county auditor shall make the 68036
determination not later than the last day of the year before the 68037
year in which the funds are to be used. 68038

Sec. 5126.12. (A) As used in this section: 68039

(1) "Approved school age class" means a class operated by a 68040
county board of mental retardation and developmental disabilities 68041
and funded by the department of education under section 3317.20 of 68042
the Revised Code. 68043

(2) "Approved preschool unit" means a class or unit operated 68044
by a county board of mental retardation and developmental 68045
disabilities and approved under division (B) of section 3317.05 of 68046
the Revised Code. 68047

(3) "Active treatment" means a continuous treatment program, 68048
which includes aggressive, consistent implementation of a program 68049
of specialized and generic training, treatment, health services, 68050
and related services, that is directed toward the acquisition of 68051
behaviors necessary for an individual with mental retardation or 68052
other developmental disability to function with as much 68053
self-determination and independence as possible and toward the 68054
prevention of deceleration, regression, or loss of current optimal 68055
functional status. 68056

(4) "Eligible for active treatment" means that an individual 68057
with mental retardation or other developmental disability resides 68058
in an intermediate care facility for the mentally retarded 68059
certified under Title XIX of the "Social Security Act," 79 Stat. 68060
286 (1965), 42 U.S.C. 1396, as amended; resides in a state 68061
institution operated by the department of mental retardation and 68062
developmental disabilities; or is enrolled in home and 68063
community-based services. 68064

(5) ~~"Community alternative funding system" means the program 68065
under which habilitation center services are reimbursed under the 68066
medicaid program pursuant to section 5111.041 of the Revised Code 68067
and rules adopted under that section. 68068~~

~~(6)~~ "Traditional adult services" means vocational and 68069
nonvocational activities conducted within a sheltered workshop or 68070
adult activity center or supportive home services. 68071

(B) Each county board of mental retardation and developmental 68072
disabilities shall certify to the director of mental retardation 68073
and developmental disabilities all of the following: 68074

(1) On or before the fifteenth day of October, the average 68075
daily membership for the first full week of programs and services 68076
during October receiving: 68077

(a) Early childhood services provided pursuant to section 68078
5126.05 of the Revised Code for children who are less than three 68079
years of age on the thirtieth day of September of the academic 68080
year; 68081

(b) Special education for handicapped children in approved 68082
school age classes; 68083

(c) Adult services for persons sixteen years of age and older 68084
operated pursuant to section 5126.05 and division (B) of section 68085
5126.051 of the Revised Code. Separate counts shall be made for 68086
the following: 68087

(i) Persons enrolled in traditional adult services who are 68088
eligible for but not enrolled in active treatment ~~under the~~ 68089
~~community alternative funding system;~~ 68090

(ii) Persons enrolled in traditional adult services who are 68091
eligible for and enrolled in active treatment ~~under the community~~ 68092
~~alternative funding system;~~ 68093

(iii) Persons enrolled in traditional adult services but who 68094
are not eligible for active treatment ~~under the community~~ 68095
~~alternative funding system;~~ 68096

(iv) Persons participating in community employment services. 68097
To be counted as participating in community employment services, a 68098

person must have spent an average of no less than ten hours per 68099
week in that employment during the preceding six months. 68100

(d) Other programs in the county for individuals with mental 68101
retardation and developmental disabilities that have been approved 68102
for payment of subsidy by the department of mental retardation and 68103
developmental disabilities. 68104

The membership in each such program and service in the county 68105
shall be reported on forms prescribed by the department of mental 68106
retardation and developmental disabilities. 68107

The department of mental retardation and developmental 68108
disabilities shall adopt rules defining full-time equivalent 68109
enrollees and for determining the average daily membership 68110
therefrom, except that certification of average daily membership 68111
in approved school age classes shall be in accordance with rules 68112
adopted by the state board of education. The average daily 68113
membership figure shall be determined by dividing the amount 68114
representing the sum of the number of enrollees in each program or 68115
service in the week for which the certification is made by the 68116
number of days the program or service was offered in that week. No 68117
enrollee may be counted in average daily membership for more than 68118
one program or service. 68119

(2) By the fifteenth day of December, the number of children 68120
enrolled in approved preschool units on the first day of December; 68121

(3) On or before the thirtieth day of March, an itemized 68122
report of all income and operating expenditures for the 68123
immediately preceding calendar year, in the format specified by 68124
the department of mental retardation and developmental 68125
disabilities; 68126

(4) By the fifteenth day of February, a report of the total 68127
annual cost per enrollee for operation of programs and services in 68128
the preceding calendar year. The report shall include a grand 68129

total of all programs operated, the cost of the individual 68130
programs, and the sources of funds applied to each program. 68131

(5) That each required certification and report is in 68132
accordance with rules established by the department of mental 68133
retardation and developmental disabilities and the state board of 68134
education for the operation and subsidization of the programs and 68135
services. 68136

(C) To compute payments under this section to the board for 68137
the fiscal year, the department of mental retardation and 68138
developmental disabilities shall use the certification of average 68139
daily membership required by division (B)(1) of this section 68140
exclusive of the average daily membership in any approved school 68141
age class and the number in any approved preschool unit. 68142

(D) The department shall pay each county board for each 68143
fiscal year an amount equal to nine hundred fifty dollars times 68144
the certified number of persons who on the first day of December 68145
of the academic year are under three years of age and are not in 68146
an approved preschool unit. For persons who are at least age 68147
sixteen and are not in an approved school age class, the 68148
department shall pay each county board for each fiscal year the 68149
following amounts: 68150

(1) One thousand dollars times the certified average daily 68151
membership of persons enrolled in traditional adult services who 68152
are eligible for but not enrolled in active treatment ~~under the~~ 68153
~~community alternative funding system;~~ 68154

(2) One thousand two hundred dollars times the certified 68155
average daily membership of persons enrolled in traditional adult 68156
services who are eligible for and enrolled in active treatment 68157
~~under the community alternative funding system;~~ 68158

(3) No less than one thousand five hundred dollars times the 68159
certified average daily membership of persons enrolled in 68160

traditional adult services but who are not eligible for active 68161
treatment ~~under the community alternative funding system;~~ 68162

(4) No less than one thousand five hundred dollars times the 68163
certified average daily membership of persons participating in 68164
community employment services. 68165

(E) The department shall distribute this subsidy to county 68166
boards in quarterly installments of equal amounts. The 68167
installments shall be made not later than the thirtieth day of 68168
September, the thirty-first day of December, the thirty-first day 68169
of March, and the thirtieth day of June. 68170

(F) The director of mental retardation and developmental 68171
disabilities shall make efforts to obtain increases in the 68172
subsidies for early childhood services and adult services so that 68173
the amount of the subsidies is equal to at least fifty per cent of 68174
the statewide average cost of those services minus any applicable 68175
federal reimbursements for those services. The director shall 68176
advise the director of budget and management of the need for any 68177
such increases when submitting the biennial appropriations request 68178
for the department. 68179

(G) In determining the reimbursement of a county board for 68180
the provision of service and support administration, family 68181
support services, and other services required or approved by the 68182
director for which children three through twenty-one years of age 68183
are eligible, the department shall include the average daily 68184
membership in approved school age or preschool units. The 68185
department, in accordance with this section and upon receipt and 68186
approval of the certification required by this section and any 68187
other information it requires to enable it to determine a board's 68188
payments, shall pay the agency providing the specialized training 68189
the amounts payable under this section. 68190

Sec. 5139.01. (A) As used in this chapter:	68191
(1) "Commitment" means the transfer of the physical custody of a child or youth from the court to the department of youth services.	68192 68193 68194
(2) "Permanent commitment" means a commitment that vests legal custody of a child in the department of youth services.	68195 68196
(3) "Legal custody," insofar as it pertains to the status that is created when a child is permanently committed to the department of youth services, means a legal status in which the department has the following rights and responsibilities: the right to have physical possession of the child; the right and duty to train, protect, and control the child; the responsibility to provide the child with food, clothing, shelter, education, and medical care; and the right to determine where and with whom the child shall live, subject to the minimum periods of, or periods of, institutional care prescribed in sections 2152.13 to 2152.18 of the Revised Code; provided, that these rights and responsibilities are exercised subject to the powers, rights, duties, and responsibilities of the guardian of the person of the child, and subject to any residual parental rights and responsibilities.	68197 68198 68199 68200 68201 68202 68203 68204 68205 68206 68207 68208 68209 68210 68211
(4) Unless the context requires a different meaning, "institution" means a state facility that is created by the general assembly and that is under the management and control of the department of youth services or a private entity with which the department has contracted for the institutional care and custody of felony delinquents.	68212 68213 68214 68215 68216 68217
(5) "Full-time care" means care for twenty-four hours a day for over a period of at least two consecutive weeks.	68218 68219
(6) "Placement" means the conditional release of a child	68220

under the terms and conditions that are specified by the 68221
department of youth services. The department shall retain legal 68222
custody of a child released pursuant to division (C) of section 68223
2152.22 of the Revised Code or division (C) of section 5139.06 of 68224
the Revised Code until the time that it discharges the child or 68225
until the legal custody is terminated as otherwise provided by 68226
law. 68227

(7) "Home placement" means the placement of a child in the 68228
home of the child's parent or parents or in the home of the 68229
guardian of the child's person. 68230

(8) "Discharge" means that the department of youth services' 68231
legal custody of a child is terminated. 68232

(9) "Release" means the termination of a child's stay in an 68233
institution and the subsequent period during which the child 68234
returns to the community under the terms and conditions of 68235
supervised release. 68236

(10) "Delinquent child" has the same meaning as in section 68237
2152.02 of the Revised Code. 68238

(11) "Felony delinquent" means any child who is at least ten 68239
years of age but less than eighteen years of age and who is 68240
adjudicated a delinquent child for having committed an act that if 68241
committed by an adult would be a felony. "Felony delinquent" 68242
includes any adult who is between the ages of eighteen and 68243
twenty-one and who is in the legal custody of the department of 68244
youth services for having committed an act that if committed by an 68245
adult would be a felony. 68246

(12) "Juvenile traffic offender" has the same meaning as in 68247
section 2152.02 of the Revised Code. 68248

(13) "Public safety beds" means all of the following: 68249

(a) Felony delinquents who have been committed to the 68250

department of youth services for the commission of an act, other
than a violation of section 2911.01 or 2911.11 of the Revised
Code, that is a category one offense or a category two offense and
who are in the care and custody of an institution or have been
diverted from care and custody in an institution and placed in a
community corrections facility;

(b) Felony delinquents who, while committed to the department
of youth services and in the care and custody of an institution or
a community corrections facility, are adjudicated delinquent
children for having committed in that institution or community
corrections facility an act that if committed by an adult would be
a misdemeanor or a felony;

(c) Children who satisfy all of the following:

(i) They are at least ten years of age but less than eighteen
years of age.

(ii) They are adjudicated delinquent children for having
committed acts that if committed by an adult would be a felony.

(iii) They are committed to the department of youth services
by the juvenile court of a county that has had one-tenth of one
per cent or less of the statewide adjudications for felony
delinquents as averaged for the past four fiscal years.

(iv) They are in the care and custody of an institution or a
community corrections facility.

(d) Felony delinquents who, while committed to the department
of youth services and in the care and custody of an institution
are serving disciplinary time for having committed an act
described in division (A)~~(19)~~(18)(a), (b), or (c) of this section,
and who have been institutionalized or institutionalized in a
secure facility for the minimum period of time specified in
divisions (A)(1)(b) to (e) of section 2152.16 of the Revised Code.

(e) Felony delinquents who are subject to and serving a 68281
three-year period of commitment order imposed by a juvenile court 68282
pursuant to divisions (A) and (B) of section 2152.17 of the 68283
Revised Code for an act, other than a violation of section 2911.11 68284
of the Revised Code, that would be a category one offense or 68285
category two offense if committed by an adult. 68286

(f) Felony delinquents who are described in divisions 68287
(A)(13)(a) to (e) of this section, who have been granted a 68288
judicial release to court supervision under division (B) of 68289
section 2152.22 of the Revised Code or a judicial release to the 68290
department of youth services supervision under division (C) of 68291
that section from the commitment to the department of youth 68292
services for the act described in divisions (A)(13)(a) to (e) of 68293
this section, who have violated the terms and conditions of that 68294
release, and who, pursuant to an order of the court of the county 68295
in which the particular felony delinquent was placed on release 68296
that is issued pursuant to division (D) of section 2152.22 of the 68297
Revised Code, have been returned to the department for 68298
institutionalization or institutionalization in a secure facility. 68299

(g) Felony delinquents who have been committed to the custody 68300
of the department of youth services, who have been granted 68301
supervised release from the commitment pursuant to section 5139.51 68302
of the Revised Code, who have violated the terms and conditions of 68303
that supervised release, and who, pursuant to an order of the 68304
court of the county in which the particular child was placed on 68305
supervised release issued pursuant to division (F) of section 68306
5139.52 of the Revised Code, have had the supervised release 68307
revoked and have been returned to the department for 68308
institutionalization. A felony delinquent described in this 68309
division shall be a public safety bed only for the time during 68310
which the felony delinquent is institutionalized as a result of 68311
the revocation subsequent to the initial thirty-day period of 68312

institutionalization required by division (F) of section 5139.52 68313
of the Revised Code. 68314

(14) Unless the context requires a different meaning, 68315
"community corrections facility" means a county or multicounty 68316
rehabilitation center for felony delinquents who have been 68317
committed to the department of youth services and diverted from 68318
care and custody in an institution and placed in the 68319
rehabilitation center pursuant to division (E) of section 5139.36 68320
of the Revised Code. 68321

(15) "Secure facility" means any facility that is designed 68322
and operated to ensure that all of its entrances and exits are 68323
under the exclusive control of its staff and to ensure that, 68324
because of that exclusive control, no child who has been 68325
institutionalized in the facility may leave the facility without 68326
permission or supervision. 68327

(16) "Community residential program" means a program that 68328
satisfies both of the following: 68329

(a) It is housed in a building or other structure that has no 68330
associated major restraining construction, including, but not 68331
limited to, a security fence. 68332

(b) It provides twenty-four-hour care, supervision, and 68333
programs for felony delinquents who are in residence. 68334

(17) "Category one offense" and "category two offense" have 68335
the same meanings as in section 2151.26 of the Revised Code. 68336

(18) "Disciplinary time" means additional time that the 68337
department of youth services requires a felony delinquent to serve 68338
in an institution, that delays the felony delinquent's planned 68339
release, and that the department imposes upon the felony 68340
delinquent following the conduct of an internal due process 68341
hearing for having committed any of the following acts while 68342

committed to the department and in the care and custody of an institution: 68343
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(a) An act that if committed by an adult would be a felony; 68345

(b) An act that if committed by an adult would be a misdemeanor; 68346
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(c) An act that is not described in division (A)(18)(a) or (b) of this section and that violates an institutional rule of conduct of the department. 68348
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(19) "Unruly child" has the same meaning as in section 2151.022 of the Revised Code. 68351
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(20) "Revocation" means the act of revoking a child's supervised release for a violation of a term or condition of the child's supervised release in accordance with section 5139.52 of the Revised Code. 68353
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(21) "Release authority" means the release authority of the department of youth services that is established by section 5139.50 of the Revised Code. 68357
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(22) "Supervised release" means the event of the release of a child under this chapter from an institution and the period after that release during which the child is supervised and assisted by an employee of the department of youth services under specific terms and conditions for reintegration of the child into the community. 68360
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(23) "Victim" means the person identified in a police report, complaint, or information as the victim of an act that would have been a criminal offense if committed by an adult and that provided the basis for adjudication proceedings resulting in a child's commitment to the legal custody of the department of youth services. 68366
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(24) "Victim's representative" means a member of the victim's 68372

family or another person whom the victim or another authorized
person designates in writing, pursuant to section 5139.56 of the
Revised Code, to represent the victim with respect to proceedings
of the release authority of the department of youth services and
with respect to other matters specified in that section.

(25) "Member of the victim's family" means a spouse, child,
stepchild, sibling, parent, stepparent, grandparent, other
relative, or legal guardian of a child but does not include a
person charged with, convicted of, or adjudicated a delinquent
child for committing a criminal or delinquent act against the
victim or another criminal or delinquent act arising out of the
same conduct, criminal or delinquent episode, or plan as the
criminal or delinquent act committed against the victim.

(26) "Judicial release to court supervision" means a release
of a child from institutional care or institutional care in a
secure facility that is granted by a court pursuant to division
(B) of section 2152.22 of the Revised Code during the period
specified in that division.

(27) "Judicial release to department of youth services
supervision" means a release of a child from institutional care or
institutional care in a secure facility that is granted by a court
pursuant to division (C) of section 2152.22 of the Revised Code
during the period specified in that division.

(28) "Juvenile justice system" includes all of the functions
of the juvenile courts, the department of youth services, any
public or private agency whose purposes include the prevention of
delinquency or the diversion, adjudication, detention, or
rehabilitation of delinquent children, and any of the functions of
the criminal justice system that are applicable to children.

(29) "Metropolitan county criminal justice services agency"
means an agency that is established pursuant to division (A) of

section ~~181.54~~ 5502.64 of the Revised Code. 68404

(30) "Administrative planning district" means a district that 68405
is established pursuant to division (A) or (B) of section ~~181.56~~ 68406
5502.66 of the Revised Code. 68407

(31) "Criminal justice coordinating council" means a criminal 68408
justice services agency that is established pursuant to division 68409
(D) of section ~~181.56~~ 5502.66 of the Revised Code. 68410

(32) "Comprehensive plan" means a document that coordinates, 68411
evaluates, and otherwise assists, on an annual or multi-year 68412
basis, all of the functions of the juvenile justice systems of the 68413
state or a specified area of the state, that conforms to the 68414
priorities of the state with respect to juvenile justice systems, 68415
and that conforms with the requirements of all federal criminal 68416
justice acts. These functions include, but are not limited to, all 68417
of the following: 68418

(a) Delinquency; 68419

(b) Identification, detection, apprehension, and detention of 68420
persons charged with delinquent acts; 68421

(c) Assistance to crime victims or witnesses, except that the 68422
comprehensive plan does not include the functions of the attorney 68423
general pursuant to sections 109.91 and 109.92 of the Revised 68424
Code; 68425

(d) Adjudication or diversion of persons charged with 68426
delinquent acts; 68427

(e) Custodial treatment of delinquent children; 68428

(f) Institutional and noninstitutional rehabilitation of 68429
delinquent children. 68430

(B) There is hereby created the department of youth services. 68431
The governor shall appoint the director of the department with the 68432
advice and consent of the senate. The director shall hold office 68433

during the term of the appointing governor but subject to removal
at the pleasure of the governor. Except as otherwise authorized in
section 108.05 of the Revised Code, the director shall devote the
director's entire time to the duties of the director's office and
shall hold no other office or position of trust or profit during
the director's term of office.

The director is the chief executive and administrative
officer of the department and has all the powers of a department
head set forth in Chapter 121. of the Revised Code. The director
may adopt rules for the government of the department, the conduct
of its officers and employees, the performance of its business,
and the custody, use, and preservation of the department's
records, papers, books, documents, and property. The director
shall be an appointing authority within the meaning of Chapter
124. of the Revised Code. Whenever this or any other chapter or
section of the Revised Code imposes a duty on or requires an
action of the department, the duty or action shall be performed by
the director or, upon the director's order, in the name of the
department.

Sec. 5139.36. (A) In accordance with this section and the
rules adopted under it and from funds appropriated to the
department of youth services for the purposes of this section, the
department shall make grants that provide financial resources to
operate community corrections facilities for felony delinquents.

(B)(1) Each community corrections facility that intends to
seek a grant under this section shall file an application with the
department of youth services at the time and in accordance with
the procedures that the department shall establish by rules
adopted in accordance with Chapter 119. of the Revised Code. In
addition to other items required to be included in the
application, a plan that satisfies both of the following shall be

included: 68465

(a) It reduces the number of felony delinquents committed to the department from the county or counties associated with the community corrections facility. 68466
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(b) It ensures equal access for minority felony delinquents to the programs and services for which a potential grant would be used. 68469
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(2) The department of youth services shall review each application submitted pursuant to division (B)(1) of this section to determine whether the plan described in that division, the community corrections facility, and the application comply with this section and the rules adopted under it. 68472
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(C) To be eligible for a grant under this section and for continued receipt of moneys comprising a grant under this section, a community corrections facility shall satisfy at least all of the following requirements: 68477
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(1) Be constructed, reconstructed, improved, or financed by the Ohio building authority pursuant to section 307.021 of the Revised Code and Chapter 152. of the Revised Code for the use of the department of youth services and be designated as a community corrections facility; 68481
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(2) Have written standardized criteria governing the types of felony delinquents that are eligible for the programs and services provided by the facility; 68486
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(3) Have a written standardized intake screening process and an intake committee that at least performs both of the following tasks: 68489
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(a) Screens all eligible felony delinquents who are being considered for admission to the facility in lieu of commitment to the department; 68492
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(b) Notifies, within ten days after the date of the referral of a felony delinquent to the facility, the committing court whether the felony delinquent will be admitted to the facility.

(4) Comply with all applicable fiscal and program rules that the department adopts in accordance with Chapter 119. of the Revised Code and demonstrate that felony delinquents served by the facility have been or will be diverted from a commitment to the department.

(D) The department of youth services shall determine the method of distribution of the funds appropriated for grants under this section to community corrections facilities.

(E)(1) The department of youth services shall adopt rules in accordance with Chapter 119. of the Revised Code to establish the minimum occupancy threshold of community corrections facilities.

(2) The department may make referrals for the placement of children in its custody to a community corrections facility ~~if the community corrections facility is not meeting the minimum occupancy threshold established by the department.~~ At least forty-five days prior to the referral of a child or within any shorter period prior to the referral of the child that the committing court may allow, the department shall notify the committing court of its intent to place the child in a community corrections facility. The court shall have thirty days after the receipt of the notice to approve or disapprove the placement. If the court does not respond to the notice of the placement within that thirty-day period, the department shall proceed with the placement and debit the county in accordance with sections 5139.41 to 5139.43 of the Revised Code. A child placed in a community corrections facility pursuant to this division shall remain in the legal custody of the department of youth services during the period in which the child is in the community corrections

facility. 68526

(3) Counties that are not associated with a community 68527
corrections facility may refer children to a community corrections 68528
facility with the consent of the facility. The department of youth 68529
services shall debit the county that makes the referral in 68530
accordance with sections 5139.41 to 5139.43 of the Revised Code. 68531

(F) If the board or other governing body of a community 68532
corrections facility establishes an advisory board, the board or 68533
other governing authority of the community corrections facility 68534
shall reimburse the members of the advisory board for their actual 68535
and necessary expenses incurred in the performance of their 68536
official duties on the advisory board. The members of advisory 68537
boards shall serve without compensation. 68538

Sec. 5153.16. (A) Except as provided in section 2151.422 of 68539
the Revised Code, in accordance with rules of the department of 68540
job and family services, and on behalf of children in the county 68541
whom the public children services agency considers to be in need 68542
of public care or protective services, the public children 68543
services agency shall do all of the following: 68544

(1) Make an investigation concerning any child alleged to be 68545
an abused, neglected, or dependent child; 68546

(2) Enter into agreements with the parent, guardian, or other 68547
person having legal custody of any child, or with the department 68548
of job and family services, department of mental health, 68549
department of mental retardation and developmental disabilities, 68550
other department, any certified organization within or outside the 68551
county, or any agency or institution outside the state, having 68552
legal custody of any child, with respect to the custody, care, or 68553
placement of any child, or with respect to any matter, in the 68554
interests of the child, provided the permanent custody of a child 68555
shall not be transferred by a parent to the public children 68556

services agency without the consent of the juvenile court; 68557

(3) Accept custody of children committed to the public 68558
children services agency by a court exercising juvenile 68559
jurisdiction; 68560

(4) Provide such care as the public children services agency 68561
considers to be in the best interests of any child adjudicated to 68562
be an abused, neglected, or dependent child the agency finds to be 68563
in need of public care or service; 68564

(5) Provide social services to any unmarried girl adjudicated 68565
to be an abused, neglected, or dependent child who is pregnant 68566
with or has been delivered of a child; 68567

(6) Make available to the bureau for children with medical 68568
handicaps of the department of health at its request any 68569
information concerning a crippled child found to be in need of 68570
treatment under sections 3701.021 to 3701.028 of the Revised Code 68571
who is receiving services from the public children services 68572
agency; 68573

(7) Provide temporary emergency care for any child considered 68574
by the public children services agency to be in need of such care, 68575
without agreement or commitment; 68576

(8) Find certified foster homes, within or outside the 68577
county, for the care of children, including handicapped children 68578
from other counties attending special schools in the county; 68579

(9) Subject to the approval of the board of county 68580
commissioners and the state department of job and family services, 68581
establish and operate a training school or enter into an agreement 68582
with any municipal corporation or other political subdivision of 68583
the county respecting the operation, acquisition, or maintenance 68584
of any children's home, training school, or other institution for 68585
the care of children maintained by such municipal corporation or 68586

political subdivision; 68587

(10) Acquire and operate a county children's home, establish, 68588
maintain, and operate a receiving home for the temporary care of 68589
children, or procure certified foster homes for this purpose; 68590

(11) Enter into an agreement with the trustees of any 68591
district children's home, respecting the operation of the district 68592
children's home in cooperation with the other county boards in the 68593
district; 68594

(12) Cooperate with, make its services available to, and act 68595
as the agent of persons, courts, the department of job and family 68596
services, the department of health, and other organizations within 68597
and outside the state, in matters relating to the welfare of 68598
children, except that the public children services agency shall 68599
not be required to provide supervision of or other services 68600
related to the exercise of parenting time rights granted pursuant 68601
to section 3109.051 or 3109.12 of the Revised Code or 68602
companionship or visitation rights granted pursuant to section 68603
3109.051, 3109.11, or 3109.12 of the Revised Code unless a 68604
juvenile court, pursuant to Chapter 2151. of the Revised Code, or 68605
a common pleas court, pursuant to division (E)(6) of section 68606
3113.31 of the Revised Code, requires the provision of supervision 68607
or other services related to the exercise of the parenting time 68608
rights or companionship or visitation rights; 68609

(13) Make investigations at the request of any superintendent 68610
of schools in the county or the principal of any school concerning 68611
the application of any child adjudicated to be an abused, 68612
neglected, or dependent child for release from school, where such 68613
service is not provided through a school attendance department; 68614

(14) Administer funds provided under Title IV-E of the 68615
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 68616
amended, in accordance with rules adopted under section 5101.141 68617

of the Revised Code; 68618

(15) In addition to administering Title IV-E adoption 68619
assistance funds, enter into agreements to make adoption 68620
assistance payments under section 5153.163 of the Revised Code; 68621

(16) Implement a system of risk assessment, in accordance 68622
with rules adopted by the director of job and family services, to 68623
assist the public children services agency in determining the risk 68624
of abuse or neglect to a child; 68625

(17) Enter into a plan of cooperation with the board of 68626
county commissioners under section 307.983 of the Revised Code and 68627
comply with each fiscal agreement the board enters into under 68628
section 307.98 of the Revised Code that include family services 68629
duties of public children services agencies and contracts the 68630
board enters into under sections 307.981 and 307.982 of the 68631
Revised Code that affect the public children services agency; 68632

(18) Make reasonable efforts to prevent the removal of an 68633
alleged or adjudicated abused, neglected, or dependent child from 68634
the child's home, eliminate the continued removal of the child 68635
from the child's home, or make it possible for the child to return 68636
home safely, except that reasonable efforts of that nature are not 68637
required when a court has made a determination under division 68638
(A)(2) of section 2151.419 of the Revised Code; 68639

(19) Make reasonable efforts to place the child in a timely 68640
manner in accordance with the permanency plan approved under 68641
division (E) of section 2151.417 of the Revised Code and to 68642
complete whatever steps are necessary to finalize the permanent 68643
placement of the child; 68644

(20) Administer a Title IV-A program identified under 68645
division (A)~~(3)~~(4)(c) or ~~(d)~~(f) of section 5101.80 of the Revised 68646
Code that the department of job and family services provides for 68647
the public children services agency to administer under the 68648

department's supervision pursuant to section 5101.801 of the Revised Code;

(21) Administer the kinship permanency incentive program created under section 5101.802 of the Revised Code under the supervision of the director of job and family services;

(22) Provide independent living services pursuant to sections 2151.81 to 2151.84 of the Revised Code.

(B) The public children services agency shall use the system implemented pursuant to division (B)(16) of this section in connection with an investigation undertaken pursuant to division (F)(1) of section 2151.421 of the Revised Code and may use the system at any other time the agency is involved with any child when the agency determines that risk assessment is necessary.

(C) Except as provided in section 2151.422 of the Revised Code, in accordance with rules of the director of job and family services, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency may do the following:

(1) Provide or find, with other child serving systems, specialized foster care for the care of children in a specialized foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code;

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of this section, contract with the following for the purpose of assisting the agency with its duties:

(i) County departments of job and family services;

(ii) Boards of alcohol, drug addiction, and mental health services;

(iii) County boards of mental retardation and developmental

disabilities;	68679
(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code;	68680 68681
(v) Private and government providers of services;	68682
(vi) Managed care organizations and prepaid health plans.	68683
(b) A public children services agency contract under division (C)(2)(a) of this section regarding the agency's duties under section 2151.421 of the Revised Code may not provide for the entity under contract with the agency to perform any service not authorized by the department's rules.	68684 68685 68686 68687 68688
(c) Only a county children services board appointed under section 5153.03 of the Revised Code that is a public children services agency may contract under division (C)(2)(a) of this section. If an entity specified in division (B) or (C) of section 5153.02 of the Revised Code is the public children services agency for a county, the board of county commissioners may enter into contracts pursuant to section 307.982 of the Revised Code regarding the agency's duties.	68689 68690 68691 68692 68693 68694 68695 68696
Sec. 5502.01. (A) The department of public safety shall administer and enforce the laws relating to the registration, licensing, sale, and operation of motor vehicles and the laws pertaining to the licensing of drivers of motor vehicles.	68697 68698 68699 68700
The department shall compile, analyze, and publish statistics relative to motor vehicle accidents and the causes of them, prepare and conduct educational programs for the purpose of promoting safety in the operation of motor vehicles on the highways, and conduct research and studies for the purpose of promoting safety on the highways of this state.	68701 68702 68703 68704 68705 68706
(B) The department shall administer the laws and rules relative to trauma and emergency medical services specified in	68707 68708

Chapter 4765. of the Revised Code. 68709

(C) The department shall administer and enforce the laws 68710
contained in Chapters 4301. and 4303. of the Revised Code and 68711
enforce the rules and orders of the liquor control commission 68712
pertaining to retail liquor permit holders. 68713

(D) The department shall administer the laws governing the 68714
state emergency management agency and shall enforce all additional 68715
duties and responsibilities as prescribed in the Revised Code 68716
related to emergency management services. 68717

(E) The department shall conduct investigations pursuant to 68718
Chapter 5101. of the Revised Code in support of the duty of the 68719
department of job and family services to administer food stamp 68720
programs throughout this state. The department of public safety 68721
shall conduct investigations necessary to protect the state's 68722
property rights and interests in the food stamp program. 68723

(F) The department of public safety shall enforce compliance 68724
with orders and rules of the public utilities commission and 68725
applicable laws in accordance with Chapters 4919., 4921., and 68726
4923. of the Revised Code regarding commercial motor vehicle 68727
transportation safety, economic, and hazardous materials 68728
requirements. 68729

(G) Notwithstanding Chapter 4117. of the Revised Code, the 68730
department of public safety may establish requirements for its 68731
enforcement personnel, including its enforcement agents described 68732
in section 5502.14 of the Revised Code, that include standards of 68733
conduct, work rules and procedures, and criteria for eligibility 68734
as law enforcement personnel. 68735

(H) The department shall administer, maintain, and operate 68736
the Ohio criminal justice network. The Ohio criminal justice 68737
network shall be a computer network that supports state and local 68738
criminal justice activities. The network shall be an electronic 68739

repository for various data, which may include arrest warrants, 68740
notices of persons wanted by law enforcement agencies, criminal 68741
records, prison inmate records, stolen vehicle records, vehicle 68742
operator's licenses, and vehicle registrations and titles. 68743

(I) The department shall coordinate all homeland security 68744
activities of all state agencies and shall be a liaison between 68745
state agencies and local entities for those activities and related 68746
purposes. 68747

(J) Beginning July 1, 2004, the department shall administer 68748
and enforce the laws relative to private investigators and 68749
security service providers specified in Chapter 4749. of the 68750
Revised Code. 68751

(K) The department shall administer criminal justice services 68752
in accordance with sections 5502.61 to 5502.66 of the Revised 68753
Code. 68754

Sec. 5502.03. (A) There is hereby created in the department 68755
of public safety a division of homeland security. It is the intent 68756
of the general assembly that the creation of the division of 68757
homeland security of the department of public safety by this 68758
amendment does not result in an increase of funding appropriated 68759
to the department. 68760

(B)(1) The division shall coordinate all homeland security 68761
activities of all state agencies and shall be the liaison between 68762
state agencies and local entities for the purposes of 68763
communicating homeland security funding and policy initiatives. 68764

(2) The division and the department shall distribute any 68765
homeland security funds on a county basis and shall not distribute 68766
those funds on a regional basis unless federal law requires 68767
distribution on a regional basis. 68768

(C) The director of public safety shall appoint an executive 68769

director, who shall be head of the division of homeland security 68770
and who regularly shall advise the governor and the director on 68771
matters pertaining to homeland security. The executive director 68772
shall serve at the pleasure of the director of public safety. To 68773
carry out the duties assigned under this section, the executive 68774
director, subject to the direction and control of the director of 68775
public safety, may appoint and maintain necessary staff and may 68776
enter into any necessary agreements. 68777

(D) Except as otherwise provided by law, nothing in this 68778
section shall be construed to give the director of public safety 68779
or the executive director of the division of homeland security 68780
authority over the incident management structure or 68781
responsibilities of local emergency response personnel. 68782

Sec. ~~181.51~~ 5502.61. As used in sections ~~181.51~~ 5502.61 to 68783
~~181.56~~ 5502.66 of the Revised Code: 68784

(A) "Federal criminal justice acts" means any federal law 68785
that authorizes financial assistance and other forms of assistance 68786
to be given by the federal government to the states to be used for 68787
the improvement of the criminal and juvenile justice systems of 68788
the states. 68789

(B)(1) "Criminal justice system" includes all of the 68790
functions of the following: 68791

(a) The state highway patrol, county sheriff offices, 68792
municipal and township police departments, and all other law 68793
enforcement agencies; 68794

(b) The courts of appeals, courts of common pleas, municipal 68795
courts, county courts, and mayor's courts, when dealing with 68796
criminal cases; 68797

(c) The prosecuting attorneys, city directors of law, village 68798
solicitors, and other prosecuting authorities when prosecuting or 68799

otherwise handling criminal cases and the county and joint county
public defenders and other public defender agencies or offices; 68800
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(d) The department of rehabilitation and correction,
probation departments, county and municipal jails and workhouses,
and any other department, agency, or facility that is concerned
with the rehabilitation or correction of criminal offenders; 68802
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(e) Any public or private agency whose purposes include the
prevention of crime or the diversion, adjudication, detention, or
rehabilitation of criminal offenders; 68806
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(f) Any public or private agency, the purposes of which
include assistance to crime victims or witnesses. 68809
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(2) The inclusion of any public or private agency, the
purposes of which include assistance to crime victims or
witnesses, as part of the criminal justice system pursuant to
division (B)(1) of this section does not limit, and shall not be
construed as limiting, the discretion or authority of the attorney
general with respect to crime victim assistance and criminal
justice programs. 68811
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(C) "Juvenile justice system" includes all of the functions
of the juvenile courts, the department of youth services, any
public or private agency whose purposes include the prevention of
delinquency or the diversion, adjudication, detention, or
rehabilitation of delinquent children, and any of the functions of
the criminal justice system that are applicable to children. 68818
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(D) "Comprehensive plan" means a document that coordinates,
evaluates, and otherwise assists, on an annual or multi-year
basis, any of the functions of the criminal and juvenile justice
systems of the state or a specified area of the state, that
conforms to the priorities of the state with respect to criminal
and juvenile justice systems, and that conforms with the
requirements of all federal criminal justice acts. These functions 68824
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may include, but are not limited to, any of the following:	68831
(1) Crime and delinquency prevention;	68832
(2) Identification, detection, apprehension, and detention of persons charged with criminal offenses or delinquent acts;	68833 68834
(3) Assistance to crime victims or witnesses, except that the comprehensive plan does not include the functions of the attorney general pursuant to sections 109.91 and 109.92 of the Revised Code;	68835 68836 68837 68838
(4) Adjudication or diversion of persons charged with criminal offenses or delinquent acts;	68839 68840
(5) Custodial treatment of criminal offenders, delinquent children, or both;	68841 68842
(6) Institutional and noninstitutional rehabilitation of criminal offenders, delinquent children, or both.	68843 68844
(E) "Metropolitan county criminal justice services agency" means an agency that is established pursuant to division (A) of section 181.54 <u>5502.64</u> of the Revised Code.	68845 68846 68847
(F) "Administrative planning district" means a district that is established pursuant to division (A) or (B) of section 181.56 <u>5502.66</u> of the Revised Code.	68848 68849 68850
(G) "Criminal justice coordinating council" means a criminal justice services agency that is established pursuant to division (D) of section 181.56 <u>5502.66</u> of the Revised Code.	68851 68852 68853
(H) "Local elected official" means any person who is a member of a board of county commissioners or township trustees or of a city or village council, judge of the court of common pleas, a municipal court, or a county court, sheriff, county coroner, prosecuting attorney, city director of law, village solicitor, or mayor.	68854 68855 68856 68857 68858 68859

(I) "Juvenile justice coordinating council" means a juvenile 68860
justice services agency that is established pursuant to division 68861
(D) of section ~~181.56~~ 5502.66 of the Revised Code. 68862

Sec. ~~181.52~~ 5502.62. (A) There is hereby created ~~an office in~~ 68863
~~the department of public safety a division~~ of criminal justice 68864
services. ~~The governor~~ director of public safety, with the 68865
concurrence of the governor, shall appoint a an executive director 68866
of the ~~office,~~ and ~~the director may appoint, within the office,~~ 68867
~~any professional and technical personnel and other employees that~~ 68868
~~are necessary to enable the office to comply with sections 181.51~~ 68869
~~to 181.56 of the Revised Code~~ division of criminal justice 68870
services. The executive director shall be the head of the 68871
division. The executive director shall serve at the pleasure of 68872
the director of public safety. To carry out the duties assigned 68873
under this section and to comply with sections 5502.63 to 5502.66 68874
of the Revised Code, the executive director, subject to the 68875
direction and control of the director of public safety, may 68876
appoint and maintain any necessary staff and may enter into any 68877
necessary contracts and other agreements. The executive director 68878
~~and the assistant director of the office~~ division, and all 68879
professional and technical personnel employed within the ~~office~~ 68880
division who are not public employees as defined in section 68881
4117.01 of the Revised Code, shall be in the unclassified civil 68882
service, and all other persons employed within the ~~office~~ division 68883
shall be in the classified civil service. ~~The director may enter~~ 68884
~~into any contracts, except contracts governed by Chapter 4117. of~~ 68885
~~the Revised Code, that are necessary for the operation of the~~ 68886
~~office.~~ 68887

(B) Subject to division (E) of this section and subject to 68888
divisions (D) to (F) of section 5120.09 of the Revised Code 68889
insofar as those divisions relate to federal criminal justice acts 68890

that the governor requires the department of rehabilitation and
correction to administer, the ~~office~~ division of criminal justice
services shall do all of the following:

(1) Serve as the state criminal justice services agency and
perform criminal justice system planning in the state, including
any planning that is required by any federal law;

(2) Collect, analyze, and correlate information and data
concerning the criminal justice system in the state;

(3) Cooperate with and provide technical assistance to state
departments, administrative planning districts, metropolitan
county criminal justice services agencies, criminal justice
coordinating councils, agencies, offices, and departments of the
criminal justice system in the state, and other appropriate
organizations and persons;

(4) Encourage and assist agencies, offices, and departments
of the criminal justice system in the state and other appropriate
organizations and persons to solve problems that relate to the
duties of the ~~office~~ division;

(5) Administer within the state any federal criminal justice
acts that the governor requires it to administer;

(6) Administer funds received under the "Family Violence
Prevention and Services Act," 98 Stat. 1757 (1984), 42 U.S.C.A.
10401, as amended, with all powers necessary for the adequate
administration of those funds, including the authority to
establish a family violence prevention and services program.

(7) Implement the state comprehensive plans;

(8) Audit grant activities of agencies, offices,
organizations, and persons that are financed in whole or in part
by funds granted through the ~~office~~ division;

(9) Monitor or evaluate the performance of criminal justice

system projects and programs in the state that are financed in whole or in part by funds granted through the ~~office~~ division; 68921
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(10) Apply for, allocate, disburse, and account for grants that are made available pursuant to federal criminal justice acts, or made available from other federal, state, or private sources, to improve the criminal justice system in the state. ~~All~~ Except as otherwise provided in this division, all money from such federal grants shall, if the terms under which the money is received require that the money be deposited into an interest-bearing fund or account, be deposited in the state treasury to the credit of the federal program purposes fund, which is hereby created. All investment earnings of the federal program purposes fund shall be credited to the fund. All money from such federal grants that require that the money be deposited into an interest-bearing fund or account, that are intended to provide funding to local criminal justice programs, and that require that investment earnings be distributed for program purposes shall be deposited in the state treasury to the credit of the federal justice programs fund, which is hereby created. All investment earnings of the federal justice programs fund shall be credited to the fund and distributed in accordance with the terms of the grant under which the money is received. 68923
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(11) Contract with federal, state, and local agencies, foundations, corporations, businesses, and persons when necessary to carry out the duties of the ~~office~~ division; 68943
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(12) Oversee the activities of metropolitan county criminal justice services agencies, administrative planning districts, and criminal justice coordinating councils in the state; 68946
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(13) Advise the director of public safety, general assembly, and governor on legislation and other significant matters that pertain to the improvement and reform of criminal and juvenile 68949
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justice systems in the state;	68952
(14) Prepare and recommend legislation to the <u>director of public safety</u> , general assembly, and governor for the improvement of the criminal and juvenile justice systems in the state;	68953 68954 68955
(15) Assist, advise, and make any reports that are requested or required by the governor, <u>director of public safety</u> , attorney general, or general assembly;	68956 68957 68958
(16) Adopt <u>Subject to the approval of the director of public safety, adopt</u> rules pursuant to Chapter 119. of the Revised Code.	68959 68960
(C) Upon the request of the <u>director of public safety</u> or governor, the office <u>division</u> of criminal justice services may do any of the following:	68961 68962 68963
(1) Collect, analyze, or correlate information and data concerning the juvenile justice system in the state;	68964 68965
(2) Cooperate with and provide technical assistance to state departments, administrative planning districts, metropolitan county criminal justice service agencies, criminal justice coordinating councils, agency offices, and the departments of the juvenile justice system in the state and other appropriate organizations and persons;	68966 68967 68968 68969 68970 68971
(3) Encourage and assist agencies, offices, and departments of the juvenile justice system in the state and other appropriate organizations and persons to solve problems that relate to the duties of the office <u>division</u> .	68972 68973 68974 68975
(D) Divisions (B) and (C) of this section do not limit the discretion or authority of the attorney general with respect to crime victim assistance and criminal justice programs.	68976 68977 68978
(E) Nothing in this section is intended to diminish or alter the status of the office of the attorney general as a criminal justice services agency.	68979 68980 68981

Sec. ~~181.251~~ 5502.63. The ~~office~~ division of criminal justice services in the department of public safety shall prepare a poster and a brochure that describe safe firearms practices. The poster and brochure shall contain typeface that is at least one-quarter inch tall. The ~~office~~ division shall furnish copies of the poster and brochure free of charge to each federally licensed firearms dealer in this state.

As used in this section, "federally licensed firearms dealer" means an importer, manufacturer, or dealer having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the federal "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923 et seq., and any amendments or additions to that act or reenactments of that act.

Sec. ~~181.54~~ 5502.64. (A) A county may enter into an agreement with the largest city within the county to establish a metropolitan county criminal justice services agency, if the population of the county exceeds five hundred thousand or the population of the city exceeds two hundred fifty thousand.

(B) A metropolitan county criminal justice services agency shall do all of the following:

(1) Accomplish criminal and juvenile justice systems planning within its services area;

(2) Collect, analyze, and correlate information and data concerning the criminal and juvenile justice systems within its services area;

(3) Cooperate with and provide technical assistance to all criminal and juvenile justice agencies and systems and other appropriate organizations and persons within its services area;

(4) Encourage and assist agencies of the criminal and

juvenile justice systems and other appropriate organizations and persons to solve problems that relate to its duties; 69011
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(5) Administer within its services area any federal criminal justice acts or juvenile justice acts that the ~~office~~ division of criminal justice services pursuant to section 5139.11 of the Revised Code or the department of youth services administers within the state; 69013
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(6) Implement the comprehensive plans for its services area; 69018

(7) Monitor or evaluate, within its services area, the performance of the criminal and juvenile justice systems projects and programs that are financed in whole or in part by funds granted through it; 69019
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(8) Apply for, allocate, and disburse grants that are made available pursuant to any federal criminal justice acts, or pursuant to any other federal, state, or private sources for the purpose of improving the criminal and juvenile justice systems; 69023
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(9) Contract with federal, state, and local agencies, foundations, corporations, and other businesses or persons to carry out the duties of the agency. 69027
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Sec. ~~181.55~~ 5502.65. (A)(1) When funds are available for criminal justice purposes pursuant to section ~~181.54~~ 5502.64 of the Revised Code, the ~~office~~ division of criminal justice services shall provide funds to metropolitan county criminal justice services agencies for the purpose of developing, coordinating, evaluating, and implementing comprehensive plans within their respective counties. The ~~office~~ division of criminal justice services shall provide funds to an agency only if it complies with the conditions of division (B) of this section. 69030
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(2) When funds are available for juvenile justice purposes pursuant to section ~~181.54~~ 5502.64 of the Revised Code, the 69039
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department of youth services shall provide funds to metropolitan 69041
county criminal justice services agencies for the purpose of 69042
developing, coordinating, evaluating, and implementing 69043
comprehensive plans within their respective counties. The 69044
department shall provide funds to an agency only if it complies 69045
with the conditions of division (B) of this section. 69046

(B) A metropolitan county criminal justice services agency 69047
shall do all of the following: 69048

(1) Submit, in a form that is acceptable to the ~~office~~ 69049
division of criminal justice services or the department of youth 69050
services pursuant to section 5139.01 of the Revised Code, a 69051
comprehensive plan for the county; 69052

(2) Establish a metropolitan county criminal justice services 69053
supervisory board whose members shall include a majority of the 69054
local elected officials in the county and representatives from law 69055
enforcement agencies, courts, prosecuting authorities, public 69056
defender agencies, rehabilitation and correction agencies, 69057
community organizations, juvenile justice services agencies, 69058
professionals, and private citizens in the county, and that shall 69059
have the authority set forth in division (C) of this section; 69060

(3) Organize in the manner provided in sections 167.01 to 69061
167.03, 302.21 to 302.24, or 713.21 to 713.27 of the Revised Code, 69062
unless the board created pursuant to division (B)(2) of this 69063
section organizes pursuant to these sections. 69064

(C) A metropolitan county criminal justice services 69065
supervisory board shall do all of the following: 69066

(1) Exercise leadership in improving the quality of the 69067
criminal and juvenile justice systems in the county; 69068

(2) Review, approve, and maintain general oversight of the 69069
comprehensive plans for the county and the implementation of the 69070
plans; 69071

(3) Review and comment on the overall needs and 69072
accomplishments of the criminal and juvenile justice systems in 69073
the county; 69074

(4) Establish, as required to comply with this division, task 69075
forces, ad hoc committees, and other committees, whose members 69076
shall be appointed by the chairperson of the board; 69077

(5) Establish any rules that the board considers necessary 69078
and that are consistent with the federal criminal justice acts and 69079
section ~~181.52~~ 5502.62 of the Revised Code. 69080

Sec. ~~181.56~~ 5502.66. (A) In counties in which a metropolitan 69081
county criminal justice services agency does not exist, the ~~office~~ 69082
division of criminal justice services shall discharge the ~~office's~~ 69083
division's duties that the ~~governor~~ director of public safety 69084
requires it to administer by establishing administrative planning 69085
districts for criminal justice programs. An administrative 69086
planning district shall contain a group of contiguous counties in 69087
which no county has a metropolitan county criminal justice 69088
services agency. 69089

(B) In counties in which a metropolitan county criminal 69090
justice services agency does not exist, the department of youth 69091
services shall discharge pursuant to section 5139.11 of the 69092
Revised Code the department's duty by establishing administrative 69093
planning districts for juvenile justice programs. 69094

(C) All administrative planning districts shall contain a 69095
group of contiguous counties in which no county has a metropolitan 69096
county criminal justice services agency. 69097

(D) Any county or any combination of contiguous counties 69098
within an administrative planning district may form a criminal 69099
justice coordinating council or a juvenile justice coordinating 69100
council for its respective programs, if the county or the group of 69101

counties has a total population in excess of two hundred fifty thousand. The council shall comply with the conditions set forth in divisions (B) and (C) of section ~~181.55~~ 5502.65 of the Revised Code, and exercise within its jurisdiction the powers and duties set forth in division (B) of section ~~181.54~~ 5502.64 of the Revised Code.

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Sec. 5531.10. (A) As used in this chapter:

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(1) "Bond proceedings" means the resolution, order, trust agreement, indenture, lease, lease-purchase agreements, and other agreements, amendments and supplements to the foregoing, or any one or more or combination thereof, authorizing or providing for the terms and conditions applicable to, or providing for the security or liquidity of, obligations issued pursuant to this section, and the provisions contained in such obligations.

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(2) "Bond service charges" means principal, including mandatory sinking fund requirements for retirement of obligations, and interest, and redemption premium, if any, required to be paid by the state on obligations.

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(3) "Bond service fund" means the applicable fund and accounts therein created for and pledged to the payment of bond service charges, which may be, or may be part of, the state infrastructure bank revenue bond service fund created by division (R) of this section including all moneys and investments, and earnings from investments, credited and to be credited thereto.

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(4) "Issuing authority" means the treasurer of state, or the officer who by law performs the functions of the treasurer of state.

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(5) "Obligations" means bonds, notes, or other evidence of obligation including interest coupons pertaining thereto, issued pursuant to this section.

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(6) "Pledged receipts" means moneys accruing to the state 69132
from the lease, lease-purchase, sale, or other disposition, or 69133
use, of qualified projects, and from the repayment, including 69134
interest, of loans made from proceeds received from the sale of 69135
obligations; accrued interest received from the sale of 69136
obligations; income from the investment of the special funds; any 69137
gifts, grants, donations, and pledges, and receipts therefrom, 69138
available for the payment of bond service charges; and any amounts 69139
in the state infrastructure bank pledged to the payment of such 69140
charges. If the amounts in the state infrastructure bank are 69141
insufficient for the payment of such charges, "pledged receipts" 69142
also means moneys that are apportioned by the United States 69143
secretary of transportation under United States Code, Title XXIII, 69144
as amended, or any successor legislation, or under any other 69145
federal law relating to aid for highways, and that are to be 69146
received as a grant by the state, to the extent the state is not 69147
prohibited by state or federal law from using such moneys and the 69148
moneys are pledged to the payment of such bond service charges. 69149

(7) "Special funds" or "funds" means, except where the 69150
context does not permit, the bond service fund, and any other 69151
funds, including reserve funds, created under the bond 69152
proceedings, and the state infrastructure bank revenue bond 69153
service fund created by division (R) of this section to the extent 69154
provided in the bond proceedings, including all moneys and 69155
investments, and earnings from investment, credited and to be 69156
credited thereto. 69157

(8) "State infrastructure project" means any public 69158
transportation project undertaken by the state, including, but not 69159
limited to, all components of any such project, as described in 69160
division (D) of section ~~5131.09~~ 5531.09 of the Revised Code. 69161

(9) "District obligations" means bonds, notes, or other 69162
evidence of obligation including interest coupons pertaining 69163

thereto, issued to finance a qualified project by a transportation 69164
improvement district created pursuant to section 5540.02 of the 69165
Revised Code, of which the principal, including mandatory sinking 69166
fund requirements for retirement of such obligations, and interest 69167
and redemption premium, if any, are payable by the department of 69168
transportation. 69169

(B) The issuing authority, after giving written notice to the 69170
director of budget and management and upon the certification by 69171
the director of transportation to the issuing authority of the 69172
amount of moneys or additional moneys needed either for state 69173
infrastructure projects or to provide financial assistance for any 69174
of the purposes for which the state infrastructure bank may be 69175
used under section 5531.09 of the Revised Code, or needed for 69176
capitalized interest, funding reserves, and paying costs and 69177
expenses incurred in connection with the issuance, carrying, 69178
securing, paying, redeeming, or retirement of the obligations or 69179
any obligations refunded thereby, including payment of costs and 69180
expenses relating to letters of credit, lines of credit, 69181
insurance, put agreements, standby purchase agreements, indexing, 69182
marketing, remarketing and administrative arrangements, interest 69183
swap or hedging agreements, and any other credit enhancement, 69184
liquidity, remarketing, renewal, or refunding arrangements, all of 69185
which are authorized by this section, shall issue obligations of 69186
the state under this section in the required amount. The proceeds 69187
of such obligations, except for the portion to be deposited in 69188
special funds, including reserve funds, as may be provided in the 69189
bond proceedings, shall as provided in the bond proceedings be 69190
credited to the infrastructure bank obligations fund of the state 69191
infrastructure bank created by section 5531.09 of the Revised Code 69192
and disbursed as provided in the bond proceedings for such 69193
obligations. The issuing authority may appoint trustees, paying 69194
agents, transfer agents, and authenticating agents, and may retain 69195

the services of financial advisors, accounting experts, and attorneys, and retain or contract for the services of marketing, remarketing, indexing, and administrative agents, other consultants, and independent contractors, including printing services, as are necessary in the issuing authority's judgment to carry out this section. The costs of such services are payable from funds of the state infrastructure bank.

(C) Except as otherwise provided in this division, the holders or owners of such obligations shall have no right to have moneys raised by taxation by the state of Ohio obligated or pledged, and moneys so raised shall not be obligated or pledged, for the payment of bond service charges. The municipal corporations and counties may pledge and obligate moneys received pursuant to sections 4501.04, 5709.42, 5709.79, 5735.23, 5735.27, and 5735.291 of the Revised Code to the payment of amounts payable by those municipal corporations and counties to the state infrastructure bank pursuant to section 5531.09 of the Revised Code, and the bond proceedings for obligations may provide that such payments shall constitute pledged receipts, provided such moneys are obligated, pledged, and paid only with respect to obligations issued exclusively for public transportation projects. The right of such holders and owners to the payment of bond service charges is limited to all or that portion of the pledged receipts and those special funds pledged thereto pursuant to the bond proceedings for such obligations in accordance with this section, and each such obligation shall bear on its face a statement to that effect.

(D) Obligations shall be authorized by order of the issuing authority and the bond proceedings shall provide for the purpose thereof and the principal amount or amounts, and shall provide for or authorize the manner or agency for determining the principal maturity or maturities, not exceeding twenty-five years from the

date of issuance, the interest rate or rates or the maximum 69228
interest rate, the date of the obligations and the dates of 69229
payment of interest thereon, their denomination, and the 69230
establishment within or without the state of a place or places of 69231
payment of bond service charges. Sections 9.98 to 9.983 of the 69232
Revised Code are applicable to obligations issued under this 69233
section. The purpose of such obligations may be stated in the bond 69234
proceedings in terms describing the general purpose or purposes to 69235
be served. The bond proceedings also shall provide, subject to the 69236
provisions of any other applicable bond proceedings, for the 69237
pledge of all, or such part as the issuing authority may 69238
determine, of the pledged receipts and the applicable special fund 69239
or funds to the payment of bond service charges, which pledges may 69240
be made either prior or subordinate to other expenses, claims, or 69241
payments, and may be made to secure the obligations on a parity 69242
with obligations theretofore or thereafter issued, if and to the 69243
extent provided in the bond proceedings. The pledged receipts and 69244
special funds so pledged and thereafter received by the state 69245
immediately are subject to the lien of such pledge without any 69246
physical delivery thereof or further act, and the lien of any such 69247
pledges is valid and binding against all parties having claims of 69248
any kind against the state or any governmental agency of the 69249
state, irrespective of whether such parties have notice thereof, 69250
and shall create a perfected security interest for all purposes of 69251
Chapter 1309. of the Revised Code, without the necessity for 69252
separation or delivery of funds or for the filing or recording of 69253
the bond proceedings by which such pledge is created or any 69254
certificate, statement, or other document with respect thereto; 69255
and the pledge of such pledged receipts and special funds is 69256
effective and the money therefrom and thereof may be applied to 69257
the purposes for which pledged without necessity for any act of 69258
appropriation. Every pledge, and every covenant and agreement made 69259
with respect thereto, made in the bond proceedings may therein be 69260

extended to the benefit of the owners and holders of obligations 69261
authorized by this section, and to any trustee therefor, for the 69262
further security of the payment of the bond service charges. 69263

(E) The bond proceedings may contain additional provisions as 69264
to: 69265

(1) The redemption of obligations prior to maturity at the 69266
option of the issuing authority at such price or prices and under 69267
such terms and conditions as are provided in the bond proceedings; 69268

(2) Other terms of the obligations; 69269

(3) Limitations on the issuance of additional obligations; 69270

(4) The terms of any trust agreement or indenture securing 69271
the obligations or under which the same may be issued; 69272

(5) The deposit, investment, and application of special 69273
funds, and the safeguarding of moneys on hand or on deposit, 69274
without regard to Chapter 131. or 135. of the Revised Code, but 69275
subject to any special provisions of this section with respect to 69276
particular funds or moneys, provided that any bank or trust 69277
company which acts as depository of any moneys in the special 69278
funds may furnish such indemnifying bonds or may pledge such 69279
securities as required by the issuing authority; 69280

(6) Any or every provision of the bond proceedings being 69281
binding upon such officer, board, commission, authority, agency, 69282
department, or other person or body as may from time to time have 69283
the authority under law to take such actions as may be necessary 69284
to perform all or any part of the duty required by such provision; 69285

(7) Any provision that may be made in a trust agreement or 69286
indenture; 69287

(8) Any other or additional agreements with the holders of 69288
the obligations, or the trustee therefor, relating to the 69289
obligations or the security therefor, including the assignment of 69290

mortgages or other security relating to financial assistance for 69291
qualified projects under section 5531.09 of the Revised Code. 69292

(F) The obligations may have the great seal of the state or a 69293
facsimile thereof affixed thereto or printed thereon. The 69294
obligations and any coupons pertaining to obligations shall be 69295
signed or bear the facsimile signature of the issuing authority. 69296
Any obligations or coupons may be executed by the person who, on 69297
the date of execution, is the proper issuing authority although on 69298
the date of such bonds or coupons such person was not the issuing 69299
authority. In case the issuing authority whose signature or a 69300
facsimile of whose signature appears on any such obligation or 69301
coupon ceases to be the issuing authority before delivery thereof, 69302
such signature or facsimile nevertheless is valid and sufficient 69303
for all purposes as if the former issuing authority had remained 69304
the issuing authority until such delivery; and in case the seal to 69305
be affixed to obligations has been changed after a facsimile of 69306
the seal has been imprinted on such obligations, such facsimile 69307
seal shall continue to be sufficient as to such obligations and 69308
obligations issued in substitution or exchange therefor. 69309

(G) All obligations are negotiable instruments and securities 69310
under Chapter 1308. of the Revised Code, subject to the provisions 69311
of the bond proceedings as to registration. The obligations may be 69312
issued in coupon or in registered form, or both, as the issuing 69313
authority determines. Provision may be made for the registration 69314
of any obligations with coupons attached thereto as to principal 69315
alone or as to both principal and interest, their exchange for 69316
obligations so registered, and for the conversion or reconversion 69317
into obligations with coupons attached thereto of any obligations 69318
registered as to both principal and interest, and for reasonable 69319
charges for such registration, exchange, conversion, and 69320
reconversion. 69321

(H) Obligations may be sold at public sale or at private 69322

sale, as determined in the bond proceedings. 69323

(I) Pending preparation of definitive obligations, the 69324
issuing authority may issue interim receipts or certificates which 69325
shall be exchanged for such definitive obligations. 69326

(J) In the discretion of the issuing authority, obligations 69327
may be secured additionally by a trust agreement or indenture 69328
between the issuing authority and a corporate trustee which may be 69329
any trust company or bank having its principal place of business 69330
within the state. Any such agreement or indenture may contain the 69331
order authorizing the issuance of the obligations, any provisions 69332
that may be contained in any bond proceedings, and other 69333
provisions which are customary or appropriate in an agreement or 69334
indenture of such type, including, but not limited to: 69335

(1) Maintenance of each pledge, trust agreement, indenture, 69336
or other instrument comprising part of the bond proceedings until 69337
the state has fully paid the bond service charges on the 69338
obligations secured thereby, or provision therefor has been made; 69339

(2) In the event of default in any payments required to be 69340
made by the bond proceedings, or any other agreement of the 69341
issuing authority made as a part of the contract under which the 69342
obligations were issued, enforcement of such payments or agreement 69343
by mandamus, the appointment of a receiver, suit in equity, action 69344
at law, or any combination of the foregoing; 69345

(3) The rights and remedies of the holders of obligations and 69346
of the trustee, and provisions for protecting and enforcing them, 69347
including limitations on the rights of individual holders of 69348
obligations; 69349

(4) The replacement of any obligations that become mutilated 69350
or are destroyed, lost, or stolen; 69351

(5) Such other provisions as the trustee and the issuing 69352

authority agree upon, including limitations, conditions, or 69353
qualifications relating to any of the foregoing. 69354

(K) Any holder of obligations or a trustee under the bond 69355
proceedings, except to the extent that the holder's or trustee's 69356
rights are restricted by the bond proceedings, may by any suitable 69357
form of legal proceedings, protect and enforce any rights under 69358
the laws of this state or granted by such bond proceedings. Such 69359
rights include the right to compel the performance of all duties 69360
of the issuing authority and the director of transportation 69361
required by the bond proceedings or sections 5531.09 and 5531.10 69362
of the Revised Code; to enjoin unlawful activities; and in the 69363
event of default with respect to the payment of any bond service 69364
charges on any obligations or in the performance of any covenant 69365
or agreement on the part of the issuing authority or the director 69366
of transportation in the bond proceedings, to apply to a court 69367
having jurisdiction of the cause to appoint a receiver to receive 69368
and administer the pledged receipts and special funds, other than 69369
those in the custody of the treasurer of state, which are pledged 69370
to the payment of the bond service charges on such obligations or 69371
which are the subject of the covenant or agreement, with full 69372
power to pay, and to provide for payment of bond service charges 69373
on, such obligations, and with such powers, subject to the 69374
direction of the court, as are accorded receivers in general 69375
equity cases, excluding any power to pledge additional revenues or 69376
receipts or other income or moneys of the state or local 69377
governmental entities, or agencies thereof, to the payment of such 69378
principal and interest and excluding the power to take possession 69379
of, mortgage, or cause the sale or otherwise dispose of any 69380
project facilities. 69381

Each duty of the issuing authority and the issuing 69382
authority's officers and employees, and of each state or local 69383
governmental agency and its officers, members, or employees, 69384

undertaken pursuant to the bond proceedings or any loan, loan
guarantee, lease, lease-purchase agreement, or other agreement
made under authority of section 5531.09 of the Revised Code, and
in every agreement by or with the issuing authority, is hereby
established as a duty of the issuing authority, and of each such
officer, member, or employee having authority to perform such
duty, specifically enjoined by the law resulting from an office,
trust, or station within the meaning of section 2731.01 of the
Revised Code.

The person who is at the time the issuing authority, or the
issuing authority's officers or employees, are not liable in their
personal capacities on any obligations issued by the issuing
authority or any agreements of or with the issuing authority.

(L) The issuing authority may authorize and issue obligations
for the refunding, including funding and retirement, and advance
refunding with or without payment or redemption prior to maturity,
of any obligations previously issued by the issuing authority or
district obligations. Such refunding obligations may be issued in
amounts sufficient for payment of the principal amount of the
prior obligations or district obligations, any redemption premiums
thereon, principal maturities of any such obligations or district
obligations maturing prior to the redemption of the remaining
obligations or district obligations on a parity therewith,
interest accrued or to accrue to the maturity dates or dates of
redemption of such obligations or district obligations, and any
expenses incurred or to be incurred in connection with such
issuance and such refunding, funding, and retirement. Subject to
the bond proceedings therefor, the portion of proceeds of the sale
of refunding obligations issued under this division to be applied
to bond service charges on the prior obligations or district
obligations shall be credited to an appropriate account held by
the trustee for such prior or new obligations or to the

appropriate account in the bond service fund for such obligations 69417
or district obligations. Obligations authorized under this 69418
division shall be deemed to be issued for those purposes for which 69419
such prior obligations or district obligations were issued and are 69420
subject to the provisions of this section pertaining to other 69421
obligations, except as otherwise provided in this section. The 69422
last maturity of obligations authorized under this division shall 69423
not be later than twenty-five years from the date of issuance of 69424
the original securities issued for the original purpose. 69425

(M) The authority to issue obligations under this section 69426
includes authority to issue obligations in the form of bond 69427
anticipation notes and to renew the same from time to time by the 69428
issuance of new notes. The holders of such notes or interest 69429
coupons pertaining thereto shall have a right to be paid solely 69430
from the pledged receipts and special funds that may be pledged to 69431
the payment of the bonds anticipated, or from the proceeds of such 69432
bonds or renewal notes, or both, as the issuing authority provides 69433
in the order authorizing such notes. Such notes may be 69434
additionally secured by covenants of the issuing authority to the 69435
effect that the issuing authority and the state will do such or 69436
all things necessary for the issuance of such bonds or renewal 69437
notes in the appropriate amount, and apply the proceeds thereof to 69438
the extent necessary, to make full payment of the principal of and 69439
interest on such notes at the time or times contemplated, as 69440
provided in such order. For such purpose, the issuing authority 69441
may issue bonds or renewal notes in such principal amount and upon 69442
such terms as may be necessary to provide funds to pay when 69443
required the principal of and interest on such notes, 69444
notwithstanding any limitations prescribed by or for purposes of 69445
this section. Subject to this division, all provisions for and 69446
references to obligations in this section are applicable to notes 69447
authorized under this division. 69448

The issuing authority in the bond proceedings authorizing the 69449
issuance of bond anticipation notes shall set forth for such bonds 69450
an estimated interest rate and a schedule of principal payments 69451
for such bonds and the annual maturity dates thereof. 69452

(N) Obligations issued under this section are lawful 69453
investments for banks, societies for savings, savings and loan 69454
associations, deposit guarantee associations, trust companies, 69455
trustees, fiduciaries, insurance companies, including domestic for 69456
life and domestic not for life, trustees or other officers having 69457
charge of sinking and bond retirement or other special funds of 69458
political subdivisions and taxing districts of this state, the 69459
commissioners of the sinking fund of the state, the administrator 69460
of workers' compensation, the state teachers retirement system, 69461
the public employees retirement system, the school employees 69462
retirement system, and the Ohio police and fire pension fund, 69463
notwithstanding any other provisions of the Revised Code or rules 69464
adopted pursuant thereto by any agency of the state with respect 69465
to investments by them, and are also acceptable as security for 69466
the deposit of public moneys. 69467

(O) Unless otherwise provided in any applicable bond 69468
proceedings, moneys to the credit of or in the special funds 69469
established by or pursuant to this section may be invested by or 69470
on behalf of the issuing authority only in notes, bonds, or other 69471
obligations of the United States, or of any agency or 69472
instrumentality of the United States, obligations guaranteed as to 69473
principal and interest by the United States, obligations of this 69474
state or any political subdivision of this state, and certificates 69475
of deposit of any national bank located in this state and any 69476
bank, as defined in section 1101.01 of the Revised Code, subject 69477
to inspection by the superintendent of financial institutions. If 69478
the law or the instrument creating a trust pursuant to division 69479
(J) of this section expressly permits investment in direct 69480

obligations of the United States or an agency of the United States, unless expressly prohibited by the instrument, such moneys also may be invested in no-front-end-load money market mutual funds consisting exclusively of obligations of the United States or an agency of the United States and in repurchase agreements, including those issued by the fiduciary itself, secured by obligations of the United States or an agency of the United States; and in collective investment funds as defined in division (A) of section 1111.01 of the Revised Code and consisting exclusively of any such securities. The income from such investments shall be credited to such funds as the issuing authority determines, and such investments may be sold at such times as the issuing authority determines or authorizes.

(P) Provision may be made in the applicable bond proceedings for the establishment of separate accounts in the bond service fund and for the application of such accounts only to the specified bond service charges on obligations pertinent to such accounts and bond service fund and for other accounts therein within the general purposes of such fund. Unless otherwise provided in any applicable bond proceedings, moneys to the credit of or in the several special funds established pursuant to this section shall be disbursed on the order of the treasurer of state, provided that no such order is required for the payment from the bond service fund when due of bond service charges on obligations.

(Q)(1) The issuing authority may pledge all, or such portion as the issuing authority determines, of the pledged receipts to the payment of bond service charges on obligations issued under this section, and for the establishment and maintenance of any reserves, as provided in the bond proceedings, and make other provisions therein with respect to pledged receipts as authorized by this chapter, which provisions are controlling notwithstanding any other provisions of law pertaining thereto.

(2) An action taken under division (Q)(2) of this section 69513
does not limit the generality of division (Q)(1) of this section, 69514
and is subject to division (C) of this section and, if and to the 69515
extent otherwise applicable, Section 13 of Article VIII, Ohio 69516
Constitution. The bond proceedings may contain a covenant that, in 69517
the event the pledged receipts primarily pledged and required to 69518
be used for the payment of bond service charges on obligations 69519
issued under this section, and for the establishment and 69520
maintenance of any reserves, as provided in the bond proceedings, 69521
are insufficient to make any such payment in full when due, or to 69522
maintain any such reserve, the director of transportation shall so 69523
notify the governor, and shall determine to what extent, if any, 69524
the payment may be made or moneys may be restored to the reserves 69525
from lawfully available moneys previously appropriated for that 69526
purpose to the department of transportation. The covenant also may 69527
provide that if the payments are not made or the moneys are not 69528
immediately and fully restored to the reserves from such moneys, 69529
the director shall promptly submit to the governor and to the 69530
director of budget and management a written request for either or 69531
both of the following: 69532

(a) That the next biennial budget submitted by the governor 69533
to the general assembly include an amount to be appropriated from 69534
lawfully available moneys to the department for the purpose of and 69535
sufficient for the payment in full of bond service charges 69536
previously due and for the full replenishment of the reserves; 69537

(b) That the general assembly be requested to increase 69538
appropriations from lawfully available moneys for the department 69539
in the current biennium sufficient for the purpose of and for the 69540
payment in full of bond service charges previously due and to come 69541
due in the biennium and for the full replenishment of the 69542
reserves. 69543

The director of transportation shall include with such 69544

requests a recommendation that the payment of the bond service 69545
charges and the replenishment of the reserves be made in the 69546
interest of maximizing the benefits of the state infrastructure 69547
bank. Any such covenant shall not obligate or purport to obligate 69548
the state to pay the bond service charges on such bonds or notes 69549
or to deposit moneys in a reserve established for such payments 69550
other than from moneys that may be lawfully available and 69551
appropriated for that purpose during the then-current biennium. 69552

(R) There is hereby created the state infrastructure bank 69553
revenue bond service fund, which shall be in the custody of the 69554
treasurer of state but shall not be a part of the state treasury. 69555
All moneys received by or on account of the issuing authority or 69556
state agencies and required by the applicable bond proceedings, 69557
consistent with this section, to be deposited, transferred, or 69558
credited to the bond service fund, and all other moneys 69559
transferred or allocated to or received for the purposes of the 69560
fund, shall be deposited and credited to such fund and to any 69561
separate accounts therein, subject to applicable provisions of the 69562
bond proceedings, but without necessity for any act of 69563
appropriation. The state infrastructure bank revenue bond service 69564
fund is a trust fund and is hereby pledged to the payment of bond 69565
service charges to the extent provided in the applicable bond 69566
proceedings, and payment thereof from such fund shall be made or 69567
provided for by the treasurer of state in accordance with such 69568
bond proceedings without necessity for any act of appropriation. 69569

(S) The obligations issued pursuant to this section, the 69570
transfer thereof, and the income therefrom, including any profit 69571
made on the sale thereof, shall at all times be free from taxation 69572
within this state. 69573

Sec. 5540.01. As used in this chapter: 69574

(A) "Transportation improvement district" or "district" means 69575

a transportation improvement district designated pursuant to 69576
section 5540.02 of the Revised Code. 69577

(B) "Governmental agency" means a department, division, or 69578
other unit of state government; a county, township, or municipal 69579
corporation or other political subdivision; a regional transit 69580
authority or regional transit commission created pursuant to 69581
Chapter 306. of the Revised Code; a port authority created 69582
pursuant to Chapter 4582. of the Revised Code; and the United 69583
States or any agency thereof. 69584

(C) "Project" means a street, highway, or other 69585
transportation project constructed or improved under this chapter 69586
and includes all bridges, tunnels, overpasses, underpasses, 69587
interchanges, approaches, those portions of connecting streets or 69588
highways that serve interchanges and are determined by the 69589
district to be necessary for the safe merging of traffic between 69590
the project and those streets or highways, service facilities, and 69591
administration, storage, and other buildings, property, and 69592
facilities, that the district considers necessary for the 69593
operation of the project, together with all property and rights 69594
that must be acquired by the district for the construction, 69595
maintenance, or operation of the project. 69596

(D) "Cost," as applied to the construction of a project, 69597
includes the cost of construction, including bridges over or under 69598
existing highways and railroads, acquisition of all property 69599
acquired by the district for such construction, demolishing or 69600
removing any buildings or structures on land so acquired, 69601
including the cost of acquiring any lands to which such buildings 69602
or structures may be moved, site clearance, improvement, and 69603
preparation, diverting streets or highways, interchanges with 69604
streets or highways, access roads to private property, including 69605
the cost of land or easements therefor, all machinery, 69606
furnishings, and equipment, communications facilities, financing 69607

expenses, interest prior to and during construction and for one 69608
year after completion of construction, traffic estimates, 69609
indemnity and surety bonds and premiums on insurance, and 69610
guarantees, engineering, feasibility studies, and legal expenses, 69611
plans, specifications, surveys, estimates of cost and revenues, 69612
other expenses necessary or incidental to determining the 69613
feasibility or practicability of constructing a project, and such 69614
other expense as may be necessary or incident to the construction 69615
of the project and the financing of such construction. Any 69616
obligation or expense incurred by any governmental agency or 69617
person for surveys, borings, preparation of plans and 69618
specifications, and other engineering services, or any other cost 69619
described above, in connection with the construction of a project 69620
may be regarded as part of the cost of the project and reimbursed 69621
from revenues, taxes, or the proceeds of bonds as authorized by 69622
this chapter. 69623

(E) "Owner" includes any person having any title or interest 69624
in any property authorized to be acquired by a district under this 69625
chapter. 69626

(F) "Revenues" means all moneys received by a district with 69627
respect to the lease, sublease, or sale, including installment 69628
sale, conditional sale, or sale under a lease-purchase agreement, 69629
of a project, all moneys received by a district under an agreement 69630
pursuant to Section 515.03 of H.B. 66 of the 126th General 69631
Assembly, any gift or grant received with respect to a project, 69632
tolls, special assessments levied by the district, proceeds of 69633
bonds to the extent the use thereof for payment of principal or of 69634
premium, if any, or interest on the bonds is authorized by the 69635
district, proceeds from any insurance, condemnation, or guaranty 69636
pertaining to a project or property mortgaged to secure bonds or 69637
pertaining to the financing of a project, and income and profit 69638
from the investment of the proceeds of bonds or of any revenues. 69639

(G) "Street or highway" has the same meaning as in section 69640
4511.01 of the Revised Code. 69641

(H) "Financing expenses" means all costs and expenses 69642
relating to the authorization, issuance, sale, delivery, 69643
authentication, deposit, custody, clearing, registration, 69644
transfer, exchange, fractionalization, replacement, payment, and 69645
servicing of bonds including, without limitation, costs and 69646
expenses for or relating to publication and printing, postage, 69647
delivery, preliminary and final official statements, offering 69648
circulars, and informational statements, travel and 69649
transportation, underwriters, placement agents, investment 69650
bankers, paying agents, registrars, authenticating agents, 69651
remarketing agents, custodians, clearing agencies or corporations, 69652
securities depositories, financial advisory services, 69653
certifications, audits, federal or state regulatory agencies, 69654
accounting and computation services, legal services and obtaining 69655
approving legal opinions and other legal opinions, credit ratings, 69656
redemption premiums, and credit enhancement facilities. 69657

(I) "Bond proceedings" means the resolutions, trust 69658
agreements, certifications, notices, sale proceedings, leases, 69659
lease-purchase agreements, assignments, credit enhancement 69660
facility agreements, and other agreements, instruments, and 69661
documents, as amended and supplemented, or any one or more of 69662
combination thereof, authorizing, or authorizing or providing for 69663
the terms and conditions applicable to, or providing for the 69664
security or sale or award or liquidity of, bonds, and includes the 69665
provisions set forth or incorporated in those bonds and bond 69666
proceedings. 69667

(J) "Bond service charges" means principal, including any 69668
mandatory sinking fund or mandatory redemption requirements for 69669
retirement of bonds, and interest and any redemption premium 69670
payable on bonds, as those payments come due and are payable to 69671

the bondholder or to a person making payment under a credit 69672
enhancement facility of those bond service charges to a 69673
bondholder. 69674

(K) "Bond service fund" means the applicable fund created by 69675
the bond proceedings for and pledged to the payment of bond 69676
service charges on bonds provided for by those proceedings, 69677
including all moneys and investments, and earnings from 69678
investments, credited and to be credited to that fund as provided 69679
in the bond proceedings. 69680

(L) "Bonds" means bonds, notes, including notes anticipating 69681
bonds or other notes, commercial paper, certificates of 69682
participation, or other evidences of obligation, including any 69683
interest coupons pertaining thereto, issued pursuant to this 69684
chapter. 69685

(M) "Net revenues" means revenues lawfully available to pay 69686
both current operating expenses of a district and bond service 69687
charges in any fiscal year or other specified period, less current 69688
operating expenses of the district and any amount necessary to 69689
maintain a working capital reserve for that period. 69690

(N) "Pledged revenues" means net revenues, moneys and 69691
investments, and earnings on those investments, in the applicable 69692
bond service fund and any other special funds, and the proceeds of 69693
any bonds issued for the purpose of refunding prior bonds, all as 69694
lawfully available and by resolution of the district committed for 69695
application as pledged revenues to the payment of bond service 69696
charges on particular issues of bonds. 69697

(O) "Special funds" means the applicable bond service fund 69698
and any accounts and subaccounts in that fund, any other funds or 69699
accounts permitted by and established under, and identified as a 69700
special fund or special account in, the bond proceedings, 69701
including any special fund or account established for purposes of 69702

rebate or other requirements under federal income tax laws. 69703

(P) "Credit enhancement facilities" means letters of credit, 69704
lines of credit, standby, contingent, or firm securities purchase 69705
agreements, insurance, or surety arrangements, guarantees, and 69706
other arrangements that provide for direct or contingent payment 69707
of bond service charges, for security or additional security in 69708
the event of nonpayment or default in respect of bonds, or for 69709
making payment of bond service charges and at the option and on 69710
demand of bondholders or at the option of the district or upon 69711
certain conditions occurring under put or similar arrangements, or 69712
for otherwise supporting the credit or liquidity of the bonds, and 69713
includes credit, reimbursement, marketing, remarketing, indexing, 69714
carrying, interest rate hedge, and subrogation agreements, and 69715
other agreements and arrangements for payment and reimbursement of 69716
the person providing the credit enhancement facility and the 69717
security for that payment and reimbursement. 69718

(Q) "Refund" means to fund and retire outstanding bonds, 69719
including advance refunding with or without payment or redemption 69720
prior to stated maturity. 69721

(R) "Property" includes interests in property. 69722

(S) "Administrative agent," "agent," "commercial paper," 69723
"floating rate interest structure," "indexing agent," "interest 69724
rate hedge," "interest rate period," "put arrangement," and 69725
"remarketing agent" have the same meanings as in section 9.98 of 69726
the Revised Code. 69727

(T) "Outstanding" as applied to bonds means outstanding in 69728
accordance with the terms of the bonds and the applicable bond 69729
proceedings. 69730

(U) "Interstate system" has the same meaning as in section 69731
5516.01 of the Revised Code. 69732

Sec. 5540.09. (A) The bonds do not constitute a debt, or a 69733
pledge of the faith and credit, of the state or of any political 69734
subdivision of the state. Bond service charges on outstanding 69735
bonds are payable solely from the pledged revenues pledged for 69736
their payment as authorized by this chapter and as provided in the 69737
bond proceedings. All bonds shall contain on their face a 69738
statement to that effect. 69739

(B) All expenses incurred in carrying out this chapter shall 69740
be payable solely from revenues provided under this chapter. ~~This~~ 69741
Except as provided in Section 515.03 of H.B. 66 of the 126th 69742
General Assembly, this chapter does not authorize the board of 69743
trustees of a district to incur indebtedness or liability on 69744
behalf of or payable by the state or any political subdivision of 69745
the state. 69746

Sec. 5549.01. The board of county commissioners may purchase 69747
such machinery, tools, or other equipment, including special 69748
wearing apparel, for the construction, improvement, maintenance, 69749
or repair of the highways, bridges, and culverts under its 69750
jurisdiction as it deems necessary. The board may also purchase, 69751
hire, or lease automobiles, motorcycles, or other conveyances and 69752
maintain them for the use of the county engineer and ~~his~~ the 69753
engineer's assistants when on official business. All such 69754
machinery, tools, and equipment, including special wearing 69755
apparel, and conveyances belonging to the county shall be under 69756
the care and custody of the engineer, and shall be plainly and 69757
conspicuously marked as the property of the county. 69758

The engineer ~~shall annually, on the fifteenth day of~~ 69759
~~November, make a written inventory of all such items, indicating~~ 69760
~~each article, stating the value thereof, and the estimated cost of~~ 69761
~~all necessary repairs thereto, and deliver such inventory to the~~ 69762

~~board, which shall cause it to be placed on file. At the same time~~ 69763
he shall file with the board ~~his~~ written recommendations as to 69764
what machinery, tools, and equipment, including special wearing 69765
apparel, and conveyances should be purchased for the use of the 69766
county during the ensuing year and the probable cost thereof. 69767

The board shall provide a suitable place for housing and 69768
storing machinery, tools, and equipment, including special wearing 69769
apparel, materials, and conveyances owned by the county, and may 69770
purchase the necessary material and construct, or enter into an 69771
agreement with a railroad company to construct, one switch or spur 69772
track from the right of way of such railroad company to land or 69773
storage house owned by the county. All expenditures authorized by 69774
this section shall be paid out of any available road funds of the 69775
county. 69776

Purchases, hiring, or leasing made by the board pursuant to 69777
this section shall be governed by sections 307.86 to 307.92~~7~~ 69778
~~inclusive~~, of the Revised Code. 69779

Sec. 5552.01. As used in this chapter: 69780

(A) "Metropolitan planning organization" ~~has the same meaning~~ 69781
~~as in division (A)(7) of section 3704.14 of the Revised Code~~ means 69782
a metropolitan planning organization designated under section 9(a) 69783
of the "Federal-Aid Highway Act of 1962," 76 Stat. 1148, 23 U.S.C. 69784
134, as amended. 69785

(B) "Urban township" means a township that has a population 69786
in the unincorporated area of the township of fifteen thousand or 69787
more and that has adopted a limited home rule government under 69788
section 504.02 of the Revised Code. 69789

Sec. 5573.13. The proportion of the compensation, damages, 69790
and costs of any road improvement to be paid by the township shall 69791
be paid out of any road improvement fund available therefor. For 69792

the purpose of providing by taxation a fund for the payment of the township's proportion of the compensation, damages, and costs of constructing, reconstructing, resurfacing, or improving roads under sections 5571.01, 5571.06, 5571.07, 5571.15, 5573.01 to 5573.15, ~~inclusive,~~ and 5575.02 to 5575.09, ~~inclusive,~~ of the Revised Code, and for the purpose of maintaining, repairing, or dragging any public road or part thereof under their jurisdiction, in the manner provided in sections 5571.02 to 5571.05, ~~inclusive,~~ 5571.08, 5571.12, ~~5571.13,~~ and 5575.01 of the Revised Code, the board of trustees may levy, annually, a tax not exceeding three mills upon each dollar of the taxable property of said township. Such levy shall be in addition to all other levies authorized for township purposes, and subject only to the limitation on the combined maximum rate for all taxes now in force. The taxes so authorized shall be placed by the county auditor upon the tax duplicate, against the taxable property of the township, and collected by the county treasurer as other taxes. When collected, such taxes shall be paid to the township clerk of the township from which they are collected, and the money so received shall be under the control of the board for the purposes for which the taxes were levied.

Sec. 5703.052. (A) There is hereby created in the state treasury the tax refund fund, from which refunds shall be paid for taxes illegally or erroneously assessed or collected, or for any other reason overpaid, that are levied by Chapter 4301., 4305., 5728., 5729., 5733., 5735., 5739., 5741., 5743., 5747., 5748., 5749., or ~~5753-~~ 5751., and sections 3737.71, 3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 of the Revised Code. Refunds for fees illegally or erroneously assessed or collected, or for any other reason overpaid, that are levied by sections 3734.90 to 3734.9014 of the Revised Code also shall be paid from the fund. However, refunds for taxes levied

under section 5739.101 of the Revised Code shall not be paid from 69825
the tax refund fund, but shall be paid as provided in section 69826
5739.104 of the Revised Code. 69827

(B)(1) Upon certification by the tax commissioner to the 69828
treasurer of state of a tax refund or fee refund, or by the 69829
superintendent of insurance of a domestic or foreign insurance tax 69830
refund, the treasurer of state shall place the amount certified to 69831
the credit of the fund. The certified amount transferred shall be 69832
derived from current receipts of the same tax or the fee from 69833
which the refund arose. If current receipts from the tax or fee 69834
from which the refund arose are inadequate to make the transfer of 69835
the amount so certified, the treasurer of state shall transfer 69836
such certified amount from current receipts of the sales tax 69837
levied by section 5739.02 of the Revised Code. 69838

(2) When the treasurer of state provides for the payment of a 69839
refund of a tax or fee from the current receipts of the sales tax, 69840
and the refund is for a tax or fee that is not levied by the 69841
state, the tax commissioner shall recover the amount of that 69842
refund from the next distribution of that tax or fee that 69843
otherwise would be made to the taxing jurisdiction. If the amount 69844
to be recovered would exceed twenty-five per cent of the next 69845
distribution of that tax or fee, the commissioner may spread the 69846
recovery over more than one future distribution, taking into 69847
account the amount to be recovered and the amount of the 69848
anticipated future distributions. In no event may the commissioner 69849
spread the recovery over a period to exceed twenty-four months. 69850

Sec. 5703.053. As used in this section, "postal service" 69851
means the United States postal service. 69852

An application to the tax commissioner for a tax refund under 69853
section 4307.05, 4307.07, 5727.28, 5727.91, 5728.061, 5735.122, 69854

5735.13, 5735.14, 5735.141, 5735.142, 5739.07, 5741.10, 5743.05, 69855
5743.53, 5745.11, 5749.08, or ~~5753.06~~ 5751.08 of the Revised Code 69856
or division (B) of section 5703.05 of the Revised Code, or a fee 69857
refunded under section 3734.905 of the Revised Code, that is 69858
received after the last day for filing under such section shall be 69859
considered to have been filed in a timely manner if: 69860

(A) The application is delivered by the postal service and 69861
the earliest postal service postmark on the cover in which the 69862
application is enclosed is not later than the last day for filing 69863
the application; 69864

(B) The application is delivered by the postal service, the 69865
only postmark on the cover in which the application is enclosed 69866
was affixed by a private postal meter, the date of that postmark 69867
is not later than the last day for filing the application, and the 69868
application is received within seven days of such last day; or 69869

(C) The application is delivered by the postal service, no 69870
postmark date was affixed to the cover in which the application is 69871
enclosed or the date of the postmark so affixed is not legible, 69872
and the application is received within seven days of the last day 69873
for making the application. 69874

Sec. 5703.057. (A) For the efficient administration of the 69875
taxes and fees administered by the tax commissioner, the 69876
commissioner may require that any person filing a tax document 69877
with the department of taxation provide identifying information, 69878
which may include the person's social security number, federal 69879
employer identification number, or other identification number 69880
requested by the commissioner. A person required by the 69881
commissioner to provide identifying information who has 69882
experienced any change with respect to that information shall 69883
notify the commissioner of the change prior to, or upon, filing 69884
the next tax document requiring such identifying information. 69885

(B) When transmitting or otherwise making use of a tax document that contains a person's social security number, the commissioner shall take all reasonable measures necessary to ensure that the number is not capable of being viewed by the general public, including, when necessary, masking the number so that it is not readily discernible by the general public. 69886
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(C)(1) If the commissioner makes a request for identifying information and the commissioner does not receive valid identifying information within thirty days of making the request, the commissioner may impose a penalty upon the person to whom the request was directed of up to one hundred dollars. If, after the expiration of this thirty day period, the commissioner makes one or more subsequent requests for identifying information and the person to whom the subsequent request is directed fails to provide valid identifying information within thirty days of the commissioner's subsequent request, the commissioner may impose an additional penalty of up to two hundred dollars for each subsequent request not complied with in a timely fashion. 69892
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(2) If a person required by the commissioner to provide identifying information does not notify the commissioner of a change with respect to that information as required under division (A) of this section within thirty days after filing the next tax document requiring such identifying information, the commissioner may impose a penalty of up to fifty dollars. 69904
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(3) The penalties provided for under divisions (C)(1) and (2) of this section may be billed and assessed in the same manner as the tax or fee with respect to which the identifying information is sought and are in addition to any applicable criminal penalties described in division (D) of this section and any other penalties that may be imposed by the commissioner by law. 69910
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(D) Section 5703.26 of the Revised Code applies with respect 69916

to false or fraudulent identifying information provided by a 69917
person to the commissioner under this section. 69918

Sec. 5703.47. (A) As used in this section, "federal 69919
short-term rate" means the rate of the average market yield on 69920
outstanding marketable obligations of the United States with 69921
remaining periods to maturity of three years or less, as 69922
determined under section 1274 of the "Internal Revenue Code of 69923
1986," 100 Stat. 2085, 26 U.S.C.A. 1274, for July of the current 69924
year. 69925

(B) On the fifteenth day of October of each year, the tax 69926
commissioner shall determine the federal short-term rate. For 69927
purposes of any section of the Revised Code requiring interest to 69928
be computed at the rate per annum required by this section, the 69929
rate determined by the commissioner under this section, rounded to 69930
the nearest whole number per cent, plus three per cent, shall be 69931
the interest rate per annum used in making the computation for 69932
interest that accrues during the following calendar year. For the 69933
purposes of sections 5719.041 and 5731.23 of the Revised Code, 69934
references to the "federal short-term rate" are references to the 69935
federal short-term rate as determined by the tax commissioner 69936
under this section rounded to the nearest whole number per cent. 69937

(C) Within ten days after the interest rate per annum is 69938
determined under this section, the tax commissioner shall notify 69939
the auditor of each county in writing of that rate of interest. 69940

Sec. 5703.50. As used in sections 5703.50 to 5703.53 of the 69941
Revised Code: 69942

(A) "Tax" includes only those taxes imposed on tangible 69943
personal property listed in accordance with Chapter 5711. of the 69944
Revised Code and taxes imposed under Chapters 5733., 5739., 5741., 69945
~~and~~ 5747., and 5751. of the Revised Code. 69946

(B) "Taxpayer" means a person subject to or potentially subject to a tax including an employer required to deduct and withhold any amount under section 5747.06 of the Revised Code. 69947
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(C) "Audit" means the examination of a taxpayer or the inspection of the books, records, memoranda, or accounts of a taxpayer for the purpose of determining liability for a tax. 69950
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(D) "Assessment" means a notice of underpayment or nonpayment of a tax issued pursuant to section 5711.26, 5711.32, 5733.11, 5739.13, 5741.11, 5741.13, ~~or 5747.13,~~ or 5751.09 of the Revised Code. 69953
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(E) "County auditor" means the auditor of the county in which the tangible personal property subject to a tax is located. 69957
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Sec. 5703.70. (A) On the filing of an application for refund under section 3734.905, 4307.05, 4307.07, 5727.28, 5727.91, 5728.061, 5733.12, 5735.122, 5735.13, 5735.14, 5735.141, 5735.142, 5735.18, 5739.07, 5739.071, 5739.104, 5741.10, 5743.05, 5743.53, ~~or 5749.08,~~ or 5751.08 of the Revised Code, or an application for compensation under section 5739.123 of the Revised Code, if the tax commissioner determines that the amount of the refund or compensation to which the applicant is entitled is less than the amount claimed in the application, the commissioner shall give the applicant written notice by ordinary mail of the amount. The notice shall be sent to the address shown on the application unless the applicant notifies the commissioner of a different address. The applicant shall have sixty days from the date the commissioner mails the notice to provide additional information to the commissioner or request a hearing, or both. 69959
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(B) If the applicant neither requests a hearing nor provides additional information to the tax commissioner within the time prescribed by division (A) of this section, the commissioner shall 69974
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take no further action, and the refund amount or compensation
amount denied becomes final. 69977
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(C)(1) If the applicant requests a hearing within the time
prescribed by division (A) of this section, the tax commissioner
shall assign a time and place for the hearing and notify the
applicant of such time and place, but the commissioner may
continue the hearing from time to time as necessary. After the
hearing, the commissioner may make such adjustments to the refund
or compensation as the commissioner finds proper, and shall issue
a final determination thereon. 69979
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(2) If the applicant does not request a hearing, but provides
additional information, within the time prescribed by division (A)
of this section, the commissioner shall review the information,
make such adjustments to the refund or compensation as the
commissioner finds proper, and issue a final determination
thereon. 69987
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(3) The commissioner shall serve a copy of the final
determination made under division (C)(1) or (2) of this section on
the applicant in the manner provided in section 5703.37 of the
Revised Code, and the decision is final, subject to appeal under
section 5717.02 of the Revised Code. 69993
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(D) The tax commissioner shall certify to the director of
budget and management and treasurer of state for payment from the
tax refund fund created by section 5703.052 of the Revised Code,
the amount of the refund to be refunded under division (B) or (C)
of this section. The commissioner also shall certify to the
director and treasurer of state for payment from the general
revenue fund the amount of compensation to be paid under division
(B) or (C) of this section. 69998
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Sec. 5703.80. There is hereby created in the state treasury 70006

the property tax administration fund. All money to the credit of 70007
the fund shall be used to defray the costs incurred by the 70008
department of taxation in administering the taxation of property 70009
and the equalization of real property valuation. 70010

Each fiscal year between the first and fifteenth days of 70011
July, the tax commissioner shall compute the following amounts for 70012
the property in each taxing district in each county, and certify 70013
to the director of budget and management the sum of those amounts 70014
for all taxing districts in all counties: 70015

(A) ~~Three tenths~~ For fiscal year 2006, thirty-three 70016
hundredths of one per cent of the total amount by which taxes 70017
charged against real property on the general tax list of real and 70018
public utility property were reduced under section 319.302 of the 70019
Revised Code for the preceding tax year; 70020

(B) ~~Fifteen hundredths~~ For fiscal year 2007 and thereafter, 70021
thirty-five hundredths of one per cent of the total amount by 70022
which taxes charged against real property on the general tax list 70023
of real and public utility property were reduced under section 70024
319.302 of the Revised Code for the preceding tax year; 70025

(C) For fiscal year 2006, one-half of one per cent of the 70026
total amount of taxes charged and payable against public utility 70027
personal property on the general tax list of real and public 70028
utility property for the preceding tax year and of the total 70029
amount of taxes charged and payable against tangible personal 70030
property on the general tax list of personal property of the 70031
preceding tax year and for which returns were filed with the tax 70032
commissioner under section 5711.13 of the Revised Code; 70033

~~(C) Seventy five~~ (D) For fiscal year 2007, fifty-six 70034
hundredths of one per cent of the total amount of taxes charged 70035
and payable against public utility personal property on the 70036
general tax list of real and public utility property for the 70037

preceding tax year and of the total amount of taxes charged and 70038
payable against tangible personal property on the general tax list 70039
of personal property of the preceding tax year and for which 70040
returns were filed with the tax commissioner under section 5711.13 70041
of the Revised Code; 70042

(E) For fiscal year 2008 and thereafter, six-tenths of one 70043
per cent of the total amount of taxes charged and payable against 70044
public utility personal property on the general tax list of real 70045
and public utility property for the preceding tax year and of the 70046
total amount of taxes charged and payable against tangible 70047
personal property on the general tax list of personal property of 70048
the preceding tax year and for which returns were filed with the 70049
tax commissioner under section 5711.13 of the Revised Code. 70050

After receiving the tax commissioner's certification, the 70051
director of budget and management shall transfer from the general 70052
revenue fund to the property tax administration fund one-fourth of 70053
the amount certified on or before each of the following days: the 70054
first days of August, November, February, and May. 70055

On or before the thirtieth day of June of the fiscal year, 70056
the tax commissioner shall certify to the director of budget and 70057
management the sum of the amounts by which the amounts computed 70058
for a taxing district under ~~divisions (A), (B), and (C)~~ of this 70059
section exceeded the distributions to the taxing district under 70060
division (F) of section 321.24 of the Revised Code, and the 70061
director shall transfer that sum from the property tax 70062
administration fund to the general revenue fund. 70063

Sec. 5705.091. The board of county commissioners of each 70064
county shall establish a county mental retardation and 70065
developmental disabilities general fund. Notwithstanding sections 70066
5705.09 and 5705.10 of the Revised Code, proceeds from levies 70067
under section 5705.222 and division (L) of section 5705.19 of the 70068

Revised Code shall be deposited to the credit of the county mental 70069
retardation and developmental disabilities general fund. Accounts 70070
shall be established within the county mental retardation and 70071
developmental disabilities general fund for each of the several 70072
particular purposes of the levies as specified in the resolutions 70073
under which the levies were approved, and proceeds from different 70074
levies that were approved for the same particular purpose shall be 70075
credited to accounts for that purpose. Other money received by the 70076
county for the purposes of Chapters 3323. and 5126. of the Revised 70077
Code and not required by state or federal law to be deposited to 70078
the credit of a different fund shall also be deposited to the 70079
credit of the county mental retardation and developmental 70080
disabilities general fund, in an account appropriate to the 70081
particular purpose for which the money was received. Unless 70082
otherwise provided by law, an unexpended balance at the end of a 70083
fiscal year in any account in the county mental retardation and 70084
developmental disabilities general fund shall be appropriated the 70085
next fiscal year to the same fund. 70086

A county board of mental retardation and developmental 70087
disabilities may request, by resolution, that the board of county 70088
commissioners establish a county mental retardation and 70089
developmental disabilities capital fund for money to be used for 70090
acquisition, construction, or improvement of capital facilities or 70091
acquisition of capital equipment used in providing services to 70092
mentally retarded and developmentally disabled persons. The county 70093
board of mental retardation and developmental disabilities shall 70094
transmit a certified copy of the resolution to the board of county 70095
commissioners. Upon receiving the resolution, the board of county 70096
commissioners shall establish a county mental retardation and 70097
developmental disabilities capital fund. 70098

A county board shall request, by resolution, that the board 70099
of county commissioners establish a county MR/DD medicaid reserve 70100

fund. On receipt of the resolution, the board of county
commissioners shall establish a county MR/DD medicaid reserve
fund. The portion of federal revenue funds that the county board
earns for providing ~~habilitation center services~~, medicaid case
management services, and home and community-based services that is
needed for the county board to pay for extraordinary costs,
including extraordinary costs for services to individuals with
mental retardation or other developmental disability, and ensure
the availability of adequate funds in the event a county property
tax levy for services for individuals with mental retardation or
other developmental disability fails shall be deposited into the
fund. The county board shall use money in the fund for those
purposes in accordance with rules adopted under section 5123.0413
of the Revised Code.

Sec. 5705.211. (A) As used in this section:

(1) "Adjusted charge-off amount" for a fiscal year means two
and three-tenths per cent of a school district's recognized
valuation, as defined in section 3317.02 of the Revised Code, for
the fiscal year.

(2) "Charge-off increase" for a tax year means the dollar
amount, if any, by which the adjusted charge-off amount for the
fiscal year ending in the preceding tax year exceeds the adjusted
charge-off amount for the fiscal year ending in the current tax
year.

(3) "Levies for current expenses" means any tax levied in
excess of the ten-mill limitation for the current operating
expenses of the district and any tax levied under sections
5705.194 to 5709.197 of the Revised Code.

(4) "Taxes charged and payable" means the taxes charged and
payable from a tax levy extended on the real and public utility

property tax list and the general list of personal property after 70131
any reduction under section 319.301 of the Revised Code but before 70132
any reduction under section 319.302, 323.152, or 323.158 of the 70133
Revised Code. 70134

(B) The board of education of a city, local, or exempted 70135
village school district may adopt a resolution proposing the levy 70136
of a tax in excess of the ten-mill limitation for the purpose of 70137
paying the current operating expenses of the district. If the 70138
resolution is approved as provided in division (D) of this 70139
section, the tax may be levied at such a rate each year that the 70140
total taxes charged and payable from the levy equals the 70141
charge-off increase for the fiscal year or equals a lesser amount 70142
as prescribed under division (C) of this section. The tax may be 70143
levied for a continuing period of time or for a specific number of 70144
years, but not fewer than five years, as provided in the 70145
resolution. The tax may not be placed on the tax list for a tax 70146
year beginning before the first day of January following adoption 70147
of the resolution. A board of education may not adopt a resolution 70148
under this section proposing to levy a tax under this section 70149
concurrently with any other tax levied by the board under this 70150
section. 70151

(C) After the first year a tax is levied under this section, 70152
the rate of the tax in any year shall not exceed the rate, 70153
estimated by the county auditor, that would cause the total taxes 70154
charged and payable from all the school district's property tax 70155
levies for current expenses, including the tax levied under this 70156
section, to exceed, if levied upon the total taxable value of real 70157
and personal property listed and assessed for taxation in the 70158
preceding year, one hundred four per cent of the taxes charged and 70159
payable from the same levies imposed in the preceding year. A 70160
board of education imposing a tax under this section may specify 70161
in the resolution imposing the tax that the percentage shall be 70162

less than one hundred four per cent, but the percentage shall not 70163
be less than one hundred per cent. At any time after a resolution 70164
adopted under this section is approved by a majority of electors 70165
as provided in division (D) of this section, the board of 70166
education, by resolution, may decrease the percentage specified in 70167
the resolution levying the tax. 70168

For the purposes of this division, a renewal of a levy that 70169
was imposed in the preceding year is the same as the levy being 70170
renewed to the extent the rate of the renewal levy does not exceed 70171
the rate of the levy being renewed. A replacement of a levy that 70172
was imposed in the preceding year is the same as the replaced levy 70173
to the extent the effective rate of the replacement levy does not 70174
exceed the effective rate of the replaced levy in the last year 70175
the replaced levy was imposed. For the purposes of this division, 70176
"effective rate" of a levy equals the total of the taxes charged 70177
and payable from the levy divided by the taxable value of all real 70178
and tangible personal property subject to the levy. 70179

(D) A resolution adopted under this section shall state that 70180
the purpose of the tax is to pay current operating expenses of the 70181
district, and shall specify the first year in which the tax is to 70182
be levied, the number of years the tax will be levied or that it 70183
will be levied for a continuing period of time, and the election 70184
at which the question of the tax is to appear on the ballot, which 70185
shall be a general or special election consistent with the 70186
requirements of section 3501.01 of the Revised Code. If the board 70187
of education specifies a percentage less than one hundred four per 70188
cent pursuant to division (C) of this section, the percentage 70189
shall be specified in the resolution. 70190

Upon adoption of the resolution, the board of education may 70191
certify a copy of the resolution to the proper county board of 70192
elections. The copy of the resolution shall be certified to the 70193
board of elections not later than seventy-five days before the day 70194

of the election at which the question of the tax is to appear on 70195
the ballot. Upon receiving a timely certified copy of such a 70196
resolution, the board of elections shall make the necessary 70197
arrangements for the submission of the question to the electors of 70198
the school district, and the election shall be conducted, 70199
canvassed, and certified in the same manner as regular elections 70200
in the school district for the election of members of the board of 70201
education. Notice of the election shall be published in one or 70202
more newspapers of general circulation in the school district once 70203
per week for four consecutive weeks. The notice shall state that 70204
the purpose of the tax is for the current operating expenses of 70205
the school district, the first year the tax is to be levied, the 70206
number of years the tax is to be levied or that it is to be levied 70207
for a continuing period of time, that the tax is to be levied each 70208
year in an amount estimated to offset decreases in state base cost 70209
funding caused by increases in the district's taxable property 70210
valuation, and that the estimated additional tax in any year of 70211
the levy shall not cause the taxes charged and payable for school 70212
operating expenses to exceed the previous year's by more than one 70213
hundred four per cent, or a lesser percentage specified in the 70214
resolution levying the tax, except for increases caused by the 70215
addition of new taxable property. 70216

The question shall be submitted as a separate proposition but 70217
may be printed on the same ballot with any other proposition 70218
submitted at the same election other than the election of 70219
officers. 70220

The form of the ballot shall be substantially as follows: 70221

"An additional tax for the benefit of (name of school 70222
district) for the purpose of paying the current operating expenses 70223
of the district, for (number of years or for continuing 70224
period of time), at a rate sufficient to offset any reduction in 70225
basic state funding caused by increases in the district's taxable 70226

property valuation, but limited to prevent total revenue for the
district's operating expenses from increasing by more than
per cent per year?

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	<u>For the tax levy</u>
	<u>Against the tax levy</u>

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"

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If a majority of the electors of the school district voting
on the question vote in favor of the question, the board of
elections shall certify the results of the election to the board
of education and to the tax commissioner immediately after the
canvass.

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(E) When preparing any estimate of the contemplated receipts
from a tax levied pursuant to this section for the purposes of
sections 5705.28 to 5705.40 of the Revised Code, and in preparing
to certify the tax under section 5705.34 of the Revised Code, a
board of education authorized to levy such a tax shall use
information supplied by the department of education to determine
the charge-off increase for the tax year for which that
certification is made. If the board levied a tax under this
section in the preceding tax year, the sum to be certified for
collection from the tax shall not exceed the sum that would exceed
the limitation imposed under division (C) of this section. At the
request of the board of education or the treasurer of the school
district, the county auditor shall assist the board of education
in determining the rate or sum that may be levied under this
section.

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The board of education shall certify the sum authorized to be
levied to the county auditor, and, for the purpose of the county
auditor determining the rate at which the tax is to be levied in
the tax year, the sum so certified shall be the sum to be raised

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by the tax unless the sum exceeds the limitation imposed by 70258
division (C) of this section. A tax levied pursuant to this 70259
section shall not be levied at a rate in excess of the rate 70260
estimated by the county auditor to produce the sum certified by 70261
the board of education after the reduction required under section 70262
319.301 of the Revised Code but before the reductions under 70263
sections 319.302, 323.152, and 323.158 of the Revised Code. 70264
Notwithstanding section 5705.34 of the Revised Code, a board of 70265
education authorized to levy a tax under this section shall 70266
certify the tax to the county auditor before the first day of 70267
October of the tax year in which the tax is to be levied, or at a 70268
later date as approved by the tax commissioner. 70269

~~Sec. 5705.391. (A) A board of education shall adopt as part~~ 70270
~~of its annual appropriation measure a spending plan or in the case~~ 70271
~~of an amendment or supplement to an appropriation measure, an~~ 70272
~~amended spending plan, setting forth a schedule of expenses and~~ 70273
~~expenditures of all appropriated funds by the school district for~~ 70274
~~the fiscal year. A copy of the annual appropriation measure and~~ 70275
~~any amendment or supplement to it and the spending plan or amended~~ 70276
~~plan shall be submitted to the superintendent of public~~ 70277
~~instruction and shall set forth all revenues available for~~ 70278
~~appropriation by the district during the fiscal year and their~~ 70279
~~sources; the nature and amount of expenses to be incurred by the~~ 70280
~~district during such year, the outstanding and unpaid expenses on~~ 70281
~~the date the appropriation measure, amendment, or supplement is~~ 70282
~~adopted; the date or dates by which such expenses must be paid;~~ 70283
~~and such other information as the superintendent requires to~~ 70284
~~enable the superintendent to determine whether during such year~~ 70285
~~the district will incur any expenses that will impair its ability~~ 70286
~~to operate its schools with the revenue available to it from~~ 70287
~~existing revenue sources. The plan or amended plan shall be~~ 70288
~~presented in such detail and form as the superintendent~~ 70289

~~prescribes.~~ 70290

~~(B)~~(A) No later than July 1, 1998, the department of 70291
education and the auditor of state shall jointly adopt rules 70292
requiring ~~school districts to include~~ boards of education to 70293
submit five-year projections of operational revenues and 70294
expenditures ~~in the spending plan required by this section.~~ The 70295
rules shall provide for the auditor of state or the department to 70296
examine the five-year projections and to determine whether any 70297
further fiscal analysis is needed to ascertain whether a district 70298
has the potential to incur a deficit during the first three years 70299
of the five-year period. 70300

The auditor of state or the department may conduct any 70301
further audits or analyses necessary to assess any district's 70302
fiscal condition. If further audits or analyses are conducted by 70303
the auditor of state, the auditor of state shall notify the 70304
department of the district's fiscal condition, and the department 70305
shall immediately notify the district of any potential to incur a 70306
deficit in the current fiscal year or of any strong indications 70307
that a deficit will be incurred in either of the ensuing two 70308
years. If such audits or analyses are conducted by the department, 70309
the department shall immediately notify the district and the 70310
auditor of state of such potential deficit or strong indications 70311
thereof. 70312

A district notified under this section shall take immediate 70313
steps to eliminate any deficit in the current fiscal year and 70314
shall begin to plan to avoid the projected future deficits. 70315

~~(C)~~(B) The state board of education, in accordance with 70316
sections 3319.31 and 3319.311 of the Revised Code, may limit, 70317
suspend, or revoke a license as defined under section 3319.31 of 70318
the Revised Code that has been issued to any school employee found 70319
to have willfully contributed erroneous, inaccurate, or incomplete 70320
data required for the submission of the ~~appropriation measure and~~ 70321

~~spending plan~~ five-year projection required by this section. 70322

Sec. 5705.40. Any appropriation ordinance or measure may be 70323
amended or supplemented, provided that such amendment or 70324
supplement shall comply with all provisions of law governing the 70325
taxing authority in making an original appropriation and that no 70326
appropriation for any purpose shall be reduced below an amount 70327
sufficient to cover all unliquidated and outstanding contracts or 70328
obligations certified from or against the appropriation. Transfers 70329
may be made by resolution or ordinance from one appropriation item 70330
to another, except that a board of county commissioners shall, at 70331
the request of the county board of elections, adopt a resolution 70332
to transfer funds from one appropriation item of the board of 70333
elections to another appropriation item of the board of elections 70334
unless the board of county commissioners determines that the 70335
transfer is sought for the purpose of providing employee bonuses 70336
or salary increases other than increases necessary to reimburse 70337
employees for overtime worked. At the close of each fiscal year, 70338
the unencumbered balance of each appropriation shall revert to the 70339
respective fund from which it was appropriated and shall be 70340
subject to future appropriations, provided that funds unexpended 70341
at the end of such fiscal year previously appropriated for the 70342
payment of obligations unliquidated and outstanding, or previously 70343
appropriated pursuant to section 321.261 of the Revised Code for 70344
the collection of delinquent taxes, need not be reappropriated, 70345
but such unexpended funds shall not be included by any 70346
budget-making body or board or any county budget commission in 70347
estimating the balance available for the purposes of the next or 70348
any succeeding fiscal year. 70349

The annual appropriation measure, or an amendment or 70350
supplement thereto, may contain an appropriation for contingencies 70351
not to exceed the amount authorized by section 5705.29 of the 70352
Revised Code and in the case of a school district may also include 70353

a voluntary contingency reserve balance in the amount authorized 70354
by such section. By a two-thirds vote of all members of the taxing 70355
authority of a subdivision or taxing unit, expenditures may be 70356
authorized in pursuance of such contingency appropriation or 70357
voluntary contingency reserve balance for any lawful purpose for 70358
which public funds may be expended, if such purpose could not have 70359
reasonably been foreseen at the time of the adoption of the 70360
appropriation measure or, in the case of a voluntary contingency 70361
reserve balance, if the board of education requests payment of any 70362
portion of such balance. 70363

Sec. 5707.031. (A) As used in this section: 70364

(1) "Qualifying dealer in intangibles" has the same meaning 70365
as "qualifying dealer" in section 5725.24 of the Revised Code; 70366

(2) "Tax otherwise due" means the tax imposed on a qualifying 70367
dealer in intangibles under section 5707.03 and Chapter 5725. of 70368
the Revised Code reduced by the total amount of all other 70369
nonrefundable credits, if any, that the qualifying dealer in 70370
intangibles is entitled to claim. 70371

(B) Upon the issuance of a tax credit certificate by the Ohio 70372
venture capital authority under section 150.07 of the Revised 70373
Code, a credit may be claimed against the tax imposed on a 70374
qualifying dealer in intangibles under section 5707.03 and Chapter 70375
5725. of the Revised Code. The credit shall be claimed on a return 70376
due under section 5725.14 of the Revised Code after the 70377
certificate is issued by the authority. 70378

(C) If the qualifying dealer in intangibles elected a 70379
refundable credit under section 150.07 of the Revised Code and if 70380
the amount of the credit shown on the certificate does not exceed 70381
the tax otherwise due, then for the calendar year the qualifying 70382
dealer in intangibles shall claim a refundable credit equal to the 70383

<u>amount of the credit shown on the certificate.</u>	70384
<u>(D) If the qualifying dealer in intangibles elected a</u>	70385
<u>refundable credit under section 150.07 of the Revised Code, and if</u>	70386
<u>the amount of the refundable credit shown on the certificate</u>	70387
<u>exceeds the tax otherwise due, then for the calendar year the</u>	70388
<u>qualifying dealer in intangibles shall claim a refundable credit</u>	70389
<u>equal to the sum of the following:</u>	70390
<u>(1) The amount, if any, of the tax otherwise due;</u>	70391
<u>(2) Seventy-five per cent of the difference between the</u>	70392
<u>amount of the refundable credit shown on the certificate and the</u>	70393
<u>tax otherwise due.</u>	70394
<u>(E) If the qualifying dealer in intangibles elected a</u>	70395
<u>nonrefundable credit under section 150.07 of the Revised Code and</u>	70396
<u>if the nonrefundable credit to which the qualifying dealer in</u>	70397
<u>intangibles would otherwise be entitled under this section for any</u>	70398
<u>calendar year is greater than the tax otherwise due, the excess</u>	70399
<u>shall be allowed as a nonrefundable credit in each of the ensuing</u>	70400
<u>ten calendar years, but the amount of any excess nonrefundable</u>	70401
<u>credit allowed in the ensuing calendar year shall be deducted from</u>	70402
<u>the balance carried forward to the next calendar year.</u>	70403
Sec. 5709.07. (A) The following property shall be exempt from	70404
taxation:	70405
(1) Public schoolhouses, the books and furniture in them, and	70406
the ground attached to them necessary for the proper occupancy,	70407
use, and enjoyment of the schoolhouses, and not leased or	70408
otherwise used with a view to profit;	70409
(2) Houses used exclusively for public worship, the books and	70410
furniture in them, and the ground attached to them that is not	70411
leased or otherwise used with a view to profit and that is	70412
necessary for their proper occupancy, use, and enjoyment;	70413

(3) Real property owned and operated by a church that is used primarily for church retreats or church camping, and that is not used as a permanent residence. Real property exempted under division (A)(3) of this section may be made available by the church on a limited basis to charitable and educational institutions if the property is not leased or otherwise made available with a view to profit.

(4) Public colleges and academies and all buildings connected with them, and all lands connected with public institutions of learning, not used with a view to profit, including those buildings and lands that satisfy all of the following:

(a) The buildings are used for housing for full-time students or housing-related facilities for students, faculty, or employees of a state university, or for other purposes related to the state university's educational purpose, and the lands are underneath the buildings or are used for common space, walkways, and green spaces for the state university's students, faculty, or employees. As used in this division, "housing-related facilities" includes both parking facilities related to the buildings and common buildings made available to students, faculty, or employees of a state university. The leasing of space in housing-related facilities shall not be considered an activity with a view to profit for purposes of division (A)(4) of this section.

(b) The buildings and lands are supervised or otherwise under the control, directly or indirectly, of an organization that is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended, and the state university has entered into a qualifying joint use agreement with the organization that entitles the students, faculty, or employees of the state university to use the lands or buildings;

(c) The state university has agreed, under the terms of the qualifying joint use agreement with the organization described in division (A)(4)(b) of this section, that the state university, to the extent applicable under the agreement, will make payments to the organization in amounts sufficient to maintain agreed-upon debt service coverage ratios on bonds related to the lands or buildings. 70445
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(B) This section shall not extend to leasehold estates or real property held under the authority of a college or university of learning in this state; but leaseholds, or other estates or property, real or personal, the rents, issues, profits, and income of which is given to a municipal corporation, school district, or subdistrict in this state exclusively for the use, endowment, or support of schools for the free education of youth without charge shall be exempt from taxation as long as such property, or the rents, issues, profits, or income of the property is used and exclusively applied for the support of free education by such municipal corporation, district, or subdistrict. Division (B) of this section shall not apply with respect to buildings and lands that satisfy all of the requirements specified in divisions (A)(4)(a) to (c) of this section. 70452
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(C) For purposes of this section, if the requirements specified in divisions (A)(4)(a) to (c) of this section are satisfied, the buildings and lands with respect to which exemption is claimed under division (A)(4) of this section shall be deemed to be used with reasonable certainty in furthering or carrying out the necessary objects and purposes of a state university. 70466
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(D) As used in this section, ~~"church":~~ 70472

(1) "Church" means a fellowship of believers, congregation, society, corporation, convention, or association that is formed primarily or exclusively for religious purposes and that is not 70473
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formed for the private profit of any person. 70476

(2) "State university" has the same meaning as in section 3345.011 of the Revised Code. 70477
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(3) "Qualifying joint use agreement" means an agreement that satisfies all of the following: 70479
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(a) The agreement was entered into before June 30, 2004; 70481

(b) The agreement is between a state university and an organization that is exempt from federal income taxation under section 501(c)(3) of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended; and 70482
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(c) The state university that is a party to the agreement reported to the Ohio board of regents that the university maintained a headcount of at least twenty-five thousand students on its main campus during the academic school year that began in calendar year 2003 and ended in calendar year 2004. 70486
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Sec. 5709.112. For tax year 2006 and each tax year thereafter, all tangible personal property used in the recovery of oil or gas, when installed and located on the premises or leased premises of the owner, shall be exempt from taxation. Such tangible personal property shall be subject to taxation if it is not installed on the premises or leased premises of the owner, or if it is used for the transmission, transportation, or distribution of oil or gas, as provided in section 5711.22 of the Revised Code. The tax commissioner may adopt rules governing the administration of the exemption provided by this section. 70491
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This section does not apply to any taxpayer that is required to file a report under section 5727.08 of the Revised Code. 70501
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Sec. 5709.12. (A) As used in this section, "independent living facilities" means any residential housing facilities and 70503
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related property that are not a nursing home, residential care 70505
facility, or adult care facility as defined in division (A) of 70506
section 5701.13 of the Revised Code. 70507

(B) Lands, houses, and other buildings belonging to a county, 70508
township, or municipal corporation and used exclusively for the 70509
accommodation or support of the poor, or leased to the state or 70510
any political subdivision for public purposes shall be exempt from 70511
taxation. Real and tangible personal property belonging to 70512
institutions that is used exclusively for charitable purposes 70513
shall be exempt from taxation, including real property belonging 70514
to an institution that is a nonprofit corporation that receives a 70515
grant under the Thomas Alva Edison grant program authorized by 70516
division (C) of section 122.33 of the Revised Code at any time 70517
during the tax year and being held for leasing or resale to 70518
others. If, at any time during a tax year for which such property 70519
is exempted from taxation, the corporation ceases to qualify for 70520
such a grant, the director of development shall notify the tax 70521
commissioner, and the tax commissioner shall cause the property to 70522
be restored to the tax list beginning with the following tax year. 70523
All property owned and used by a nonprofit organization 70524
exclusively for a home for the aged, as defined in section 5701.13 70525
of the Revised Code, also shall be exempt from taxation. 70526

(C)(1) If a home for the aged described in division (B)(1) of 70527
section 5701.13 of the Revised Code is operated in conjunction 70528
with or at the same site as independent living facilities, the 70529
exemption granted in division (B) of this section shall include 70530
kitchen, dining room, clinic, entry ways, maintenance and storage 70531
areas, and land necessary for access commonly used by both 70532
residents of the home for the aged and residents of the 70533
independent living facilities. Other facilities commonly used by 70534
both residents of the home for the aged and residents of 70535
independent living units shall be exempt from taxation only if the 70536

other facilities are used primarily by the residents of the home 70537
for the aged. Vacant land currently unused by the home, and 70538
independent living facilities and the lands connected with them 70539
are not exempt from taxation. Except as provided in division 70540
(A)(1) of section 5709.121 of the Revised Code, property of a home 70541
leased for nonresidential purposes is not exempt from taxation. 70542

(2) Independent living facilities are exempt from taxation if 70543
they are operated in conjunction with or at the same site as a 70544
home for the aged described in division (B)(2) of section 5701.13 70545
of the Revised Code; operated by a corporation, association, or 70546
trust described in division (B)(1)(b) of that section; operated 70547
exclusively for the benefit of members of the corporation, 70548
association, or trust who are retired, aged, or infirm; and 70549
provided to those members without charge in consideration of their 70550
service, without compensation, to a charitable, religious, 70551
fraternal, or educational institution. For the purposes of 70552
division (C)(2) of this section, "compensation" does not include 70553
furnishing room and board, clothing, health care, or other 70554
necessities, or stipends or other de minimis payments to defray 70555
the cost thereof. 70556

(D)(1) A private corporation established under federal law, 70557
defined in 36 U.S.C. 1101, Pub. L. No. 102-199, 105 Stat. 1629, as 70558
amended, the objects of which include encouraging the advancement 70559
of science generally, or of a particular branch of science, the 70560
promotion of scientific research, the improvement of the 70561
qualifications and usefulness of scientists, or the increase and 70562
diffusion of scientific knowledge is conclusively presumed to be a 70563
charitable or educational institution. A private corporation 70564
established as a nonprofit corporation under the laws of a state, 70565
that is exempt from federal income taxation under section 70566
501(c)(3) of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 70567
U.S.C.A. 1, as amended, and has as its principal purpose one or 70568

more of the foregoing objects, also is conclusively presumed to be 70569
a charitable or educational institution. 70570

The fact that an organization described in this division 70571
operates in a manner that results in an excess of revenues over 70572
expenses shall not be used to deny the exemption granted by this 70573
section, provided such excess is used, or is held for use, for 70574
exempt purposes or to establish a reserve against future 70575
contingencies; and, provided further, that such excess may not be 70576
distributed to individual persons or to entities that would not be 70577
entitled to the tax exemptions provided by this chapter. Nor shall 70578
the fact that any scientific information diffused by the 70579
organization is of particular interest or benefit to any of its 70580
individual members be used to deny the exemption granted by this 70581
section, provided that such scientific information is available to 70582
the public for purchase or otherwise. 70583

(2) Division (D)(2) of this section does not apply to real 70584
property exempted from taxation under this section and division 70585
~~(C)(A)(3)~~ of section 5709.121 of the Revised Code and belonging to 70586
a nonprofit corporation described in division (D)(1) of this 70587
section that has received a grant under the Thomas Alva Edison 70588
grant program authorized by division (C) of section 122.33 of the 70589
Revised Code during any of the tax years the property was exempted 70590
from taxation. 70591

When a private corporation described in division (D)(1) of 70592
this section sells all or any portion of a tract, lot, or parcel 70593
of real estate that has been exempt from taxation under this 70594
section and section 5709.121 of the Revised Code, the portion sold 70595
shall be restored to the tax list for the year following the year 70596
of the sale and a charge shall be levied against the sold property 70597
in an amount equal to the tax savings on such property during the 70598
four tax years preceding the year the property is placed on the 70599
tax list. The tax savings equals the amount of the additional 70600

taxes that would have been levied if such property had not been 70601
exempt from taxation. 70602

The charge constitutes a lien of the state upon such property 70603
as of the first day of January of the tax year in which the charge 70604
is levied and continues until discharged as provided by law. The 70605
charge may also be remitted for all or any portion of such 70606
property that the tax commissioner determines is entitled to 70607
exemption from real property taxation for the year such property 70608
is restored to the tax list under any provision of the Revised 70609
Code, other than sections 725.02, 1728.10, 3735.67, 5709.40, 70610
5709.41, 5709.62, 5709.63, 5709.71, 5709.73, 5709.78, and 5709.84, 70611
upon an application for exemption covering the year such property 70612
is restored to the tax list filed under section 5715.27 of the 70613
Revised Code. 70614

(E) Real property held by an organization organized and 70615
operated exclusively for charitable purposes as described under 70616
section 501(c)(3) of the Internal Revenue Code and exempt from 70617
federal taxation under section 501(a) of the Internal Revenue 70618
Code, 26 U.S.C.A. 501(a) and (c)(3), as amended, for the purpose 70619
of constructing or rehabilitating residences for eventual transfer 70620
to qualified low-income families through sale, lease, or land 70621
installment contract, shall be exempt from taxation. 70622

The exemption shall commence on the day title to the property 70623
is transferred to the organization and shall continue to the end 70624
of the tax year in which the organization transfers title to the 70625
property to a qualified low-income family. In no case shall the 70626
exemption extend beyond the second succeeding tax year following 70627
the year in which the title was transferred to the organization. 70628
If the title is transferred to the organization and from the 70629
organization to a qualified low-income family in the same tax 70630
year, the exemption shall continue to the end of that tax year. 70631
The proportionate amount of taxes that are a lien but not yet 70632

determined, assessed, and levied for the tax year in which title
is transferred to the organization shall be remitted by the county
auditor for each day of the year that title is held by the
organization.

Upon transferring the title to another person, the
organization shall file with the county auditor an affidavit
affirming that the title was transferred to a qualified low-income
family or that the title was not transferred to a qualified
low-income family, as the case may be; if the title was
transferred to a qualified low-income family, the affidavit shall
identify the transferee by name. If the organization transfers
title to the property to anyone other than a qualified low-income
family, the exemption, if it has not previously expired, shall
terminate, and the property shall be restored to the tax list for
the year following the year of the transfer and a charge shall be
levied against the property in an amount equal to the amount of
additional taxes that would have been levied if such property had
not been exempt from taxation. The charge constitutes a lien of
the state upon such property as of the first day of January of the
tax year in which the charge is levied and continues until
discharged as provided by law.

The application for exemption shall be filed as otherwise
required under section 5715.27 of the Revised Code, except that
the organization holding the property shall file with its
application documentation substantiating its status as an
organization organized and operated exclusively for charitable
purposes under section 501(c)(3) of the Internal Revenue Code and
its qualification for exemption from federal taxation under
section 501(a) of the Internal Revenue Code, and affirming its
intention to construct or rehabilitate the property for the
eventual transfer to qualified low-income families.

As used in this division, "qualified low-income family" means

a family whose income does not exceed two hundred per cent of the
official federal poverty guidelines as revised annually in
accordance with section 673(2) of the "Omnibus Budget
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as
amended, for a family size equal to the size of the family whose
income is being determined.

Sec. 5709.121. (A) Real property and tangible personal
property belonging to a charitable or educational institution or
to the state or a political subdivision, shall be considered as
used exclusively for charitable or public purposes by such
institution, the state, or political subdivision, if it meets one
of the following requirements:

~~(A)(1)~~ It is used by such institution, the state, or
political subdivision, or by one or more other such institutions,
the state, or political subdivisions under a lease, sublease, or
other contractual arrangement:

~~(1)(a)~~ As a community or area center in which presentations
in music, dramatics, the arts, and related fields are made in
order to foster public interest and education therein;

~~(2)(b)~~ For other charitable, educational, or public
purposes;.

~~(B)(2)~~ It is made available under the direction or control of
such institution, the state, or political subdivision for use in
furtherance of or incidental to its charitable, educational, or
public purposes and not with the view to profit.

~~(C)(3)~~ It is used by an organization described in division
(D) of section 5709.12 of the Revised Code. If the organization is
a corporation that receives a grant under the Thomas Alva Edison
grant program authorized by division (C) of section 122.33 of the
Revised Code at any time during the tax year, "used," for the

purposes of this division, includes holding property for lease or resale to others. 70695
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(B)(1) Property described in division (A)(1)(a) of this section shall continue to be considered as used exclusively for charitable or public purposes even if the property is conveyed through one conveyance or a series of conveyances to an entity that is not a charitable or educational institution and is not the state or a political subdivision, provided that all of the following conditions apply with respect to that property: 70697
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(a) The property has been listed as exempt on the county auditor's tax list and duplicate for the county in which it is located for the ten tax years immediately preceding the year in which the property is conveyed through one conveyance or a series of conveyances; 70704
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(b) The owner to which the property is conveyed through one conveyance or a series of conveyances leases the property through one lease or a series of leases to the entity that owned or occupied the property for the ten tax years immediately preceding the year in which the property is conveyed or an affiliate of such prior owner or occupant; 70709
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(c) The property includes improvements that are at least fifty years old; 70715
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(d) The property is being renovated in connection with a claim for historic preservation tax credits available under federal law; 70717
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(e) The property continues to be used for the purposes described in division (A)(1)(a) of this section after its conveyance; and 70720
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(f) The property is certified by the United States secretary of the interior as a "certified historic structure" or certified as part of a certified historic structure. 70723
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(2) Notwithstanding section 5715.27 of the Revised Code, an application for exemption from taxation of property described in division (B)(1) of this section may be filed by either the owner of the property or its occupant. 70726
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Sec. 5709.40. (A) As used in this section: 70730

(1) "Blighted area" and "impacted city" have the same 70731
meanings as in section 1728.01 of the Revised Code. 70732

(2) "Business day" means a day of the week excluding 70733
Saturday, Sunday, and a legal holiday as defined under section 70734
1.14 of the Revised Code. 70735

(3) "Housing renovation" means a project carried out for 70736
residential purposes. 70737

(4) "Improvement" means the increase in the assessed value of 70738
any real property that would first appear on the tax list and 70739
duplicate of real and public utility property after the effective 70740
date of an ordinance adopted under this section were it not for 70741
the exemption granted by that ordinance. ~~"Improvement" does not~~ 70742
~~include a public infrastructure improvement.~~ 70743

(5) "Incentive district" means an area not more than three 70744
hundred acres in size enclosed by a continuous boundary in which a 70745
project is being, or will be, undertaken and having one or more of 70746
the following distress characteristics: 70747

(a) At least fifty-one per cent of the residents of the 70748
district have incomes of less than eighty per cent of the median 70749
income of residents of the political subdivision in which the 70750
district is located, as determined in the same manner specified 70751
under section 119(b) of the "Housing and Community Development Act 70752
of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended; 70753

(b) The average rate of unemployment in the district during 70754
the most recent twelve-month period for which data are available 70755

is equal to at least one hundred fifty per cent of the average
rate of unemployment for this state for the same period.

(c) At least twenty per cent of the people residing in the
district live at or below the poverty level as defined in the
federal Housing and Community Development Act of 1974, 42 U.S.C.
5301, as amended, and regulations adopted pursuant to that act.

(d) The district is a blighted area.

(e) The district is in a situational distress area as
designated by the director of development under division (F) of
section 122.23 of the Revised Code.

(f) As certified by the engineer for the political
subdivision, the public infrastructure serving the district is
inadequate to meet the development needs of the district as
evidenced by a written economic development plan or urban renewal
plan for the district that has been adopted by the legislative
authority of the subdivision.

(g) The district is comprised entirely of unimproved land
that is located in a distressed area as defined in section 122.23
of the Revised Code.

(6) "Project" means development activities undertaken on one
or more parcels, including, but not limited to, construction,
expansion, and alteration of buildings or structures, demolition,
remediation, and site development, and any building or structure
that results from those activities.

(7) "Public infrastructure improvement" includes, but is not
limited to, public roads and highways; water and sewer lines;
environmental remediation; land acquisition, including acquisition
in aid of industry, commerce, distribution, or research;
demolition, including demolition on private property when
determined to be necessary for economic development purposes;

stormwater and flood remediation projects, including such projects 70786
on private property when determined to be necessary for public 70787
health, safety, and welfare; the provision of gas, electric, and 70788
communications service facilities; and the enhancement of public 70789
waterways through improvements that allow for greater public 70790
access. "Public infrastructure improvement" does not include 70791
police or fire equipment. 70792

(B) The legislative authority of a municipal corporation, by 70793
ordinance, may declare improvements to certain parcels of real 70794
property located in the municipal corporation to be a public 70795
purpose. Improvements with respect to a parcel that is used or to 70796
be used for residential purposes may be declared a public purpose 70797
under this division only if the parcel is located in a blighted 70798
area of an impacted city. Except as otherwise provided in division 70799
(D) of this section, not more than seventy-five per cent of an 70800
improvement thus declared to be a public purpose may be exempted 70801
from real property taxation; ~~the percentage exempted shall not,~~ 70802
~~except as otherwise provided in that division, exceed the~~ 70803
~~estimated percentage of the incremental demand placed on the~~ 70804
~~public infrastructure improvements that is directly attributable~~ 70805
~~to the exempted improvement.~~ The ordinance shall specify the 70806
percentage of the improvement to be exempted from taxation. 70807

An ordinance adopted or amended under this division shall 70808
designate the specific public infrastructure improvements made, to 70809
be made, or in the process of being made by the municipal 70810
corporation that directly benefit, or that once made will directly 70811
benefit, the parcels for which improvements are declared to be a 70812
public purpose. ~~For the purposes of this division, a public~~ 70813
~~infrastructure improvement directly benefits such a parcel only if~~ 70814
~~a project on the parcel places direct, additional demand on the~~ 70815
~~public infrastructure improvement or, if the public infrastructure~~ 70816
~~improvement has not yet been completed, will place direct,~~ 70817

~~additional demand on the public infrastructure improvement once it~~ 70818
~~is completed.~~ The service payments provided for in section 5709.42 70819
of the Revised Code shall be used to finance the public 70820
infrastructure improvements designated in the ordinance or for the 70821
purpose described in division (D)(1) of this section. 70822

(C)(1) The legislative authority of a municipal corporation 70823
may adopt an ordinance creating an incentive district and 70824
declaring improvements to parcels within the district to be a 70825
public purpose and, except as provided in division (F) of this 70826
section, exempt from taxation as provided in this section, but no 70827
legislative authority of a municipal corporation that has a 70828
population that exceeds twenty-five thousand, as shown by the most 70829
recent federal decennial census, shall adopt an ordinance that 70830
creates an incentive district if, as a result of adopting the 70831
ordinance, more than twenty-five per cent of the municipal 70832
corporation's taxable value, as of the first day of January of the 70833
year in which the ordinance takes effect, is subject to an 70834
exemption because of an incentive district. The twenty-five per 70835
cent limitation does not apply to an incentive district that was 70836
created by an ordinance adopted prior to January 1, 2006, unless 70837
the legislative authority creates an additional incentive district 70838
after that date. The ordinance shall delineate the boundary of the 70839
district and specifically identify each parcel within the 70840
district. A district may not include any parcel that is or has 70841
been exempted from taxation under division (B) of this section or 70842
that is or has been within another district created under this 70843
division. An ordinance may create more than one such district, and 70844
more than one ordinance may be adopted under ~~this~~ division (C)(1) 70845
of this section. 70846

(2) Not later than thirty days prior to adopting an ordinance 70847
under ~~this~~ division (C)(1) of this section, if the municipal 70848
corporation intends to apply for exemptions from taxation under 70849

section 5709.911 of the Revised Code on behalf of owners of real property located within the proposed incentive district, the legislative authority of a municipal corporation shall conduct a public hearing on the proposed ordinance. Not later than thirty days prior to the public hearing, the legislative authority shall give notice of the public hearing and the proposed ordinance by first class mail to every real property owner whose property is located within the boundaries of the proposed incentive district that is the subject of the proposed ordinance.

(3)(a) An ordinance adopted under ~~this~~ division (C)(1) of this section shall specify the life of the district and the percentage of the improvements to be exempted ~~and~~, shall designate the public infrastructure improvements made ~~or~~, to be made, or in the process of being made, that benefit or serve, or, once made, will benefit or serve parcels in the district. The ordinance also shall identify one or more specific projects being, or to be, undertaken in the district that place additional demand on the public infrastructure improvements designated in the ordinance. The project identified may, but need not be, the project under division (C)(3)(b) of this section that places real property in use for commercial or industrial purposes. Except as otherwise permitted under that division, the service payments provided for in section 5709.42 of the Revised Code shall be used to finance the designated public infrastructure improvements or for the purpose described in division (D)(1) of this section.

(b) An ordinance adopted under ~~this~~ division (C)(1) of this section may authorize the use of service payments provided for in section 5709.42 of the Revised Code for the purpose of housing renovations within the district, provided that the ordinance also designates public infrastructure improvements that benefit or serve the district, and that a project within the district places real property in use for commercial or industrial purposes.

Service payments may be used to finance or support loans, deferred 70882
loans, and grants to persons for the purpose of housing 70883
renovations within the district. The ordinance shall designate the 70884
parcels within the district that are eligible for housing 70885
renovation. The ordinance shall state separately the amounts or 70886
the percentages of the expected aggregate service payments that 70887
are designated for each public infrastructure improvement and for 70888
the general purpose of housing renovations. 70889

(4) Except with the approval of the board of education of 70890
each city, local, or exempted village school district within the 70891
territory of which the district is or will be located, and subject 70892
to division (E) of this section, the life of a an incentive 70893
district shall not exceed ten years, and the percentage of 70894
improvements to be exempted shall not exceed seventy-five per 70895
cent. With ~~such~~ approval of the board of education, the life of a 70896
district may be not more than thirty years, and the percentage of 70897
improvements to be exempted may be not more than one hundred per 70898
cent. 70899

(5) Approval of a board of education shall be obtained in the 70900
manner provided in division (D) of this section for exemptions 70901
under division (B) of this section, except that the notice to the 70902
board of education shall delineate the boundaries of the district, 70903
specifically identify each parcel within the district, identify 70904
each anticipated improvement in the district, provide an estimate 70905
of the true value in money of each such improvement, specify the 70906
life of the district and the percentage of improvements that would 70907
be exempted, and indicate the date on which the legislative 70908
authority intends to adopt the ordinance. 70909

~~A municipal corporation shall not adopt an ordinance under 70910
this division after June 30, 2007.~~ 70911

(D)(1) If the ordinance declaring improvements to a parcel to 70912
be a public purpose or creating an incentive district specifies 70913

that payments in lieu of taxes provided for in section 5709.42 of
the Revised Code shall be paid to the city, local, or exempted
village school district in which the parcel is located in the
amount of the taxes that would have been payable to the school
district if the improvements had not been exempted from taxation,
the percentage of the improvement that may be exempted from
taxation may exceed seventy-five per cent, and the exemption may
be granted for up to thirty years, without the approval of the
board of education as otherwise required under division (D)(2) of
this section.

(2) Improvements with respect to a parcel may be exempted
from taxation under division (B) of this section for up to ten
years or, with the approval under this paragraph of the board of
education of the city, local, or exempted village school district
within which the parcel is located, for up to thirty years. The
percentage of the improvement exempted from taxation may, with
such approval, exceed seventy-five per cent, but shall not exceed
one hundred per cent. Not later than forty-five business days
prior to adopting an ordinance under this section declaring
improvements to be a public purpose that is subject to approval by
a board of education under this division, the legislative
authority shall deliver to the board of education a notice stating
its intent to adopt an ordinance making that declaration. The
notice shall identify the parcels for which improvements are to be
exempted from taxation, provide an estimate of the true value in
money of the improvements, specify the period for which the
improvements would be exempted from taxation and the percentage of
the improvement that would be exempted, and indicate the date on
which the legislative authority intends to adopt the ordinance.
The board of education, by resolution adopted by a majority of the
board, may approve the exemption for the period or for the
exemption percentage specified in the notice, may disapprove the

exemption for the number of years in excess of ten, may disapprove 70946
the exemption for the percentage of the improvement to be exempted 70947
in excess of seventy-five per cent, or both, or may approve the 70948
exemption on the condition that the legislative authority and the 70949
board negotiate an agreement providing for compensation to the 70950
school district equal in value to a percentage of the amount of 70951
taxes exempted in the eleventh and subsequent years of the 70952
exemption period or, in the case of exemption percentages in 70953
excess of seventy-five per cent, compensation equal in value to a 70954
percentage of the taxes that would be payable on the portion of 70955
the improvement in excess of seventy-five per cent were that 70956
portion to be subject to taxation, or other mutually agreeable 70957
compensation. The board of education shall certify its resolution 70958
to the legislative authority not later than fourteen days prior to 70959
the date the legislative authority intends to adopt the ordinance 70960
as indicated in the notice. ~~If the board of education approves the~~ 70961
~~exemption on the condition that a compensation agreement be~~ 70962
~~negotiated, the board in its resolution shall propose a~~ 70963
~~compensation percentage.~~ If the board of education and the 70964
legislative authority negotiate a mutually acceptable compensation 70965
agreement, the ordinance may declare the improvements a public 70966
purpose for the number of years specified in the ordinance or, in 70967
the case of exemption percentages in excess of seventy-five per 70968
cent, for the exemption percentage specified in the ordinance. In 70969
either case, if the board and the legislative authority fail to 70970
negotiate a mutually acceptable compensation agreement, the 70971
ordinance may declare the improvements a public purpose for not 70972
more than ten years, but shall not exempt more than seventy-five 70973
per cent of the improvements from taxation, ~~or, in the case of an~~ 70974
~~ordinance adopted under division (B) of this section, not more~~ 70975
~~than the estimated percentage of the incremental demand as~~ 70976
~~otherwise prescribed by division (B) of this section if that~~ 70977
~~percentage is less than seventy five per cent.~~ If the board fails 70978

to certify a resolution to the legislative authority within the 70979
time prescribed by this division, the legislative authority 70980
thereupon may adopt the ordinance and may declare the improvements 70981
a public purpose for up to thirty years, or, in the case of 70982
exemption percentages proposed in excess of seventy-five per cent, 70983
for the exemption percentage specified in the ordinance. The 70984
legislative authority may adopt the ordinance at any time after 70985
the board of education certifies its resolution approving the 70986
exemption to the legislative authority, or, if the board approves 70987
the exemption on the condition that a mutually acceptable 70988
compensation agreement be negotiated, at any time after the 70989
compensation agreement is agreed to by the board and the 70990
legislative authority. 70991

(3) If a board of education has adopted a resolution waiving 70992
its right to approve exemptions from taxation and the resolution 70993
remains in effect, approval of exemptions by the board is not 70994
required under this division. If a board of education has adopted 70995
a resolution allowing a legislative authority to deliver the 70996
notice required under ~~this~~ division (D)(2) of this section fewer 70997
than forty-five business days prior to the legislative authority's 70998
adoption of the ordinance, the legislative authority shall deliver 70999
the notice to the board not later than the number of days prior to 71000
such adoption as prescribed by the board in its resolution. If a 71001
board of education adopts a resolution waiving its right to 71002
approve agreements or shortening the notification period, the 71003
board shall certify a copy of the resolution to the legislative 71004
authority. If the board of education rescinds such a resolution, 71005
it shall certify notice of the rescission to the legislative 71006
authority. 71007

(4) If the legislative authority is not required by division 71008
(D)(1), (2), or (3) of this section to notify the board of 71009
education of the legislative authority's intent to declare 71010

improvements to be a public purpose, the legislative authority shall comply with the notice requirements imposed under section 5709.83 of the Revised Code, unless the board has adopted a resolution under that section waiving its right to receive such a notice.

(E)(1) If a proposed ordinance under division (C)(1) of this section exempts improvements with respect to a parcel for more than ten years, or the percentage of the improvement exempted from taxation exceeds seventy-five per cent, not later than forty-five business days prior to adopting the ordinance the legislative authority of the municipal corporation shall deliver to the board of county commissioners of the county within which the incentive district is or will be located a notice that states its intent to adopt an ordinance creating an incentive district. The notice shall include a copy of the proposed ordinance.

(2) The board of county commissioners, by resolution adopted by a majority of the board, may object to the exemption for the number of years in excess of ten, may object to the exemption for the percentage of the improvement to be exempted in excess of seventy-five per cent, or both, or may accept either or both exemptions. If the board of county commissioners objects, the board may negotiate an agreement with the legislative authority that provides to the board in the eleventh and subsequent years of the exemption period compensation equal in value to not more than fifty per cent of the taxes that would be payable to the county on the portion of the improvement in excess of seventy-five per cent, were that portion to be subject to taxation. The board of county commissioners shall certify its resolution to the legislative authority not later than thirty days after receipt of the notice.

(3) If the board of county commissioners does not object or fails to certify its resolution objecting to an exemption within thirty days after receipt of the notice, the legislative authority

may adopt the ordinance, and no compensation shall be provided to 71043
the board of county commissioners. If the board timely certifies 71044
its resolution objecting to the ordinance, the legislative 71045
authority may adopt the ordinance at any time after the 71046
compensation agreement is agreed to by the board and the 71047
legislative authority, or, if no compensation agreement is 71048
negotiated, at any time after the legislative authority agrees to 71049
provide compensation to the board of fifty per cent of the taxes 71050
that would be payable to the county in the eleventh and subsequent 71051
years of the exemption period on the portion of the improvement in 71052
excess of seventy-five per cent, were that portion to be subject 71053
to taxation. 71054

(F) Any of the following property tax levies that are enacted 71055
on or after January 1, 2006, and after the date an ordinance 71056
creating an incentive district is adopted on or after January 1, 71057
2006, under division (C)(1) of this section shall be levied on 71058
property that was exempted from taxation under division (C) of 71059
this section, and revenues collected from such levies shall not be 71060
used to provide service payments under this section: 71061

(1) A tax levied under division (L) of section 5705.19 of the 71062
Revised Code for community mental retardation and developmental 71063
disabilities programs and services pursuant to Chapter 5126. of 71064
the Revised Code; 71065

(2) A tax levied under division (Y) of section 5705.19 of the 71066
Revised Code for providing or maintaining senior citizens services 71067
or facilities; 71068

(3) A tax levied under section 5705.22 of the Revised Code 71069
for county hospitals; 71070

(4) A tax levied under section 5705.221 of the Revised Code 71071
for alcohol, drug addiction, and mental health services; 71072

(5) A tax levied under section 5705.23 of the Revised Code 71073

<u>for library purposes;</u>	71074
<u>(6) A tax levied under section 5705.24 of the Revised Code</u>	71075
<u>for the support of children services and the placement and care of</u>	71076
<u>children.</u>	71077
<u>(G) An exemption from taxation granted under this section</u>	71078
commences with the tax year in which an improvement first appears	71079
on the tax list and duplicate of real and public utility property	71080
and that begins after the effective date of <u>specified in</u> the	71081
ordinance. Except as otherwise provided in this division, the	71082
exemption ends on the date specified in the ordinance as the date	71083
the improvement ceases to be a public purpose or the incentive	71084
district expires, or ends on the date on which the public	71085
infrastructure improvements and housing renovations are paid in	71086
full from the municipal public improvement tax increment	71087
equivalent fund established under division (A) of section 5709.43	71088
of the Revised Code, whichever occurs first. The exemption of an	71089
improvement with respect to a parcel may end on a later date, as	71090
specified in the ordinance, if the legislative authority and the	71091
board of education of the city, local, or exempted village school	71092
district within which the parcel is located have entered into a	71093
compensation agreement under section 5709.82 of the Revised Code	71094
with respect to the improvement or district and the board of	71095
education has approved the term of the exemption under division	71096
(D)(2) of this section, but in no case shall the improvement be	71097
exempted from taxation for more than thirty years. Exemptions	71098
shall be claimed and allowed in the same manner as in the case of	71099
other real property exemptions. If an exemption status changes	71100
during a year, the procedure for the apportionment of the taxes	71101
for that year is the same as in the case of other changes in tax	71102
exemption status during the year.	71103
(F) <u>(H)</u> Additional municipal financing of public	71104
infrastructure improvements and housing renovations may be	71105

provided by any methods that the municipal corporation may 71106
otherwise use for financing such improvements. If the municipal 71107
corporation issues bonds or notes to finance the public 71108
infrastructure improvements and housing renovations and pledges 71109
money from the municipal public improvement tax increment 71110
equivalent fund to pay the interest on and principal of the bonds 71111
or notes, the bonds or notes are not subject to Chapter 133. of 71112
the Revised Code. 71113

~~(G)~~(I) The municipal corporation, not later than fifteen days 71114
after the adoption of an ordinance under this section, shall 71115
submit to the director of development a copy of the ordinance. On 71116
or before the thirty-first day of March of each year, the 71117
municipal corporation shall submit a status report to the director 71118
of development. The report shall indicate, in the manner 71119
prescribed by the director, the progress of the project during 71120
each year that an exemption remains in effect, including a summary 71121
of the receipts from service payments in lieu of taxes; 71122
expenditures of money from the funds created under section 5709.43 71123
of the Revised Code; a description of the public infrastructure 71124
improvements and housing renovations financed with such 71125
expenditures; and a quantitative summary of changes in employment 71126
and private investment resulting from each project. 71127

~~(H)~~(J) Nothing in this section shall be construed to prohibit 71128
a legislative authority from declaring to be a public purpose 71129
improvements with respect to more than one parcel. 71130

Sec. 5709.73. (A) As used in this section and section 5709.74 71131
of the Revised Code: 71132

(1) "Business day" means a day of the week excluding 71133
Saturday, Sunday, and a legal holiday as defined in section 1.14 71134
of the Revised Code. 71135

(2) "Further improvements" or "improvements" means the 71136

increase in the ~~true~~ assessed value of real property that would 71137
first appear on the tax list and duplicate of real and public 71138
utility property after the effective date of a resolution adopted 71139
under this section were it not for the exemption granted by that 71140
resolution. For purposes of division (B) of this section, 71141
"improvements" do not include any property used or to be used for 71142
residential purposes. 71143

(3) "Housing renovation" means a project carried out for 71144
residential purposes. 71145

(4) "Incentive district" has the same meaning as in section 71146
5709.40 of the Revised Code, except that a blighted area is in the 71147
unincorporated area of a township. 71148

(5) "Project" and "public infrastructure improvement" have 71149
the same meanings as in section 5709.40 of the Revised Code. 71150

(B) A board of township trustees may, by unanimous vote, 71151
adopt a resolution that declares to be a public purpose any public 71152
infrastructure improvements made that are necessary for the 71153
development of certain parcels of land located in the 71154
unincorporated area of the township. Except as otherwise provided 71155
in division (D) of this section, the resolution may exempt from 71156
real property taxation not more than seventy-five per cent of 71157
further improvements to a parcel of land ~~which~~ that directly 71158
benefits from such public infrastructure improvements; ~~the~~ 71159
~~percentage exempted shall not, except as otherwise provided in~~ 71160
~~division (D) of this section, exceed the estimated percentage of~~ 71161
~~the incremental demand placed on the public infrastructure~~ 71162
~~improvements that is directly attributable to the exempted~~ 71163
~~improvement. For the purposes of this division, a public~~ 71164
~~infrastructure improvement directly benefits a parcel of land only~~ 71165
~~if a project on the parcel places direct, additional demand on the~~ 71166
~~public infrastructure improvement, or, if the public~~ 71167

~~infrastructure improvement has not yet been constructed, will~~ 71168
~~place direct, additional demand on the public infrastructure~~ 71169
~~improvement when completed.~~ The resolution shall specify the 71170
percentage of the further improvements to be exempted. 71171

(C)(1) A board of township trustees may adopt, by unanimous 71172
vote, a resolution creating an incentive district and declaring 71173
improvements to parcels within the district to be a public purpose 71174
and, except as provided in division (F) of this section, exempt 71175
from taxation as provided in this section, but no board of 71176
township trustees of a township that has a population that exceeds 71177
twenty-five thousand, as shown by the most recent federal 71178
decennial census, shall adopt a resolution that creates an 71179
incentive district if, as a result of adopting the resolution, 71180
more than twenty-five per cent of the township's taxable value, as 71181
of the first day of January of the year in which the resolution 71182
takes effect, is subject to exemption because of an incentive 71183
district. The twenty-five per cent limitation does not apply to an 71184
incentive district that was created by a resolution adopted prior 71185
to January 1, 2006, unless the board creates an additional 71186
incentive district after that date. The district shall be located 71187
within the unincorporated area of the township and shall not 71188
include any territory that is included within a district created 71189
under division (B) of section 5709.78 of the Revised Code. The 71190
resolution shall delineate the boundary of the district and 71191
specifically identify each parcel within the district. A district 71192
may not include any parcel that is or has been exempted from 71193
taxation under division (B) of this section or that is or has been 71194
within another district created under this division. A resolution 71195
may create more than one such district, and more than one 71196
resolution may be adopted under ~~this~~ division (C)(1) of this 71197
section. 71198

(2) Not later than thirty days prior to adopting a resolution 71199

under ~~this~~ division (C)(1) of this section, if the township 71200
intends to apply for exemptions from taxation under section 71201
5709.911 of the Revised Code on behalf of owners of real property 71202
located within the proposed incentive district, the board shall 71203
conduct a public hearing on the proposed resolution. Not later 71204
than thirty days prior to the public hearing, the board shall give 71205
notice of the public hearing and the proposed resolution by first 71206
class mail to every real property owner whose property is located 71207
within the boundaries of the proposed incentive district that is 71208
the subject of the proposed resolution. 71209

(3)(a) A resolution under ~~this~~ division (C)(1) of this 71210
section shall specify the life of the district and the percentage 71211
of the improvements to be exempted ~~and~~, shall designate the public 71212
infrastructure improvements made ~~or~~, to be made, or in the process 71213
of being made, that benefit or serve, or, once made, will benefit 71214
or serve parcels in the district. The resolution also shall 71215
identify one or more specific projects being, or to be, undertaken 71216
in the district that place additional demand on the public 71217
infrastructure improvements designated in the resolution. The 71218
project identified may, but need not be, the project under 71219
division (C)(3)(b) of this section that places real property in 71220
use for commercial or industrial purposes. 71221

(b) A resolution adopted under ~~this~~ division (C)(1) of this 71222
section may authorize the use of service payments provided for in 71223
section 5709.74 of the Revised Code for the purpose of housing 71224
renovations within the district, provided that the resolution also 71225
designates public infrastructure improvements that benefit or 71226
serve the district, and that a project within the district places 71227
real property in use for commercial or industrial purposes. 71228
Service payments may be used to finance or support loans, deferred 71229
loans, and grants to persons for the purpose of housing 71230
renovations within the district. The resolution shall designate 71231

the parcels within the district that are eligible for housing 71232
renovations. The resolution shall state separately the amount or 71233
the percentages of the expected aggregate service payments that 71234
are designated for each public infrastructure improvement and for 71235
the purpose of housing renovations. 71236

(4) Except with the approval of the board of education of 71237
each city, local, or exempted village school district within the 71238
territory of which the district is or will be located, and subject 71239
to division (E) of this section, the life of a an incentive 71240
district shall not exceed ten years, and the percentage of 71241
improvements to be exempted shall not exceed seventy-five per 71242
cent. With ~~such~~ approval of the board of education, the life of a 71243
district may be not more than thirty years, and the percentage of 71244
improvements to be exempted may be not more than one hundred per 71245
cent. 71246

(5) Approval of a board of education shall be obtained in the 71247
manner provided in division (D) of this section for exemptions 71248
under division (B) of this section, except that the notice to the 71249
board of education shall delineate the boundaries of the district, 71250
specifically identify each parcel within the district, identify 71251
each anticipated improvement in the district, provide an estimate 71252
of the true value in money of each such improvement, specify the 71253
life of the district and the percentage of improvements that would 71254
be exempted, and indicate the date on which the board of township 71255
trustees intends to adopt the resolution. 71256

~~A board of township trustees shall not adopt a resolution 71257
under this division after June 30, 2007.~~ 71258

(D) Improvements with respect to a parcel may be exempted 71259
from taxation under division (B) of this section for up to ten 71260
years or, with the approval of the board of education of the city, 71261
local, or exempted village school district within which the parcel 71262
is located, for up to thirty years. The percentage of the 71263

improvements exempted from taxation may, with such approval, 71264
exceed seventy-five per cent, but shall not exceed one hundred per 71265
cent. Not later than forty-five business days prior to adopting a 71266
resolution under this section declaring improvements to be a 71267
public purpose that is subject to approval by a board of education 71268
under this division, the board of trustees shall deliver to the 71269
board of education a notice stating its intent to adopt a 71270
resolution making that declaration. The notice shall identify the 71271
parcels for which improvements are to be exempted from taxation, 71272
provide an estimate of the true value in money of the 71273
improvements, specify the period for which the improvements would 71274
be exempted from taxation and the percentage of the improvements 71275
that would be exempted, and indicate the date on which the board 71276
of trustees intends to adopt the resolution. The board of 71277
education, by resolution adopted by a majority of the board, may 71278
approve the exemption for the period or for the exemption 71279
percentage specified in the notice, may disapprove the exemption 71280
for the number of years in excess of ten, may disapprove the 71281
exemption for the percentage of the improvements to be exempted in 71282
excess of seventy-five per cent, or both, or may approve the 71283
exemption on the condition that the board of trustees and the 71284
board of education negotiate an agreement providing for 71285
compensation to the school district equal in value to a percentage 71286
of the amount of taxes exempted in the eleventh and subsequent 71287
years of the exemption period or, in the case of exemption 71288
percentages in excess of seventy-five per cent, compensation equal 71289
in value to a percentage of the taxes that would be payable on the 71290
portion of the improvements in excess of seventy-five per cent 71291
were that portion to be subject to taxation, or other mutually 71292
agreeable compensation. The board of education shall certify its 71293
resolution to the board of trustees not later than fourteen days 71294
prior to the date the board of trustees intends to adopt the 71295
resolution as indicated in the notice. ~~If the board of education~~ 71296

~~approves the exemption on the condition that a compensation~~ 71297
~~agreement be negotiated, the board of education in its resolution~~ 71298
~~shall propose a compensation percentage.~~ If the board of education 71299
and the board of trustees negotiate a mutually acceptable 71300
compensation agreement, the resolution may declare the 71301
improvements a public purpose for the number of years specified in 71302
the resolution or, in the case of exemption percentages in excess 71303
of seventy-five per cent, for the exemption percentage specified 71304
in the resolution. In either case, if the board of education and 71305
the board of trustees fail to negotiate a mutually acceptable 71306
compensation agreement, the resolution may declare the 71307
improvements a public purpose for not more than ten years, but 71308
shall not exempt more than seventy-five per cent of the 71309
improvements from taxation, ~~or, in the case of a resolution~~ 71310
~~adopted under division (B) of this section, not more than the~~ 71311
~~estimated percentage of the incremental demand as otherwise~~ 71312
~~prescribed by division (B) of this section if that percentage is~~ 71313
~~less than seventy five per cent.~~ If the board of education fails 71314
to certify a resolution to the board of trustees within the time 71315
prescribed by this section, the board of trustees thereupon may 71316
adopt the resolution and may declare the improvements a public 71317
purpose for up to thirty years or, in the case of exemption 71318
percentages proposed in excess of seventy-five per cent, for the 71319
exemption percentage specified in the resolution. The board of 71320
township trustees may adopt the resolution at any time after the 71321
board of education certifies its resolution approving the 71322
exemption to the board of township trustees, or, if the board of 71323
education approves the exemption on the condition that a mutually 71324
acceptable compensation agreement be negotiated, at any time after 71325
the compensation agreement is agreed to by the board of education 71326
and the board of township trustees. 71327

If a board of education has adopted a resolution waiving its 71328
right to approve exemptions from taxation and the resolution 71329

remains in effect, approval of such exemptions by the board of
education is not required under this division. If a board of
education has adopted a resolution allowing a board of township
trustees to deliver the notice required under this division fewer
than forty-five business days prior to adoption of the resolution
by the board of township trustees, the board of township trustees
shall deliver the notice to the board of education not later than
the number of days prior to such adoption as prescribed by the
board of education in its resolution. If a board of education
adopts a resolution waiving its right to approve exemptions or
shortening the notification period, the board of education shall
certify a copy of the resolution to the board of township
trustees. If the board of education rescinds such a resolution, it
shall certify notice of the rescission to the board of township
trustees.

If the board of trustees is not required by this division to
notify the board of education of the board of trustees' intent to
declare improvements to be a public purpose, the board of trustees
shall comply with the notice requirements imposed under section
5709.83 of the Revised Code before taking formal action to adopt
the resolution making that declaration, unless the board of
education has adopted a resolution under that section waiving its
right to receive such a notice.

(E)(1) If a proposed resolution under division (C)(1) of this
section exempts improvements with respect to a parcel for more
than ten years, or the percentage of the improvement exempted from
taxation exceeds seventy-five per cent, not later than forty-five
business days prior to adopting the ordinance the board of
township trustees shall deliver to the board of county
commissioners of the county within which the incentive district is
or will be located a notice that states its intent to adopt a
resolution creating an incentive district. The notice shall

include a copy of the proposed resolution. 71362

(2) The board of county commissioners, by resolution adopted 71363
by a majority of the board, may object to the exemption for the 71364
number of years in excess of ten, may object to the exemption for 71365
the percentage of the improvement to be exempted in excess of 71366
seventy-five per cent, or both, or may accept either or both 71367
exemptions. If the board of county commissioners objects, the 71368
board may negotiate an agreement with the board of township 71369
trustees that provides to the board of county commissioners in the 71370
eleventh and subsequent years of the exemption period compensation 71371
equal in value to not more than fifty per cent of the taxes that 71372
would be payable to the county on the portion of the improvement 71373
in excess of seventy-five per cent, were that portion to be 71374
subject to taxation. The board of county commissioners shall 71375
certify its resolution to the board of township trustees not later 71376
than thirty days after receipt of the notice. 71377

(3) If the board of county commissioners does not object or 71378
fails to certify its resolution objecting to an exemption within 71379
thirty days after receipt of the notice, the board of township 71380
trustees may adopt its resolution, and no compensation shall be 71381
provided to the board of county commissioners. If the board of 71382
county commissioners timely certifies its resolution objecting to 71383
the trustees' resolution, the board of township trustees may adopt 71384
its resolution at any time after the compensation agreement is 71385
agreed to by the board of county commissioners and the board of 71386
township trustees, or, if no compensation agreement is negotiated, 71387
at any time after the board of township trustees agrees to provide 71388
compensation to the board of county commissioners of fifty per 71389
cent of the taxes that would be payable to the county in the 71390
eleventh and subsequent years of the exemption period on the 71391
portion of the improvement in excess of seventy-five per cent, 71392
were that portion to be subject to taxation. 71393

(F) Any of the following property tax levies that are enacted on or after January 1, 2006, and after the date an ordinance creating an incentive district is adopted on or after January 1, 2006, under division (C)(1) of this section shall be levied on property that was exempted from taxation under division (C) of this section and revenues collected from such levies shall not be used to provide service payments under this section:

(1) A tax levied under division (L) of section 5705.19 of the Revised Code for community mental retardation and developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code;

(2) A tax levied under division (Y) of section 5705.19 of the Revised Code for providing or maintaining senior citizens services or facilities;

(3) A tax levied under section 5705.22 of the Revised Code for county hospitals;

(4) A tax levied under section 5705.221 of the Revised Code for alcohol, drug addiction, and mental health services;

(5) A tax levied under section 5705.23 of the Revised Code for library purposes;

(6) A tax levied under section 5705.24 of the Revised Code for the support of children services and the placement and care of children.

(G) An exemption from taxation granted under this section commences with the tax year ~~in which an improvement first appears on the tax list and duplicate of real and public utility property~~ and specified in the resolution that begins after the effective date of the resolution. Except as otherwise provided in this division, the exemption ends on the date specified in the resolution as the date the improvement ceases to be a public

purpose or the incentive district expires, or ends on the date on 71424
which the public infrastructure improvements and housing 71425
renovations are paid in full from the township public improvement 71426
tax increment equivalent fund established under section 5709.75 of 71427
the Revised Code, whichever occurs first. The exemption of an 71428
improvement with respect to a parcel may end on a later date, as 71429
specified in the resolution, if the board of township trustees and 71430
the board of education of the city, local, or exempted village 71431
school district within which the parcel is located have entered 71432
into a compensation agreement under section 5709.82 of the Revised 71433
Code with respect to the improvement or district and the board of 71434
education has approved the term of the exemption under division 71435
(D) of this section, but in no case shall the improvement be 71436
exempted from taxation for more than thirty years. The board of 71437
township trustees may, by majority vote, adopt a resolution 71438
permitting the township to enter into such agreements as the board 71439
finds necessary or appropriate to provide for the construction or 71440
undertaking of public infrastructure improvements and housing 71441
renovations. Any exemption shall be claimed and allowed in the 71442
same or a similar manner as in the case of other real property 71443
exemptions. If an exemption status changes during a tax year, the 71444
procedure for the apportionment of the taxes for that year is the 71445
same as in the case of other changes in tax exemption status 71446
during the year. 71447

~~(F)~~(H) The board of township trustees may issue the notes of 71448
the township to finance all costs pertaining to the construction 71449
or undertaking of public infrastructure improvements and housing 71450
renovations made pursuant to this section. The notes shall be 71451
signed by the board and attested by the signature of the township 71452
clerk, shall bear interest not to exceed the rate provided in 71453
section 9.95 of the Revised Code, and are not subject to Chapter 71454
133. of the Revised Code. The resolution authorizing the issuance 71455
of the notes shall pledge the funds of the township public 71456

improvement tax increment equivalent fund established pursuant to 71457
section 5709.75 of the Revised Code to pay the interest on and 71458
principal of the notes. The notes, which may contain a clause 71459
permitting prepayment at the option of the board, shall be offered 71460
for sale on the open market or given to the vendor or contractor 71461
if no sale is made. 71462

~~(G)~~(I) The township, not later than fifteen days after the 71463
adoption of a resolution under this section, shall submit to the 71464
director of development a copy of the resolution. On or before the 71465
thirty-first day of March of each year, the township shall submit 71466
a status report to the director of development. The report shall 71467
indicate, in the manner prescribed by the director, the progress 71468
of the project during each year that the exemption remains in 71469
effect, including a summary of the receipts from service payments 71470
in lieu of taxes; expenditures of money from funds created under 71471
section 5709.75 of the Revised Code; a description of the public 71472
infrastructure improvements and housing renovations financed with 71473
such expenditures; and a quantitative summary of changes in 71474
private investment resulting from each project. 71475

~~(H)~~(J) Nothing in this section shall be construed to prohibit 71476
a board of township trustees from declaring to be a public purpose 71477
improvements with respect to more than one parcel. 71478

~~(I)~~(K) A board of township trustees that adopted a resolution 71479
under this section prior to July 21, 1994, may amend that 71480
resolution to include any additional public infrastructure 71481
improvement. A board of township trustees that seeks by such an 71482
amendment to utilize money from its township public improvement 71483
tax increment equivalent fund for land acquisition in aid of 71484
industry, commerce, distribution, or research, demolition on 71485
private property, or stormwater and flood remediation projects may 71486
do so provided that the board currently is a party to a 71487
hold-harmless agreement with the board of education of the city, 71488

local, or exempted village school district within the territory of 71489
which are located the parcels that are subject to an exemption. 71490
For the purposes of this division, a "hold-harmless agreement" 71491
means an agreement under which the board of township trustees 71492
agrees to compensate the school district for one hundred per cent 71493
of the tax revenue that the school district would have received 71494
from further improvements to parcels designated in the resolution 71495
were it not for the exemption granted by the resolution. 71496

Sec. 5709.77. As used in sections 5709.77 to 5709.81 of the 71497
Revised Code: 71498

(A) "Business day" means a day of the week excluding 71499
Saturday, Sunday, and a legal holiday as defined in section 1.14 71500
of the Revised Code. 71501

(B) "Fund" means to provide for the payment of the debt 71502
service on and the expenses relating to an outstanding obligation 71503
of the county. 71504

(C) "Housing renovation" means a project carried out for 71505
residential purposes. 71506

(D) "Improvement" means the increase in the ~~true~~ assessed 71507
value of real property that would first appear on the tax list and 71508
duplicate of real and public utility property after the effective 71509
date of a resolution adopted under section 5709.78 of the Revised 71510
Code were it not for the exemption granted by that resolution. 71511

~~"Improvement" does not include a public infrastructure 71512
improvement.~~ For purposes of division (A) of section 5709.78 of 71513
the Revised Code, "improvement" does not include any property used 71514
or to be used for residential purposes. 71515

(E) "Incentive district" has the same meaning as in section 71516
5709.40 of the Revised Code, except that a blighted area is in the 71517
unincorporated territory of a county. 71518

(F) "Refund" means to fund and retire an outstanding obligation of the county. 71519
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(G) "Project" and "public infrastructure improvement" have the same meanings as in section 5709.40 of the Revised Code. 71521
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Sec. 5709.78. (A) A board of county commissioners may, by resolution, declare improvements to certain parcels of real property located in the unincorporated territory of the county to be a public purpose. Except as otherwise provided in division (C) of this section, not more than seventy-five per cent of an improvement thus declared to be a public purpose may be exempted from real property taxation; ~~the percentage exempted shall not, except as otherwise provided in those divisions, exceed the estimated percentage of the incremental demand placed on the public infrastructure improvements that is directly attributable to the exempted improvement.~~ The resolution shall specify the percentage of the improvement to be exempted. 71523
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A resolution adopted under this division shall designate the specific public infrastructure improvements made, to be made, or in the process of being made by the county that directly benefit, or that once made will directly benefit, the parcels for which improvements are declared to be a public purpose. ~~For the purposes of this division, a public infrastructure improvement directly benefits such a parcel only if a project on the parcel places direct, additional demand on the public infrastructure improvement or, if the public infrastructure improvement has not yet been completed, will place direct, additional demand on the public infrastructure improvement once it is completed.~~ The service payments provided for in section 5709.79 of the Revised Code shall be used to finance the public infrastructure improvements designated in the resolution. 71535
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(B)(1) A board of county commissioners may adopt a resolution 71549

creating an incentive district and declaring improvements to 71550
parcels within the district to be a public purpose and, except as 71551
provided in division (E) of this section, exempt from taxation as 71552
provided in this section, but no board of county commissioners of 71553
a county that has a population that exceeds twenty-five thousand, 71554
as shown by the most recent federal decennial census, shall adopt 71555
a resolution that creates an incentive district if, as a result of 71556
adopting the resolution, more than twenty-five per cent of the 71557
county's taxable value, as of the first day of January of the year 71558
in which the resolution takes effect, is subject to exemption 71559
because of an incentive district. The twenty-five per cent 71560
limitation does not apply to an incentive district that was 71561
created by a resolution adopted prior to January 1, 2006, unless 71562
the board creates an additional incentive district after that 71563
date. The district shall be located within the unincorporated 71564
territory of the county and shall not include any territory that 71565
is included within a district created under division (C) of 71566
section 5709.73 of the Revised Code. The resolution shall 71567
delineate the boundary of the district and specifically identify 71568
each parcel within the district. A district may not include any 71569
parcel that is or has been exempted from taxation under division 71570
(A) of this section or that is or has been within another district 71571
created under this division. A resolution may create more than one 71572
such district, and more than one resolution may be adopted under 71573
~~this~~ division (B)(1) of this section. 71574

(2) Not later than thirty days prior to adopting a resolution 71575
under ~~this~~ division (B)(1) of this section, if the county intends 71576
to apply for exemptions from taxation under section 5709.911 of 71577
the Revised Code on behalf of owners of real property located 71578
within the proposed incentive district, the board of county 71579
commissioners shall conduct a public hearing on the proposed 71580
resolution. Not later than thirty days prior to the public 71581
hearing, the board shall give notice of the public hearing and the 71582

proposed resolution by first class mail to every real property 71583
owner whose property is located within the boundaries of the 71584
proposed incentive district that is the subject of the proposed 71585
resolution. The board also shall provide the notice by first class 71586
mail to the clerk of each township in which the proposed incentive 71587
district will be located. 71588

(3)(a) A resolution under ~~this~~ division (B)(1) of this 71589
section shall specify the life of the district and the percentage 71590
of the improvements to be exempted and, shall designate the public 71591
infrastructure improvements made ~~or~~, to be made, or in the process 71592
of being made, that benefit or serve, or, once made, will benefit 71593
or serve parcels in the district. The resolution also shall 71594
identify one or more specific projects being, or to be, undertaken 71595
in the district that place additional demand on the public 71596
infrastructure improvements designated in the resolution. The 71597
project identified may, but need not be, the project under 71598
division (B)(3)(b) of this section that places real property in 71599
use for commercial or industrial purposes. 71600

(b) A resolution adopted under ~~this~~ division (B)(1) of this 71601
section may authorize the use of service payments provided for in 71602
section 5709.79 of the Revised Code for the purpose of housing 71603
renovations within the district, provided that the resolution also 71604
designates public infrastructure improvements that benefit or 71605
serve the district, and that a project within the district places 71606
real property in use for commercial or industrial purposes. 71607
Service payments may be used to finance or support loans, deferred 71608
loans, and grants to persons for the purpose of housing 71609
renovations within the district. The resolution shall designate 71610
the parcels within the district that are eligible for housing 71611
renovations. The resolution shall state separately the amount or 71612
the percentages of the expected aggregate service payments that 71613
are designated for each public infrastructure improvement and for 71614

the purpose of housing renovations. 71615

(4) Except with the approval of the board of education of 71616
each city, local, or exempted village school district within the 71617
territory of which the district is or will be located, and subject 71618
to division (D) of this section, the life of a an incentive 71619
district shall not exceed ten years, and the percentage of 71620
improvements to be exempted shall not exceed seventy-five per 71621
cent. With ~~such~~ approval of the board of education, the life of a 71622
district may be not more than thirty years, and the percentage of 71623
improvements to be exempted may be not more than one hundred per 71624
cent. 71625

(5) Approval of a board of education shall be obtained in the 71626
manner provided in division (C) of this section for exemptions 71627
under division (A) of this section, except that the notice to the 71628
board of education shall delineate the boundaries of the district, 71629
specifically identify each parcel within the district, identify 71630
each anticipated improvement in the district, provide an estimate 71631
of the true value in money of each such improvement, specify the 71632
life of the district and the percentage of improvements that would 71633
be exempted, and indicate the date on which the board of county 71634
commissioners intends to adopt the resolution. 71635

~~A board of county commissioners shall not adopt a resolution~~ 71636
~~under this division after June 30, 2007.~~ 71637

(C)(1) Improvements with respect to a parcel may be exempted 71638
from taxation under division (A) of this section for up to ten 71639
years or, with the approval of the board of education of the city, 71640
local, or exempted village school district within which the parcel 71641
is located, for up to thirty years. The percentage of the 71642
improvements exempted from taxation may, with such approval, 71643
exceed seventy-five per cent, but shall not exceed one hundred per 71644
cent. Not later than forty-five business days prior to adopting a 71645
resolution under this section declaring improvements to be a 71646

public purpose that is subject to the approval of a board of 71647
education under this division, the board of county commissioners 71648
shall deliver to the board of education a notice stating its 71649
intent to adopt a resolution making that declaration. The notice 71650
shall identify the parcels for which improvements are to be 71651
exempted from taxation, provide an estimate of the true value in 71652
money of the improvements, specify the period for which the 71653
improvements would be exempted from taxation and the percentage of 71654
the improvements that would be exempted, and indicate the date on 71655
which the board of county commissioners intends to adopt the 71656
resolution. The board of education, by resolution adopted by a 71657
majority of the board, may approve the exemption for the period or 71658
for the exemption percentage specified in the notice, may 71659
disapprove the exemption for the number of years in excess of ten, 71660
may disapprove the exemption for the percentage of the 71661
improvements to be exempted in excess of seventy-five per cent, or 71662
both, or may approve the exemption on the condition that the board 71663
of county commissioners and the board of education negotiate an 71664
agreement providing for compensation to the school district equal 71665
in value to a percentage of the amount of taxes exempted in the 71666
eleventh and subsequent years of the exemption period or, in the 71667
case of exemption percentages in excess of seventy-five per cent, 71668
compensation equal in value to a percentage of the taxes that 71669
would be payable on the portion of the improvements in excess of 71670
seventy-five per cent were that portion to be subject to taxation, 71671
or other mutually agreeable compensation. The board of education 71672
shall certify its resolution to the board of county commissioners 71673
not later than fourteen days prior to the date the board of county 71674
commissioners intends to adopt its resolution as indicated in the 71675
notice. ~~If the board of education approves the exemption on the~~ 71676
~~condition that a compensation agreement be negotiated, the board~~ 71677
~~of education in its resolution shall propose a compensation~~ 71678
~~percentage.~~ If the board of education and the board of county 71679

commissioners negotiate a mutually acceptable compensation 71680
agreement, the resolution of the board of county commissioners may 71681
declare the improvements a public purpose for the number of years 71682
specified in that resolution or, in the case of exemption 71683
percentages in excess of seventy-five per cent, for the exemption 71684
percentage specified in the resolution. In either case, if the 71685
board of education and the board of county commissioners fail to 71686
negotiate a mutually acceptable compensation agreement, the 71687
resolution may declare the improvements a public purpose for not 71688
more than ten years, but shall not exempt more than seventy-five 71689
per cent of the improvements from taxation, ~~or, in the case of a~~ 71690
~~resolution adopted under division (A) of this section, not more~~ 71691
~~than the estimated percentage of the incremental demand as~~ 71692
~~otherwise prescribed by division (A) of this section if that~~ 71693
~~percentage is less than seventy five per cent.~~ If the board of 71694
education fails to certify a resolution to the board of county 71695
commissioners within the time prescribed by this section, the 71696
board of county commissioners thereupon may adopt the resolution 71697
and may declare the improvements a public purpose for up to thirty 71698
years or, in the case of exemption percentages proposed in excess 71699
of seventy-five per cent, for the exemption percentage specified 71700
in the resolution. The board of county commissioners may adopt the 71701
resolution at any time after the board of education certifies its 71702
resolution approving the exemption to the board of county 71703
commissioners, or, if the board of education approves the 71704
exemption on the condition that a mutually acceptable compensation 71705
agreement be negotiated, at any time after the compensation 71706
agreement is agreed to by the board of education and the board of 71707
county commissioners. 71708

(2) If a board of education has adopted a resolution waiving 71709
its right to approve exemptions from taxation and the resolution 71710
remains in effect, approval of such exemptions by the board of 71711
education is not required under division (C)(1) of this section. 71712

If a board of education has adopted a resolution allowing a board of county commissioners to deliver the notice required under division (C)(1) of this section fewer than forty-five business days prior to approval of the resolution by the board of county commissioners, the board of county commissioners shall deliver the notice to the board of education not later than the number of days prior to such approval as prescribed by the board of education in its resolution. If a board of education adopts a resolution waiving its right to approve exemptions or shortening the notification period, the board of education shall certify a copy of the resolution to the board of county commissioners. If the board of education rescinds such a resolution, it shall certify notice of the rescission to the board of county commissioners.

(D)(1) If a proposed resolution under division (B)(1) of this section exempts improvements with respect to a parcel for more than ten years, or the percentage of the improvement exempted from taxation exceeds seventy-five per cent, not later than forty-five business days prior to adopting the ordinance the board of county commissioners shall deliver to the board of township trustees of any township or legislative authority of any municipal corporation within which the incentive district is or will be located a notice that states its intent to adopt a resolution creating an incentive district. The notice shall include a copy of the proposed resolution.

(2) The board of township trustees or legislative authority of the municipal corporation, or both, by resolution, may object to the exemption for the number of years in excess of ten, may object to the exemption for the percentage of the improvement to be exempted in excess of seventy-five per cent, or both, or may accept either or both exemptions. If the board of township trustees or legislative authority, or both, objects, the board of township trustees or legislative authority may negotiate an

agreement with the board of county commissioners that provides to 71745
the board of township trustees or legislative authority, or both, 71746
in the eleventh and subsequent years of the exemption period 71747
compensation equal in value to not more than fifty per cent of the 71748
taxes that would be payable to the township or municipal 71749
corporation on the portion of the improvement in excess of 71750
seventy-five per cent, were that portion to be subject to 71751
taxation. The board of township trustees and legislative authority 71752
shall certify its resolution to the board of county commissioners 71753
not later than thirty days after receipt of the notice. 71754

(3) If the board of township trustees and the legislative 71755
authority of the municipal corporation does not object or fails to 71756
certify a resolution objecting to an exemption within thirty days 71757
after receipt of the notice, the board of county commissioners may 71758
adopt its resolution, and no compensation shall be provided to the 71759
board of township trustees or legislative authority. If both the 71760
board of township trustees or legislative authority of the 71761
municipal corporation certify resolutions objecting to the 71762
commissioners' resolution, the board of county commissioners may 71763
adopt its resolution at any time after both compensation 71764
agreements are agreed to by the board of county commissioners and 71765
the respective party to the agreement. If either the board of 71766
township trustees or legislative authority of the municipal 71767
corporation certify a resolution objecting to the commissioners' 71768
resolution, the board of county commissioners may adopt its 71769
resolution at any time after the compensation agreement is agreed 71770
to by the board of county commissioners and the board or 71771
legislative authority, or, if no compensation agreement is 71772
negotiated, at any time after the board of county commissioners 71773
agrees to provide compensation to the board of township trustees 71774
or legislative authority, or to both, of fifty per cent of the 71775
taxes that would be payable to the township or municipal 71776

<u>corporation in the eleventh and subsequent years of the exemption</u>	71777
<u>period on the portion of the improvement in excess of seventy-five</u>	71778
<u>per cent, were that portion to be subject to taxation.</u>	71779
<u>(E) Any of the following property tax levies that are enacted</u>	71780
<u>on or after January 1, 2006, and after the date an ordinance</u>	71781
<u>creating an incentive district is adopted on or after January 1,</u>	71782
<u>2006, under division (C)(1) of this section shall be levied on</u>	71783
<u>property that was exempted from taxation under division (C) of</u>	71784
<u>this section and revenues collected from such levies shall not be</u>	71785
<u>used to provide service payments under this section:</u>	71786
<u>(1) A tax levied under division (L) of section 5705.19 of the</u>	71787
<u>Revised Code for community mental retardation and developmental</u>	71788
<u>disabilities programs and services pursuant to Chapter 5126. of</u>	71789
<u>the Revised Code;</u>	71790
<u>(2) A tax levied under division (Y) of section 5705.19 of the</u>	71791
<u>Revised Code for providing or maintaining senior citizens services</u>	71792
<u>or facilities;</u>	71793
<u>(3) A tax levied under section 5705.22 of the Revised Code</u>	71794
<u>for county hospitals;</u>	71795
<u>(4) A tax levied under section 5705.221 of the Revised Code</u>	71796
<u>for alcohol, drug addiction, and mental health services;</u>	71797
<u>(5) A tax levied under section 5705.23 of the Revised Code</u>	71798
<u>for library purposes;</u>	71799
<u>(6) A tax levied under section 5705.24 of the Revised Code</u>	71800
<u>for the support of children services and the placement and care of</u>	71801
<u>children.</u>	71802
<u>(F) An exemption from taxation granted under this section</u>	71803
<u>commences with the tax year in which an improvement first appears</u>	71804
<u>on the tax list and duplicate of real and public utility property</u>	71805
<u>and specified in the resolution that begins after the effective</u>	71806

date of the resolution. Except as otherwise provided in this 71807
division, the exemption ends on the date specified in the 71808
resolution as the date the improvement ceases to be a public 71809
purpose or the incentive district expires, or ends on the date on 71810
which the county can no longer require annual service payments in 71811
lieu of taxes under section 5709.79 of the Revised Code, whichever 71812
occurs first. The exemption of an improvement with respect to a 71813
parcel may end on a later date, as specified in the resolution, if 71814
the board of commissioners and the board of education of the city, 71815
local, or exempted village school district within which the parcel 71816
is located have entered into a compensation agreement under 71817
section 5709.82 of the Revised Code with respect to the 71818
improvement or district and the board of education has approved 71819
the term of the exemption under division (C)(1) of this section, 71820
but in no case shall the improvement be exempted from taxation for 71821
more than thirty years. Exemptions shall be claimed and allowed in 71822
the same or a similar manner as in the case of other real property 71823
exemptions. If an exemption status changes during a tax year, the 71824
procedure for the apportionment of the taxes for that year is the 71825
same as in the case of other changes in tax exemption status 71826
during the year. 71827

~~(E)~~(G) If the board of county commissioners is not required 71828
by this section to notify the board of education of the board of 71829
county commissioners' intent to declare improvements to be a 71830
public purpose, the board of county commissioners shall comply 71831
with the notice requirements imposed under section 5709.83 of the 71832
Revised Code before taking formal action to adopt the resolution 71833
making that declaration, unless the board of education has adopted 71834
a resolution under that section waiving its right to receive such 71835
a notice. 71836

~~(F)~~(H) The county, not later than fifteen days after the 71837
adoption of a resolution under this section, shall submit to the 71838

director of development a copy of the resolution. On or before the 71839
thirty-first day of March of each year, the county shall submit a 71840
status report to the director of development. The report shall 71841
indicate, in the manner prescribed by the director, the progress 71842
of the project during each year that an exemption remains in 71843
effect, including a summary of the receipts from service payments 71844
in lieu of taxes; expenditures of money from funds created under 71845
section 5709.75 of the Revised Code; a description of the public 71846
infrastructure improvements and housing renovations financed with 71847
such expenditures; and a quantitative summary of changes in 71848
employment and private investment resulting from each project. 71849

~~(G)~~(I) Nothing in this section shall be construed to prohibit 71850
a board of county commissioners from declaring to be a public 71851
purpose improvements with respect to more than one parcel. 71852

Sec. 5711.01. As used in this chapter: 71853

(A) "Taxable property" includes all the kinds of property 71854
mentioned in division (B) of section 5709.01 and section 5709.02 71855
of the Revised Code, and also the amount or value as of the date 71856
of conversion of all taxable property converted into bonds or 71857
other securities not taxed on or after the first day of November 71858
in the year preceding the date of listing, and of all other 71859
taxable property converted into deposits after the date as of 71860
which deposits are required to be listed in such year, except in 71861
the usual course of the taxpayer's business, to the extent ~~he~~ the 71862
taxpayer may hold or control such bonds, securities, or deposits 71863
on such day, without deduction for indebtedness created in the 71864
purchase of such bonds or securities from ~~his~~ the taxpayer's 71865
credits. ~~However, taxable~~ "Taxable property" does not include such 71866
investments and deposits as are taxable at the source as provided 71867
in sections 5725.01 to 5725.26 of the Revised Code, surrender 71868
values under policies of insurance, or any tangible personal 71869

property acquired from a public utility or interexchange 71870
telecommunications company as defined in section 5727.01 of the 71871
Revised Code, and leased back to the public utility or 71872
interexchange telecommunications company pursuant to a sale and 71873
leaseback transaction as defined in division (I) of section 71874
5727.01 of the Revised Code. 71875

For tax year 2007 and thereafter, taxable property leased to 71876
a telephone, telegraph, or interexchange telecommunications 71877
company, as defined in section 5727.01 of the Revised Code, shall 71878
be listed and assessed by the owner of the property at the 71879
percentage of true value in money required under division (H) of 71880
section 5711.22 of the Revised Code. 71881

(B) "Taxpayer" means any owner of taxable property, including 71882
property exempt under division (C) of section 5709.01 of the 71883
Revised Code, and includes every person residing in, or 71884
incorporated or organized by or under the laws of this state, or 71885
doing business in this state, or owning or having a beneficial 71886
interest in taxable personal property in this state and every 71887
fiduciary required by sections 5711.01 to 5711.36 of the Revised 71888
Code, to make a return for or on behalf of another. For tax year 71889
2007 and thereafter, "taxpayer" includes telephone companies, 71890
telegraph companies, and interexchange telecommunications company 71891
as defined in section 5727.01 of the Revised Code. The tax 71892
commissioner may by rule define and designate the taxpayer, as to 71893
any taxable property which would not otherwise be required by this 71894
section to be returned; and any such rule shall be considered 71895
supplementary to the enumeration of kinds of taxpayers following: 71896

(1) Individuals of full age and sound mind residing in this 71897
state; 71898

(2) Partnerships, corporations, associations, and joint-stock 71899
companies, under whatever laws organized or existing, doing 71900
business or having taxable property in this state; and 71901

corporations incorporated by or organized under the laws of this state, wherever their actual business is conducted; 71902
71903

(3) Fiduciaries appointed by any court in this state or having title, possession, or custody of taxable personal property in this state or engaged in business in this state; 71904
71905
71906

(4) Unincorporated mutual funds. 71907

Taxpayer excludes all individuals, partnerships, corporations, associations, and joint-stock companies, their executors, administrators, and receivers who are defined in Title LVII of the Revised Code as financial institutions, dealers in intangibles, domestic insurance companies, or public utilities, except to the extent they may be required by sections 5711.01 to 5711.36 of the Revised Code, to make returns as fiduciaries, or by section 5725.26 of the Revised Code, to make returns of property leased, or held for the purpose of leasing, to others if the owner or lessor of the property acquired it for the sole purpose of leasing it to others or to the extent that property is taxable under section 5725.25 of the Revised Code. 71908
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(C) "Return" means the taxpayer's annual report of taxable property. 71920
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(D) "List" means the designation, in a return, of the description of taxable property, the valuation or amount thereof, the name of the owner, and the taxing district where assessable. 71922
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(E) "Taxing district" means, in the case of property assessable on the classified tax list and duplicate, a municipal corporation or the territory in a county outside the limits of all municipal corporations therein; in the case of property assessable on the general tax list and duplicate, a municipal corporation or township, or part thereof, in which the aggregate rate of taxation is uniform. 71925
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(F) "Assessor" includes the tax commissioner and the county auditor as deputy of the commissioner. 71932
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(G) "Fiduciary" includes executors, administrators, parents, guardians, receivers, assignees, official custodians, factors, bailees, lessees, agents, attorneys, and employees, but does not include trustees unless the sense so requires. 71934
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(H) "General tax list and duplicate" means the books or records containing the assessments of property subject to local tax levies. 71938
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(I) "Classified tax list and duplicate" means the books or records containing the assessments of property not subject to local tax levies. 71941
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(J) "Investment company" means any corporation, the shares of which are regularly offered for sale to the public, engaged solely in the business of investing and reinvesting funds in real property or investments, or holding or selling real property or investments for the purpose of realizing income or profit which is distributed to its shareholders. Investment company does not include any dealer in intangibles, as defined in section 5725.01 of the Revised Code. 71944
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(K) "Unincorporated mutual fund" means any partnership, each partner of which is a corporation, engaged solely in the business of investing and reinvesting funds in investments, or holding or selling investments for the purpose of realizing income or profit which is distributed to its partners and which is subject to Chapter 1707. of the Revised Code. An unincorporated mutual fund does not include any dealer in intangibles as defined in section 5725.01 of the Revised Code. 71952
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Sec. 5711.16. (A) As used in this section, ~~manufacturer:~~ 71960

(1) "Manufacturer" means a person who purchases, receives, or 71961

holds personal property for the purpose of adding to its value by 71962
manufacturing, refining, rectifying, or combining different 71963
materials with a view of making a gain or profit by so doing. 71964

(2) "Manufacturing equipment" means machinery and equipment, 71965
and tools and implements, including any associated patterns, jigs, 71966
dies, drawings, and business fixtures, used at a manufacturing 71967
facility by a manufacturer, and includes any such property leased 71968
to the manufacturer. "Manufacturing equipment" excludes property 71969
used for general office purposes. Nothing in this division is to 71970
be construed to change the definition of personal property, as 71971
defined in section 5701.03 of the Revised Code. 71972

(3) "Manufacturing facility" means a facility or portion of a 71973
facility used for manufacturing, mining, refining, rectifying, or 71974
combining different materials with a view of making a gain or 71975
profit by so doing. "Manufacturing facility" includes that portion 71976
of a facility used to store or transport raw materials, 71977
work-in-process, or finished goods inventory, for packaging, for 71978
research, or to test for quality control, as long as 71979
manufacturing, mining, refining, rectifying, or combining is also 71980
performed at the facility. "Manufacturing facility" does not 71981
include any portion of a facility used primarily for making retail 71982
sales. 71983

(4) "Manufacturing inventory" means all articles purchased, 71984
received, or otherwise held for the purpose of being used, in 71985
whole or in part, in manufacturing, mining, combining, rectifying, 71986
or refining, and of all articles that were at any time 71987
manufactured or changed in any way by a manufacturer, either by 71988
mining, combining, rectifying, refining, or adding thereto. 71989

(B) When a manufacturer is required to return a statement of 71990
the amount of the manufacturer's personal property used in 71991
business, the manufacturer shall include the average value, 71992
estimated as provided in this section, of ~~all articles purchased,~~ 71993

~~received, or otherwise held for the purpose of being used, in~~ 71994
~~whole or in part, in manufacturing, combining, rectifying, or~~ 71995
~~refining, and of all articles that were at any time manufactured~~ 71996
~~or changed in any way by the manufacturer, either by combining,~~ 71997
~~rectifying, refining, or adding thereto, manufacturing inventory~~ 71998
that the manufacturer has had on hand during the year ending on 71999
the day the property is listed for taxation annually, or the part 72000
of such year during which the manufacturer was engaged in 72001
business. The manufacturer shall separately list finished products 72002
not kept or stored at the place of manufacture or at a warehouse 72003
in the same county. 72004

The average value of such property shall be ascertained by 72005
taking the value of all property subject to be listed on the 72006
average basis, owned by the manufacturer on the last business day 72007
of each month the manufacturer was engaged in business during the 72008
year, adding the monthly values together, and dividing the result 72009
by the number of months the manufacturer was engaged in such 72010
business during the year. The result shall be the average value to 72011
be listed. 72012

~~(B)(C)~~ A manufacturer also shall list all ~~engines and~~ 72013
~~machinery, and tools and implements, of every kind used, or~~ 72014
~~designed to be used, in refining and manufacturing, and equipment~~ 72015
owned or used by the manufacturer. 72016

Sec. 5711.21. (A) In assessing taxable property the assessor 72017
shall be governed by the rules of assessment prescribed by 72018
sections 5711.01 to 5711.36 of the Revised Code. Wherever any 72019
taxable property is required to be assessed at its true value in 72020
money or at any percentage of true value, the assessor shall be 72021
guided by the statements contained in the taxpayer's return and 72022
such other rules and evidence as will enable the assessor to 72023
arrive at such true value. Wherever the income yield of taxable 72024

property is required to be assessed, and the method of determining 72025
between income and return or distribution of principal, or that of 72026
allocating expenses in determining net income, or that of 72027
ascertaining the source from which partial distributions of income 72028
have been made is not expressly prescribed by sections 5711.01 to 72029
5711.36 of the Revised Code, the assessor shall be guided by the 72030
statements contained in the taxpayer's return and such general 72031
rules as the tax commissioner adopts to enable the assessor to 72032
make such determination. 72033

(B) ~~The~~ For tax years before tax year 2009, the true value of 72034
the boilers, machinery, equipment, and any personal property used 72035
to generate or distribute the electricity shall be the sum of the 72036
following: 72037

(1) The true value of the property as it would be determined 72038
under this chapter if none of the electricity were distributed to 72039
others multiplied by the per cent of the electricity generated in 72040
the preceding calendar year that was used by the person who 72041
generated it; plus 72042

(2) The true value of the property that is production 72043
equipment as it would be determined for an electric company under 72044
section 5727.11 of the Revised Code multiplied by the per cent of 72045
the electricity generated in the preceding calendar year that was 72046
not used by the person who generated it; plus 72047

(3) The true value of the property that is not production 72048
equipment as it would be determined for an electric company under 72049
section 5727.11 of the Revised Code multiplied by the per cent of 72050
the electricity generated in the preceding calendar year that was 72051
not used by the person who generated it. 72052

(C) ~~The~~ For tax years before tax year 2009, the true value of 72053
personal property leased to a public utility or interexchange 72054
telecommunications company as defined in section 5727.01 of the 72055

Revised Code and used by the utility or interexchange 72056
telecommunications company directly in the rendition of a public 72057
utility service as defined in division (P) of section 5739.01 of 72058
the Revised Code shall be determined in the same manner that the 72059
true value of such property is determined under section 5727.11 of 72060
the Revised Code if owned by the public utility or interexchange 72061
telecommunications company. 72062

Sec. 5711.22. (A) Deposits not taxed at the source shall be 72063
listed and assessed at their amount in dollars on the day they are 72064
required to be listed. Moneys shall be listed and assessed at the 72065
amount thereof in dollars on hand on the day that they are 72066
required to be listed. In listing investments, the amount of the 72067
income yield of each for the calendar year next preceding the date 72068
of listing shall, except as otherwise provided in this chapter, be 72069
stated in dollars and cents and the assessment thereof shall be at 72070
the amount of such income yield; but any property defined as 72071
investments in either division (A) or (B) of section 5701.06 of 72072
the Revised Code that has not been outstanding for the full 72073
calendar year next preceding the date of listing, except shares of 72074
stock of like kind as other shares of the same corporation 72075
outstanding for the full calendar year next preceding the date of 72076
listing, or which has yielded no income during such calendar year 72077
shall be listed and assessed as unproductive investments, at their 72078
true value in money on the day that such investments are required 72079
to be listed. 72080

Credits and other taxable intangibles shall be listed and 72081
assessed at their true value in money on the day as of which the 72082
same are required to be listed. 72083

Shares of stock of a bank holding company, as defined in 72084
Title 12 U.S.C.A., section 1841, that are required to be listed 72085
for taxation under this division and upon which dividends were 72086

paid during the year of their issuance, which dividends are 72087
subject to taxation under the provisions of Chapter 5747. of the 72088
Revised Code, shall be exempt from the intangibles tax for the 72089
year immediately succeeding their issuance. If such shares bear 72090
dividends the first calendar year after their issuance, which 72091
dividends are subject to taxation under the provisions of Chapter 72092
5747. of the Revised Code, it shall be deemed that the 72093
nondelinquent intangible property tax pursuant to division (A) of 72094
section 5707.04 of the Revised Code was paid on those dividends 72095
paid that first calendar year after the issuance of the shares. 72096

~~(B)(1) Boilers~~ For tax years before tax year 2009, boilers, 72097
machinery, equipment, and personal property the true value of 72098
which is determined under division (B) of section 5711.21 of the 72099
Revised Code shall be listed and assessed at an amount equal to 72100
the sum of the products determined under divisions ~~(B)(1)(a)~~, 72101
~~(b)(2)~~, and ~~(e)(3)~~ of this section: 72102

~~(a)(1)~~ Multiply the portion of the true value determined 72103
under division (B)(1) of section 5711.21 of the Revised Code by 72104
the assessment rate for the tax year in division ~~(F)~~(G) of this 72105
section; 72106

~~(b)(2)~~ Multiply the portion of the true value determined 72107
under division (B)(2) of section 5711.21 of the Revised Code by 72108
the assessment rate in section 5727.111 of the Revised Code that 72109
is applicable to the production equipment of an electric company; 72110

~~(e)(3)~~ Multiply the portion of the true value determined 72111
under division (B)(3) of section 5711.21 of the Revised Code by 72112
the assessment rate in section 5727.111 of the Revised Code that 72113
is applicable to the property of an electric company that is not 72114
production equipment. 72115

~~(2) Personal~~ (C) For tax years before tax year 2009, personal 72116
property leased to a public utility or interexchange 72117

telecommunications company as defined in section 5727.01 of the Revised Code and used directly in the rendition of a public utility service as defined in division (P) of section 5739.01 of the Revised Code shall be listed and assessed at the same percentage of true value in money that such property is required to be assessed by section 5727.111 of the Revised Code if owned by the public utility or interexchange telecommunications company.

~~(C)(D)(1) Merchandise or an agricultural product shipped from outside this state and held in this state in a warehouse or a place of storage without further manufacturing or processing and for storage only and for shipment outside this state, but that is taxable because it does not qualify as "not used in business in this state" under division (B)(1) or (2) of section 5701.08 of the Revised Code, shall be listed and assessed at a rate of twenty five one hundredths of its true value in money until reduced in accordance with the following schedule:~~

~~(a) For any year, subtract five one hundredths from the rate at which such property was required to be listed and assessed in the preceding year, if the total statewide collection of all real and tangible personal property taxes for the second preceding year exceeded the total statewide collection of all real and tangible personal property taxes for the third preceding year by more than the greater of four per cent or the rate of increase from the third to the second preceding years in the average consumer price index (all urban consumers, all items) prepared by the bureau of labor statistics of the United States department of labor;~~

~~(b) If no reduction in the assessment rate is made for a year, the rate is the same as for the preceding year.~~

~~(2) Each year until the year the assessment rate equals zero, the tax commissioner shall determine the assessment rate required under this division and shall notify all county auditors of that rate.~~

~~(3) Notwithstanding provisions to the contrary in division (B) of section 5701.08 of the Revised Code, during and after the year for which the assessment rate as calculated under this division equals zero, any merchandise or agricultural product shipped from outside this state and held in this state in any warehouse or place of storage, whether public or private, without further manufacturing or processing and for storage only and for shipment outside this state to any person for any purpose is nevertheless not used in business in this state for property tax purposes.~~

~~(D)(1)(2) Merchandise or an agricultural product owned by a qualified out-of-state person shipped from outside this state and held in this state in a public warehouse without further manufacturing or processing and for temporary storage only and for shipment inside this state, but that is taxable because it does not qualify as "not used in business in this state" under division (B)(1) or (2) of section 5701.08 of the Revised Code, shall be listed and assessed at a rate of twenty five one hundredths of its true value in money until reduced in accordance with the following schedule:~~

~~(a) For any year, subtract five one hundredths from the rate at which such property was required to be listed and assessed in the preceding year, if the total statewide collection of all real and tangible personal property taxes for the second preceding year exceeded the total statewide collection of all real and tangible personal property taxes for the third preceding year by more than the greater of four per cent or the rate of increase from the third to the second preceding years in the average consumer price index (all urban consumers, all items) prepared by the bureau of labor statistics of the United States department of labor;~~

~~(b) If no reduction in the assessment rate is made for a year, the rate is the same as for the preceding year.~~

~~(2) Each year until the year the assessment rate equals zero, the tax commissioner shall determine the assessment rate required under this division and shall notify all county auditors of that rate.~~ 72182
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~~(3) Notwithstanding provisions to the contrary in division (B) of section 5701.08 of the Revised Code, during and after the year for which the assessment rate as calculated under this division equals zero, any merchandise or agricultural product described in division (D)(1) of this section is nevertheless not used in business in this state for property tax purposes.~~ 72186
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~~(4)(3)~~ As used in division (D)(2) of this section: 72192

(a) "Qualified out-of-state person" means a person that does not own, lease, or use property, other than merchandise or an agricultural product described in this division, in this state, and does not have employees, agents, or representatives in this state; 72193
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(b) "Public warehouse" means a warehouse in this state that is not subject to the control of or under the supervision of the owner of the merchandise or agricultural product stored in it, or staffed by the owner's employees, and from which the property is to be shipped inside this state. 72198
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(E) Personal property valued pursuant to section 5711.15 of the Revised Code and personal property required to be listed on the average basis by division ~~(A)~~ (B) of section 5711.16 of the Revised Code, except property described in division ~~(C)~~ or (D) of this section, business fixtures, and furniture not held for sale in the course of business, shall be listed and assessed at the rate of twenty five per cent of its true value in money until reduced to zero in accordance with the following schedule: 72203
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~~(1) Beginning in tax year 2002 and for each of tax years 2003 and 2004, subtract one percentage point from the rate at which the~~ 72211
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~~property was required to be listed and assessed in the preceding
year, if the total statewide collection of tangible personal
property taxes for the second preceding year exceeded the total
statewide collection of tangible personal property taxes for the
third preceding year. If no reduction in the assessment rate is
made for a year, the rate is the same as for the preceding year.~~

~~(2) In tax years 2005 and 2006, the assessment rate shall be
reduced by two percentage points, if the total statewide
collection of tangible personal property taxes for the second
preceding year exceeded the total statewide collection of tangible
personal property taxes for the third preceding year. If no
reduction in the assessment rate is made for a year, the rate is
the same as for the preceding year.~~

~~(3) For tax year 2007 and each tax year thereafter, the
assessment rate shall be reduced by two percentage points. During
and after the tax year that the assessment rate equals zero, the
property described in division (E) of this section shall not be
listed for taxation.~~

~~Each year until the year the assessment rate equals zero, the
tax commissioner shall determine the assessment rate required
under this division and shall notify all county auditors of that
rate.~~

~~For purposes of division (E) of this section, "total
statewide collection of tangible person property taxes" excludes
taxes collected from public utilities and interexchange
telecommunications companies on property that is determined to be
taxable pursuant to section 5727.06 of the Revised Code
twenty-three per cent of its true value in money for tax year 2005
and at the percentage of such true value specified in division (G)
of this section for tax year 2006 and each tax year thereafter.~~

~~(F) All manufacturing equipment as defined in section 5711.16~~

of the Revised Code shall be listed and assessed at the following 72244
percentage of its true value in money: 72245

(1) For all such property not previously used in business in 72246
this state by the owner thereof, or by related member or 72247
predecessor of the owner, other than as inventory, before January 72248
1, 2005, zero per cent of true value; 72249

(2) For all other such property, at the percentage of true 72250
value specified in division (G) of this section for tax year 2005 72251
and each tax year thereafter. 72252

~~(F)~~(G) Unless otherwise provided by law, all other personal 72253
property used in business that has not been legally regarded as an 72254
improvement on land and considered in arriving at the value of the 72255
real property assessed for taxation shall be listed and assessed 72256
at the ~~rate of twenty five per cent~~ following percentages of its 72257
true value in money: 72258

(1) For tax year 2005, twenty-five per cent of true value; 72259

(2) For tax year 2006, eighteen and three-fourths per cent of 72260
true value; 72261

(3) For tax year 2007, twelve and one-half per cent of true 72262
value; 72263

(4) For tax year 2008, six and one-fourth per cent of true 72264
value; 72265

(5) For tax year 2009 and each tax year thereafter, zero per 72266
cent of true value. 72267

(H)(1) For tax year 2007 and thereafter, all personal 72268
property used by a telephone company, telegraph company, or 72269
interexchange telecommunications company shall be listed as 72270
provided in this chapter and assessed at the following percentages 72271
of true value in money: 72272

(a) For tax year 2007, twenty per cent of true value; 72273

<u>(b) For tax year 2008, fifteen per cent of true value;</u>	72274
<u>(c) For tax year 2009, ten per cent of true value;</u>	72275
<u>(d) For tax year 2010, five per cent of true value;</u>	72276
<u>(e) For tax year 2011 and each tax year thereafter, zero per cent of true value.</u>	72277 72278
<u>(2) The property owned by a telephone, telegraph, or telecommunications company shall be apportioned to each appropriate taxing district as provided in section 5727.15 of the Revised Code.</u>	72279 72280 72281 72282
<u>(I) During and after the tax year in which the assessment rate equals zero per cent, the property described in division (E), (F), (G), or (H) of this section shall not be listed for taxation.</u>	72283 72284 72285
<u>(J) Divisions (E), (F), (G), and (H) of this section apply to the property of a person described in divisions (E)(3) to (10) of section 5751.01 of the Revised Code. Division (J) of this section does not prevent the application of the exemption of property from taxation under section 5725.25 or 5725.26 of the Revised Code.</u>	72286 72287 72288 72289 72290
Sec. 5711.28. Whenever the assessor imposes a penalty prescribed by section 5711.27 <u>or 5725.17</u> of the Revised Code, the assessor shall send notice of such penalty assessment to the taxpayer by mail. If the notice also reflects the assessment of any property not listed in or omitted from a return, or the assessment of any item or class of taxable property listed in a return by the taxpayer in excess of the value or amount thereof as so listed, or without allowing a claim duly made for deduction from the net book value of accounts receivable, or depreciated book value of personal property used in business, so listed, and the taxpayer objects to one or more of such corrections in addition to the penalty, the taxpayer shall proceed as prescribed by section 5711.31 of the Revised Code, but if no such correction	72291 72292 72293 72294 72295 72296 72297 72298 72299 72300 72301 72302 72303

is reflected in the notice, or if the taxpayer does not object to 72304
any such correction made, ~~he~~ the taxpayer shall proceed as 72305
prescribed herein. 72306

Within sixty days after the mailing of the notice of a 72307
penalty assessment prescribed by this section, the taxpayer may 72308
file with the tax commissioner, in person or by certified mail, a 72309
petition for abatement of such penalty assessment. If the petition 72310
is filed by certified mail, the date of the United States postmark 72311
placed on the sender's receipt by the postal employee to whom the 72312
petition is presented shall be treated as the date of filing. The 72313
petition shall have attached thereto and incorporated therein by 72314
reference a true copy of the notice of assessment complained of, 72315
but the failure to attach a copy of such notice and incorporate it 72316
by reference does not invalidate the petition. The petition shall 72317
also indicate that the taxpayer's only objection is to the 72318
assessed penalty and the reason for such objection. 72319

Upon the filing of a petition for abatement of penalty, the 72320
commissioner shall notify the treasurer of state or the auditor 72321
and treasurer of each county having any part of the penalty 72322
assessment entered on the tax list or duplicate. The commissioner 72323
shall review the petition without the need for hearing. If it 72324
appears that the failure of the taxpayer to timely return or list 72325
as required under this chapter, or to file a complying report and 72326
pay tax under Chapter 5725. of the Revised Code, whichever the 72327
case may be, was due to reasonable cause and not willful neglect, 72328
the commissioner may abate in whole or in part the penalty 72329
assessment. The commissioner shall transmit a certificate of the 72330
commissioner's determination to the taxpayer, and if no appeal is 72331
taken therefrom as provided by law, or upon the final 72332
determination of an appeal which may be taken, the commissioner 72333
shall notify the treasurer of state or the proper county auditor 72334
of such final determination. If the final determination orders 72335

abatement of the penalty assessment, the notification may be in 72336
the form of an amended assessment certificate. Upon receipt of the 72337
notification, the treasurer of state or county auditor shall make 72338
any corrections to the treasurer's or auditor's records and tax 72339
lists and duplicates required in accordance therewith and proceed 72340
as prescribed by section 5711.32 or 5725.22 of the Revised Code. 72341

The decision of the commissioner shall be final with respect 72342
to the percentage of penalty, if any, the commissioner finds 72343
appropriate ~~for the failure to return timely or list the property,~~ 72344
but neither the commissioner's decision nor a final judgment of 72345
the board of tax appeals or any court to which such final 72346
determination may be appealed shall finalize the assessment of 72347
such property. 72348

Sec. 5713.01. (A) Each county shall be the unit for assessing 72349
real estate for taxation purposes. The county auditor shall be the 72350
assessor of all the real estate in ~~his~~ the auditor's county for 72351
purposes of taxation, but this section does not affect the power 72352
conferred by Chapter 5727. of the Revised Code upon the tax 72353
commissioner regarding the valuation and assessment of ~~the~~ real 72354
property ~~of railroads~~ used in railroad operations. 72355

(B) The auditor shall assess all the real estate situated in 72356
the county at its taxable value in accordance with sections 72357
5713.03, 5713.31, and 5715.01 of the Revised Code and with the 72358
rules and methods applicable to ~~his~~ the auditor's county adopted, 72359
prescribed, and promulgated by the tax commissioner. The auditor 72360
shall view and appraise or cause to be viewed and appraised at its 72361
true value in money, each lot or parcel of real estate, including 72362
land devoted exclusively to agricultural use, and the improvements 72363
located thereon at least once in each six-year period and the 72364
taxable values required to be derived therefrom shall be placed on 72365
the auditor's tax list and the county treasurer's duplicate for 72366

the tax year ordered by the commissioner pursuant to section 72367
5715.34 of the Revised Code. The commissioner may grant an 72368
extension of one year or less if ~~he~~ the commissioner finds that 72369
good cause exists for the extension. When the auditor so views and 72370
appraises, ~~he~~ the auditor may enter each structure located thereon 72371
to determine by actual view what improvements have been made 72372
therein or additions made thereto since the next preceding 72373
valuation. The auditor shall revalue and assess at any time all or 72374
any part of the real estate in such county, including land devoted 72375
exclusively to agricultural use, where ~~he~~ the auditor finds that 72376
the true or taxable values thereof have changed, and when a 72377
conservation easement is created under sections 5301.67 to 5301.70 72378
of the Revised Code. ~~He~~ The auditor may increase or decrease the 72379
true or taxable value of any lot or parcel of real estate in any 72380
township, municipal corporation, or other taxing district by an 72381
amount which will cause all real property on the tax list to be 72382
valued as required by law, or ~~he~~ the auditor may increase or 72383
decrease the aggregate value of all real property, or any class of 72384
real property, in the county, township, municipal corporation, or 72385
other taxing district, or in any ward or other division of a 72386
municipal corporation by a per cent or amount which will cause all 72387
property to be properly valued and assessed for taxation in 72388
accordance with Section 36, Article II, Section 2, Article XII, 72389
Ohio Constitution, this section, and sections 5713.03, 5713.31, 72390
and 5715.01 of the Revised Code. 72391

(C) When the auditor determines to reappraise all the real 72392
estate in the county or any class thereof, when the tax 72393
commissioner orders an increase in the aggregate true or taxable 72394
value of the real estate in any taxing subdivision, or when the 72395
taxable value of real estate is increased by the application of a 72396
uniform taxable value per cent of true value pursuant to the order 72397
of the commissioner, ~~he~~ the auditor shall advertise the completion 72398
of ~~his~~ the reappraisal or equalization action in a newspaper of 72399

general circulation in the county once a week for the three 72400
consecutive weeks next preceding the issuance of the tax bills. 72401
When the auditor changes the true or taxable value of any 72402
individual parcels of real estate, ~~he~~ the auditor shall notify the 72403
owner of the real estate, or the person in whose name the same 72404
stands charged on the duplicate, by mail or in person, of the 72405
changes ~~he~~ the auditor has made in the assessments of such 72406
property. Such notice shall be given at least thirty days prior to 72407
the issuance of the tax bills. Failure to receive notice shall not 72408
invalidate any proceeding under this section. 72409

(D) The auditor shall make the necessary abstracts from books 72410
of ~~his~~ the auditor's office containing descriptions of real estate 72411
in such county, together with such platbooks and lists of 72412
transfers of title to land as the auditor deems necessary in the 72413
performance of ~~his~~ the auditor's duties in valuing such property 72414
for taxation. Such abstracts, platbooks, and lists shall be in 72415
such form and detail as the tax commissioner prescribes. 72416

(E) The auditor, with the approval of the tax commissioner, 72417
may appoint and employ such experts, deputies, clerks, or other 72418
employees as ~~he~~ the auditor deems necessary to the performance of 72419
~~his~~ the auditor's duties as assessor, or, with the approval of the 72420
tax commissioner, ~~he~~ the auditor may enter into a contract with an 72421
individual, partnership, firm, company, or corporation to do all 72422
or any part of the work; the amount to be expended in the payment 72423
of the compensation of such employees shall be fixed by the board 72424
of county commissioners. If, in the opinion of the auditor, the 72425
board of county commissioners fails to provide a sufficient amount 72426
for the compensation of such employees, ~~he~~ the auditor may apply 72427
to the tax commissioner for an additional allowance, and the 72428
additional amount of compensation allowed by the commissioner 72429
shall be certified to the board of county commissioners, and the 72430
same shall be final. The salaries and compensation of such 72431

experts, deputies, clerks, and employees shall be paid upon the 72432
warrant of the auditor out of the general fund or the real estate 72433
assessment fund of the county, or both. If the salaries and 72434
compensation are in whole or in part fixed by the commissioner, 72435
they shall constitute a charge against the county regardless of 72436
the amount of money in the county treasury levied or appropriated 72437
for such purposes. 72438

(F) Any contract for goods or services related to the 72439
auditor's duties as assessor, including contracts for mapping, 72440
computers, and reproduction on any medium of any documents, 72441
records, photographs, microfiche, or magnetic tapes, but not 72442
including contracts for the professional services of an appraiser, 72443
shall be awarded pursuant to the competitive bidding procedures 72444
set forth in sections 307.86 to 307.92 of the Revised Code and 72445
shall be paid for, upon the warrant of the auditor, from the real 72446
estate assessment fund. 72447

(G) Experts, deputies, clerks, and other employees, in 72448
addition to their other duties, shall perform such services as the 72449
auditor directs in ascertaining such facts, description, location, 72450
character, dimensions of buildings and improvements, and other 72451
circumstances reflecting upon the value of real estate as will aid 72452
the auditor in fixing its true and taxable value and, in the case 72453
of land valued in accordance with section 5713.31 of the Revised 72454
Code, its current agricultural use value. The auditor may also 72455
summon and examine any person under oath in respect to any matter 72456
pertaining to the value of any real property within the county. 72457

Sec. 5715.01. (A) The tax commissioner shall direct and 72458
supervise the assessment for taxation of all real property. The 72459
commissioner shall adopt, prescribe, and promulgate rules for the 72460
determination of true value and taxable value of real property by 72461
uniform rule for such values and for the determination of the 72462

current agricultural use value of land devoted exclusively to 72463
agricultural use. The uniform rules shall prescribe methods of 72464
determining the true value and taxable value of real property and 72465
shall also prescribe the method for determining the current 72466
agricultural use value of land devoted exclusively to agricultural 72467
use, which method shall reflect standard and modern appraisal 72468
techniques, that take into consideration: the productivity of the 72469
soil under normal management practices; the average price patterns 72470
of the crops and products produced to determine the income 72471
potential to be capitalized; the market value of the land for 72472
agricultural use; and other pertinent factors. The rules shall 72473
provide that in determining the true value of lands or 72474
improvements thereon for tax purposes, all facts and circumstances 72475
relating to the value of the property, its availability for the 72476
purposes for which it is constructed or being used, its obsolete 72477
character, if any, the income capacity of the property, if any, 72478
and any other factor that tends to prove its true value shall be 72479
used. The In determining the true value of minerals or rights to 72480
minerals for the purpose of real property taxation, the tax 72481
commissioner shall not include in the value of the minerals or 72482
rights to minerals the value of any tangible personal property 72483
used in the recovery of those minerals. 72484

(B) The taxable value shall be that per cent of true value in 72485
money, or current agricultural use value in the case of land 72486
valued in accordance with section 5713.31 of the Revised Code, the 72487
commissioner by rule establishes, but it shall not exceed 72488
thirty-five per cent. The uniform rules shall also prescribe 72489
methods of making the appraisals set forth in section 5713.03 of 72490
the Revised Code. The taxable value of each tract, lot, or parcel 72491
of real property and improvements thereon, determined in 72492
accordance with the uniform rules and methods prescribed thereby, 72493
shall be the taxable value of the tract, lot, or parcel for all 72494
purposes of sections 5713.01 to 5713.26, 5715.01 to 5715.51, and 72495

5717.01 to 5717.06 of the Revised Code. County auditors shall, 72496
under the direction and supervision of the commissioner, be the 72497
chief assessing officers of their respective counties, and shall 72498
list and value the real property within their respective counties 72499
for taxation in accordance with this section and sections 5713.03 72500
and 5713.31 of the Revised Code and with such rules of the 72501
commissioner. There shall also be a board in each county, known as 72502
the county board of revision, which shall hear complaints and 72503
revise assessments of real property for taxation. 72504

(C) The commissioner shall neither adopt nor enforce any rule 72505
that requires true value for any tax year to be any value other 72506
than the true value in money on the tax lien date of such tax year 72507
or that requires taxable value to be obtained in any way other 72508
than by reducing the true value, or in the case of land valued in 72509
accordance with section 5713.31 of the Revised Code, its current 72510
agricultural use value, by a specified, uniform percentage. 72511

Sec. 5715.24. (A) The tax commissioner, annually, shall 72512
determine whether the real property and the various classes 72513
thereof in the several counties, municipal corporations, and 72514
taxing districts which have completed a sexennial reappraisal in 72515
the current year and which will have the new taxable values placed 72516
on the tax list and duplicate have been assessed as required by 72517
law, and whether the values set forth in the agricultural land tax 72518
list in such taxing districts correctly reflect the true and 72519
agricultural use values of the lands contained therein. The 72520
determination shall be made prior to the first Monday in August 72521
unless the commissioner, for good cause, extends the date. If the 72522
commissioner finds that the real property or any class thereof in 72523
any such county, municipal corporation, or taxing district, as 72524
reported to it by the several county auditors of the counties that 72525
have completed such reappraisal is not listed for taxation or 72526
recorded on the agricultural land tax list in accordance 72527

therewith, ~~he~~ the commissioner shall increase or decrease the 72528
appropriate aggregate value of the real property or any class 72529
thereof in any such county, township, municipal corporation, 72530
taxing district, or ward or division of a municipal corporation, 72531
by a per cent or amount that will cause such property to be 72532
correctly valued on the agricultural land tax list and to be 72533
correctly assessed on the tax list at its taxable value so that 72534
every class of real property shall be listed and valued for 72535
taxation and valued for purposes of sections 5713.33 to 5713.35 of 72536
the Revised Code as required by law. In determining whether a 72537
class of real property has been assessed at its correct taxable 72538
value and in determining any per cent or amount by which the 72539
aggregate value of the class from a prior year shall be increased 72540
or decreased to be correctly assessed, the commissioner shall 72541
consider only the aggregate values of property that existed in the 72542
prior year and that is to be taxed in the current year. In 72543
addition to any other adjustments the commissioner considers 72544
necessary to comply with this requirement, the value of new 72545
construction shall not be regarded as an increase in such 72546
aggregate value from the prior year, and the value of property 72547
destroyed or demolished since the prior year shall be deducted 72548
from the aggregate value of that class for the prior year. 72549

In implementing any increase or decrease in valuation of real 72550
property ordered by the commissioner pursuant to this section, the 72551
county auditor shall, when practicable, increase or decrease the 72552
taxable valuation of parcels in accordance with actual changes in 72553
valuation of real property which occur in different subdivisions, 72554
neighborhoods, or among classes of real property in the county. 72555

(B) Division (A) of this section also applies to a county in 72556
the third calendar year following the year in which a sexennial 72557
reappraisal is completed. 72558

Sec. 5719.041. If the payment of a general personal property 72559
or classified property tax is not made on or before the last day 72560
prescribed by section 5719.03 or 5719.031 of the Revised Code, an 72561
interest charge shall begin to accrue and shall continue until all 72562
charges are paid, except that no interest charge shall accrue for 72563
or in the month in which such payment was due under such section 72564
or under the circumstances and for the period described in 72565
division (A)(2) of section 5711.33 of the Revised Code or upon 72566
delinquent taxes that are the subject of a delinquent tax contract 72567
entered into pursuant to section 5719.05 of the Revised Code. 72568

The interest charge shall accrue against the balance of such 72569
taxes and any penalty thereon outstanding that remains unpaid on 72570
the last day of each month and shall be at the rate per calendar 72571
month, rounded to the nearest one-hundredth of one per cent, equal 72572
to one-twelfth of the ~~rate per annum prescribed by federal~~ 72573
short-term rate determined by the tax commissioner under section 72574
5703.47 of the Revised Code for the calendar year that includes 72575
the month for which the charge accrues. The charge is payable in 72576
addition to the unpaid balance of taxes and penalties on the day 72577
the charge accrues, unless the entire balance is sooner paid. 72578

If a delinquent tax contract becomes void, interest shall be 72579
charged on the day on which the contract becomes void in the 72580
amount that would have been charged had the delinquent tax 72581
contract not been entered into and shall thereafter accrue as 72582
provided in this section. 72583

Interest shall be allowed, at the same rate per calendar 72584
month as is applicable that month for underpayments, on any 72585
overpayment of the tax charged on a general personal property or a 72586
classified property tax duplicate, from the first day of the month 72587
following the date of the overpayment until the last day of the 72588
month preceding the date of the refund of the overpayment. The 72589
interest shall be paid from the fund or funds to which the 72590

overpayment was credited. 72591

When the county treasurer makes the treasurer's annual 72592
settlement with the county auditor under division (D) of section 72593
321.24 of the Revised Code, the treasurer shall certify to the 72594
auditor a list of all entries on the cumulative delinquent tax 72595
duplicate that are at that time in the process of being paid in 72596
installments under a valid delinquent tax contract. For each entry 72597
that appears on the duplicate that is not on the certified list, 72598
the auditor shall compute the full amount of interest charges 72599
which have accrued against such entry since the preceding such 72600
settlement was made and shall include such charges through the 72601
last day of the month preceding the current settlement. The 72602
auditor shall include such amounts on the tax list and duplicates 72603
prepared by the auditor as prescribed in section 5719.04 of the 72604
Revised Code unless the interest is less than one dollar, in which 72605
case it shall not be added to such tax lists and duplicates. 72606

Before the county treasurer accepts any payment of taxes 72607
against which there are accrued interest charges that do not 72608
appear on the delinquent tax duplicate, the treasurer shall notify 72609
the auditor who shall issue a certificate to the treasurer showing 72610
the amount of such interest charges, and the treasurer shall 72611
collect the amount shown on such certificate at the time of 72612
accepting payment of such taxes. If the amount of such interest 72613
charges is less than one dollar, no such certificate shall be 72614
issued. In the case of delinquent personal property taxes, the 72615
interest shown on such certificate shall be credited to the 72616
undivided general tax fund, and distributed in the same manner as 72617
the delinquent taxes upon which the interest charges accrued. In 72618
the case of delinquent classified property taxes, the interest 72619
shown on such certificate shall be credited to the county library 72620
and local government support fund and distributed in accordance 72621
with section 5747.48 of the Revised Code. When the payment of 72622

delinquent taxes is credited on the tax duplicate the treasurer 72623
shall make a separate notation thereon indicating the amount 72624
collected and the index number of the auditor's certificate herein 72625
prescribed. 72626

Sec. 5725.01. As used in sections 5725.01 to 5725.26 of the 72627
Revised Code: 72628

(A) "Financial institution" means: 72629

(1) A national bank organized and existing as a national bank 72630
association pursuant to the "National Bank Act," 12 U.S.C. 21; 72631

(2) A federal savings association or federal savings bank 72632
that is chartered under 12 U.S.C. 1464; 72633

(3) A bank, banking association, trust company, savings and 72634
loan association, savings bank, or other banking institution that 72635
is incorporated or organized under the laws of any state; 72636

(4) Any corporation organized under 12 U.S.C. 611 to 631; 72637

(5) Any agency or branch of a foreign depository as defined 72638
in 12 U.S.C. 3101; 72639

(6) A company licensed as a small business investment company 72640
under the "Small Business Investment Act of 1958," 72 Stat. 689, 72641
15 U.S.C. 661, as amended; or 72642

(7) A company chartered under the "Farm Credit Act of 1933," 72643
48 Stat. 257, 12 U.S.C. 1131(d), as amended. 72644

Corporations or institutions organized under the "Federal 72645
Farm Loan Act" and amendments thereto, insurance companies, and 72646
credit unions shall not be considered financial institutions or 72647
dealers in intangibles within the meaning of such sections. 72648

(B)(1) "Dealer in intangibles" includes every person who 72649
keeps an office or other place of business in this state and 72650
engages at such office or other place in ~~the~~ a business that 72651

consists primarily of lending money, or discounting, buying, or 72652
selling bills of exchange, drafts, acceptances, notes, mortgages, 72653
or other evidences of indebtedness, or of buying or selling bonds, 72654
stocks, or other investment securities, whether on the person's 72655
own account with a view to profit, or as agent or broker for 72656
others, with a view to profit or personal earnings. Dealer in 72657
intangibles excludes institutions used exclusively for charitable 72658
purposes, insurance companies, and financial institutions. ~~Neither~~ 72659
~~casual nor isolated transactions of any of the kinds enumerated in~~ 72660
~~this division of this section, nor the~~ The investment of funds as 72661
personal accumulations or as business reserves or working capital 72662
does not constitute engaging in a business within the meaning of 72663
this division ~~of this section~~; but a person who, having engaged in 72664
~~the~~ a business that consists primarily of lending money, or 72665
discounting, buying, or selling bills of exchange, drafts, 72666
acceptances, notes, mortgages, or other evidences of indebtedness 72667
on the person's own account, remains in business primarily for the 72668
purpose of realizing upon the assets of ~~such~~ the business is 72669
deemed a dealer in intangibles, though not presently engaged in a 72670
business that consists primarily of lending money or discounting 72671
or buying such securities. 72672

(2) The tax commissioner shall adopt a rule defining 72673
"primarily" as that term is used in division (B)(1) of this 72674
section. 72675

(C) "Insurance company" includes every corporation, 72676
association, and society engaged in the business of insurance of 72677
any character, or engaged in the business of entering into 72678
contracts substantially amounting to insurance of any character, 72679
or of indemnifying or guaranteeing against loss or damage, or 72680
acting as surety on bonds or undertakings. "Insurance company" 72681
also includes any health insuring corporation as defined in 72682
section 1751.01 of the Revised Code. 72683

(D) "Domestic insurance company" includes every insurance 72684
company organized and existing under the laws of this state, and 72685
every unincorporated association and society formed under the laws 72686
of this state for the purpose of engaging in said business, except 72687
a company, association, or society that is an insurance holding 72688
company affiliate controlled by a nonresident affiliate and has 72689
risks in this state formerly written by its foreign affiliates in 72690
a total amount exceeding the risks outstanding on the taxpayer's 72691
latest annual report that arise from business initially written by 72692
it in this state; and excludes every foreign insurance company. As 72693
used in this division, terms defined in section 3901.32 of the 72694
Revised Code have the same meanings given to them in that section. 72695

(E) "Foreign insurance company" includes every insurance 72696
company organized or existing under the laws of any other state, 72697
territory, country, or the United States and every insurance 72698
holding company affiliate excepted under division (D) of this 72699
section. 72700

Sec. 5725.19. (A) As used in this section, "tax otherwise 72701
due" means the tax imposed on a domestic insurance company under 72702
section 5725.18 of the Revised Code reduced by the total amount of 72703
all other nonrefundable credits, if any, that the domestic 72704
insurance company is entitled to claim. 72705

(B) Upon the issuance of a tax credit certificate by the Ohio 72706
venture capital authority under section 150.07 of the Revised 72707
Code, a credit may be claimed against the tax imposed on a 72708
domestic insurance company under section 5725.18 of the Revised 72709
Code. The credit shall be claimed in the calendar year specified 72710
in the certificate issued by the authority. 72711

(C) If the company elected a refundable credit under section 72712
150.07 of the Revised Code and if the amount of the credit shown 72713
on the certificate does not exceed the tax otherwise due, then for 72714

the calendar year the company shall claim a refundable credit 72715
equal to the amount of the credit shown on the certificate. 72716

(D) If the company elected a refundable credit under section 72717
150.07 of the Revised Code, and the amount of the credit shown on 72718
the certificate exceeds the tax otherwise due ~~under section~~ 72719
~~5725.18 of the Revised Code, then for the calendar year the~~ 72720
~~company may receive a refund equal to seventy five per cent of~~ 72721
~~such excess. It shall claim a refundable credit equal to the sum~~ 72722
~~of the following:~~ 72723

(1) The amount, if any, of the tax otherwise due; 72724

(2) Seventy-five per cent of the difference between the 72725
amount of the refundable credit shown on the certificate and the 72726
tax otherwise due. 72727

(E) If the company elected a nonrefundable credit, the amount 72728
of the credit shown on the certificate shall not exceed the amount 72729
of tax otherwise due. If the company elected a nonrefundable 72730
credit and the credit to which the company would otherwise be 72731
entitled under this section for any calendar year is greater than 72732
the tax otherwise due ~~under section 5725.18 of the Revised Code,~~ 72733
the excess shall be allowed as a nonrefundable credit in each of 72734
the ensuing ten calendar years, but the amount of any excess 72735
credit allowed in the ensuing calendar year shall be deducted from 72736
the balance carried forward to the next calendar year. 72737

Sec. 5725.32. Upon the issuance of a tax credit certificate 72738
by the director of development, a refundable credit granted by the 72739
tax credit authority under section 122.17 of the Revised Code may 72740
be claimed against the tax imposed by section 5725.18 of the 72741
Revised Code. The credit shall be claimed in the calendar year 72742
specified in the certificate issued by the director of 72743
development. 72744

Sec. 5727.01. As used in this chapter: 72745

(A) "Public utility" means each person referred to as a 72746
telephone company, telegraph company, electric company, natural 72747
gas company, pipe-line company, water-works company, water 72748
transportation company, heating company, rural electric company, 72749
railroad company, or combined company. 72750

(B) "Gross receipts" means the entire receipts for business 72751
done by any person from operations as a public utility, or 72752
incidental thereto, or in connection therewith, including any 72753
receipts received under Chapter 4928. of the Revised Code. The 72754
gross receipts for business done by an incorporated company 72755
engaged in operation as a public utility includes the entire 72756
receipts for business done by such company under the exercise of 72757
its corporate powers, whether from the operation as a public 72758
utility or from any other business. 72759

(C) "Rural electric company" means any nonprofit corporation, 72760
organization, association, or cooperative engaged in the business 72761
of supplying electricity to its members or persons owning an 72762
interest therein in an area the major portion of which is rural. 72763

(D) Any person: 72764

(1) Is a telegraph company when engaged in the business of 72765
transmitting telegraphic messages to, from, through, or in this 72766
state; 72767

(2) Is a telephone company when primarily engaged in the 72768
business of providing local exchange telephone service, excluding 72769
cellular radio service, in this state; 72770

(3) Is an electric company when engaged in the business of 72771
generating, transmitting, or distributing electricity within this 72772
state for use by others, but excludes a rural electric company; 72773

(4) Is a natural gas company when engaged in the business of 72774

supplying or distributing natural gas for lighting, power, or heating purposes to consumers within this state, excluding a person that is a governmental aggregator or retail natural gas supplier as defined in section 4929.01 of the Revised Code;

(5) Is a pipe-line company when engaged in the business of transporting natural gas, oil, or coal or its derivatives through pipes or tubing, either wholly or partially within this state;

(6) Is a water-works company when engaged in the business of supplying water through pipes or tubing, or in a similar manner, to consumers within this state;

(7) Is a water transportation company when engaged in the transportation of passengers or property, by boat or other watercraft, over any waterway, whether natural or artificial, from one point within this state to another point within this state, or between points within this state and points without this state;

(8) Is a heating company when engaged in the business of supplying water, steam, or air through pipes or tubing to consumers within this state for heating purposes;

(9) Is a railroad company when engaged in the business of owning or operating a railroad either wholly or partially within this state on rights-of-way acquired and held exclusively by such company, or otherwise, and includes a passenger, street, suburban, or interurban railroad company.

As used in division (D)(2) of this section, "local exchange telephone service" means making available or furnishing access and a dial tone to all persons within a local calling area for use in originating and receiving voice grade communications over a switched network operated by the provider of the service within the area and for gaining access to other telecommunication services.

(E) "Taxable property" means the property required by section 72805
5727.06 of the Revised Code to be assessed by the tax 72806
commissioner, but does not include either of the following: 72807

(1) An item of tangible personal property that for the period 72808
subsequent to the effective date of an air, water, or noise 72809
pollution control certificate and continuing so long as the 72810
certificate is in force, has been certified as part of the 72811
pollution control facility with respect to which the certificate 72812
has been issued; 72813

(2) An item of tangible personal property that during the 72814
construction of a plant or facility and until the item is first 72815
capable of operation, whether actually used in operation or not, 72816
is incorporated in or being held exclusively for incorporation in 72817
that plant or facility. 72818

Notwithstanding section 5701.03 of the Revised Code, for tax 72819
year 2006 and thereafter, "taxable property" includes patterns, 72820
jigs, dies, and drawings of an electric company or a combined 72821
company for use in the activity of an electric company. 72822

(F) "Taxing district" means a municipal corporation of 72823
township, or part thereof, in which the aggregate rate of taxation 72824
is uniform. 72825

(G) "Telecommunications service" has the same meaning as in 72826
division (AA) of section 5739.01 of the Revised Code. 72827

(H) "Interexchange telecommunications company" means a person 72828
that is engaged in the business of transmitting telephonic 72829
messages to, from, through, or in this state, but that is not a 72830
telephone company. 72831

(I) "Sale and leaseback transaction" means a transaction in 72832
which a public utility or interexchange telecommunications company 72833
sells any tangible personal property to a person other than a 72834

public utility or interexchange telecommunications company and 72835
leases that property back from the buyer. 72836

(J) "Production equipment" means all taxable steam, nuclear, 72837
hydraulic, and other production plant equipment used to generate 72838
electricity. For tax years prior to 2001, "production equipment" 72839
includes taxable station equipment that is located at a production 72840
plant. 72841

(K) "Tax year" means the year for which property or gross 72842
receipts are subject to assessment under this chapter. This 72843
division does not limit the tax commissioner's ability to assess 72844
and value property or gross receipts outside the tax year. 72845

(L) "Combined company" means any person engaged in the 72846
activity of an electric company or rural electric company that is 72847
also engaged in the activity of a heating company or a natural gas 72848
company, or any combination thereof. 72849

(M) "Public utility property lessor" means any person, other 72850
than a public utility or an interexchange telecommunications 72851
company, that leases personal property, other than in a sale and 72852
leaseback transaction, to a public utility, other than a railroad, 72853
water transportation, telephone, or telegraph company if the 72854
property would be taxable property if owned by the public utility. 72855
A public utility property lessor is subject to this chapter only 72856
for the purposes of reporting and paying tax on taxable property 72857
it leases to a public utility other than a telephone or telegraph 72858
company. A public utility property lessor that leases property to 72859
a public utility other than a telephone or telegraph company is 72860
not a public utility, but it shall report its property and be 72861
assessed in the same manner as the utility to which it leases the 72862
property. 72863

Sec. 5727.02. As used in this chapter, "public utility," 72864

"electric company," "natural gas company," "pipe-line company," 72865
"water-works company," "water transportation company" or "heating 72866
company" does not include any of the following: 72867

(A) ~~Any~~ (1) Except as provided in division (A)(2) of this 72868
section, any person that is engaged in some other primary business 72869
to which the supplying of electricity, heat, natural gas, water, 72870
water transportation, steam, or air to others is incidental. As 72871
used in ~~this~~ division (A) of this section and in section 5727.031 72872
of the Revised Code, "supplying of electricity" means generating, 72873
transmitting, or distributing electricity. 72874

(2) For tax year 2009 and each tax year thereafter, a person 72875
that is engaged in some other primary business to which the 72876
supplying of electricity to others is incidental shall be treated 72877
as an "electric company" and a "public utility" for purposes of 72878
this chapter solely to the extent required by section 5727.031 of 72879
the Revised Code. 72880

(B) Any person that supplies electricity, natural gas, water, 72881
water transportation, steam, or air to its tenants, whether for a 72882
separate charge or otherwise; 72883

(C) Any person whose primary business in this state consists 72884
of producing, refining, or marketing petroleum or its products. 72885

(D) Any person whose primary business in this state consists 72886
of producing or gathering natural gas rather than supplying or 72887
distributing natural gas to consumers. 72888

Sec. 5727.031. (A) For tax year 2009 and each tax year 72889
thereafter, a person that is engaged in some other primary 72890
business to which the supplying of electricity to others is 72891
incidental shall file a report under section 5727.08 of the 72892
Revised Code as an electric company but shall only report therein 72893
as taxable property the amounts required in divisions (B) and (C) 72894

of this section. All time limits and other procedural requirements 72895
of this chapter for the reporting and assessment of property of 72896
electric companies apply to persons required to file a report 72897
under this section. 72898

(B) A person subject to this section shall report the true 72899
value of the boilers, machinery, equipment, and any personal 72900
property used to supply electricity to others, which shall be the 72901
sum of the following: 72902

(1) The true value of the property that is production 72903
equipment as it would be determined for an electric company under 72904
section 5727.11 of the Revised Code multiplied by the per cent of 72905
the electricity generated in the preceding calendar year that was 72906
not used by the person who generated it; plus 72907

(2) The true value of the property that is not production 72908
equipment as it would be determined for an electric company under 72909
section 5727.11 of the Revised Code multiplied by the per cent of 72910
the electricity generated in the preceding calendar year that was 72911
not used by the person who generated it. 72912

(C) The property reported under division (B) of this section 72913
shall be listed and assessed at an amount equal to the sum of the 72914
products determined under divisions (C)(1) and (2) of this 72915
section. 72916

(1) Multiply the portion of the true value determined under 72917
division (B)(1) of this section by the assessment rate in section 72918
5727.111 of the Revised Code that is applicable to the production 72919
equipment of an electric company; 72920

(2) Multiply the portion of the true value determined under 72921
division (B)(2) of this section by the assessment rate in section 72922
5727.111 of the Revised Code that is applicable to the property of 72923
an electric company that is not production equipment. 72924

Sec. 5727.06. (A) Except as otherwise provided by law, the following constitutes the taxable property of a public utility ~~or~~, interexchange telecommunications company, or public utility property lessor that shall be assessed by the tax commissioner:

(1) For tax years before tax year 2006:

(a) In the case of a railroad company, all real property and tangible personal property owned or operated by the railroad company in this state on the thirty-first day of December of the preceding year;

~~(2)~~(b) In the case of a water transportation company, all tangible personal property, except watercraft, owned or operated by the water transportation company in this state on the thirty-first day of December of the preceding year and all watercraft owned or operated by the water transportation company in this state during the preceding calendar year;

~~(3)~~(c) In the case of all other public utilities and interexchange telecommunications companies, all tangible personal property that on the thirty-first day of December of the preceding year was both located in this state and:

~~(a)~~(i) Owned by the public utility or interexchange telecommunications company; or

~~(b)~~(ii) Leased by the public utility or interexchange telecommunications company under a sale and leaseback transaction.

(2) For tax years 2006, 2007, and 2008:

(a) In the case of a railroad company, all real property used in railroad operations and tangible personal property owned or operated by the railroad company in this state on the thirty-first day of December of the preceding year;

(b) In the case of a water transportation company, all

tangible personal property, except watercraft, owned or operated 72954
by the water transportation company in this state on the 72955
thirty-first day of December of the preceding year and all 72956
watercraft owned or operated by the water transportation company 72957
in this state during the preceding calendar year; 72958

(c) In the case of all other public utilities except 72959
telephone and telegraph companies, all tangible personal property 72960
that on the thirty-first day of December of the preceding year was 72961
both located in this state and either owned by the public utility 72962
or leased by the public utility under a sale and leaseback 72963
transaction. 72964

(3) For tax year 2009 and each tax year thereafter: 72965

(a) In the case of a railroad company, all real property used 72966
in railroad operations and tangible personal property owned or 72967
operated by the railroad company in this state on the thirty-first 72968
day of December of the preceding year; 72969

(b) In the case of a water transportation company, all 72970
tangible personal property, except watercraft, owned or operated 72971
by the water transportation company in this state on the 72972
thirty-first day of December of the preceding year and all 72973
watercraft owned or operated by the water transportation company 72974
in this state during the preceding calendar year; 72975

(c) In the case of all other public utilities except 72976
telephone and telegraph companies, all tangible personal property 72977
that on the thirty-first day of December of the preceding year was 72978
both located in this state and either owned by the public utility 72979
or leased by the public utility under a sale and leaseback 72980
transaction; 72981

(d) In the case of a public utility property lessor, all 72982
personal property that on the thirty-first day of December of the 72983
preceding year was both located in this state and leased, in other 72984

than a sale and leaseback transaction, to an interexchange 72985
telecommunications company or a public utility other than a 72986
railroad company or water transportation company. The assessment 72987
rate used under section 5727.111 of the Revised Code shall be 72988
based on the assessment rate that would apply if the interexchange 72989
telecommunications company or public utility owned the property. 72990

(4) For tax years 2005 and 2006, in the case of telephone, 72991
telegraph, or interexchange telecommunications companies, all 72992
tangible personal property that on the thirty-first day of 72993
December of the preceding year was both located in this state and 72994
either owned by the telephone, telegraph, or interexchange 72995
telecommunications company or leased by the telephone, telegraph, 72996
or interexchange telecommunications company under a sale and 72997
leaseback transaction. 72998

(5) For tax year 2007 and thereafter, in the case of 72999
telephone, telegraph, or interexchange telecommunications 73000
companies, all tangible personal property shall be listed and 73001
assessed for taxation under Chapter 5711. of the Revised Code. 73002

(B) ~~In~~ This division applies to tax years before tax year 73003
2007. 73004

In the case of an interexchange telecommunications company, 73005
all taxable property shall be subject to the provisions of this 73006
chapter and shall be valued by the commissioner in accordance with 73007
division (A) of section 5727.11 of the Revised Code. A person 73008
described by this division shall file the report required by 73009
section 5727.08 of the Revised Code. Persons described in this 73010
division shall not be considered taxpayers, as defined in division 73011
(B) of section 5711.01 of the Revised Code, and shall not be 73012
required to file a return and list their taxable property under 73013
any provision of Chapter 5711. of the Revised Code. 73014

(C) The lien of the state for taxes levied each year on the 73015

real and personal property of public utilities and interexchange
telecommunications companies and on the personal property of
public utility property lessors shall attach thereto on the
thirty-first day of December of the preceding year.

(D) Property that is required by division (A)(3)(b) of this
section to be assessed by the tax commissioner under this chapter
shall not be listed by the owner of the property under Chapter
5711. of the Revised Code.

(E) The tax commissioner may adopt rules governing the
listing of the taxable property of public utilities and
interexchange telecommunications companies and the determination
of true value.

Sec. 5727.08. On or before the first day of March, annually,
each public utility and interexchange telecommunications company,
and, for tax years 2009 and thereafter, each public utility
property lessor, shall file a report with the tax commissioner, on
a form prescribed by the tax commissioner. The report shall
include such information as the tax commissioner requires to
enable the tax commissioner to make any assessment or
apportionment required under this chapter.

The report shall be signed by either the owner of the public
utility, interexchange telecommunications company, or public
utility property lessor or the president, secretary, treasurer, or
another duly authorized person.

If such a public utility, interexchange telecommunications
company, or lessor fails to file the report on or before the first
day of March, or the date it is due under an extension allowed
pursuant to section 5727.48 of the Revised Code, or fails to
accurately report all taxable property, the tax commissioner may
impose a penalty of up to fifty per cent of the taxable value of

the property that was not timely or accurately reported. However, 73046
if ~~the~~ such a public utility, company, or lessor files, within 73047
sixty days after the first day of March or the extended due date, 73048
the report or an amended report and discloses all items of taxable 73049
property that are required by this chapter to be reported, the 73050
penalty shall not be more than five per cent of the taxable value 73051
that was not timely or accurately reported. The penalty shall be 73052
added to and considered a part of the total taxable value of the 73053
property that was not timely or accurately reported, and may be 73054
abated in whole or in part by the tax commissioner pursuant to a 73055
petition for reassessment filed under section 5727.47 of the 73056
Revised Code. 73057

Sec. 5727.10. Annually, the tax commissioner shall determine, 73058
in accordance with section 5727.11 of the Revised Code, the true 73059
value in money of all taxable property, except property of a 73060
railroad company, required by ~~division (A)(2) or (3)~~ of section 73061
5727.06 of the Revised Code to be assessed by the commissioner. 73062
The commissioner also shall determine the total taxable value of 73063
such property based on the percentages of true value at which the 73064
property is required to be assessed by section 5727.111 of the 73065
Revised Code. 73066

The commissioner shall be guided by the information contained 73067
in the report filed by the public utility and such other evidence 73068
and rules as will enable ~~him~~ the commissioner to make these 73069
determinations. 73070

Before issuing the preliminary assessment under section 73071
5727.23 of the Revised Code, the commissioner shall notify each 73072
public utility of the proposed total taxable value of its taxable 73073
property, including any proposed penalty. After receiving such 73074
notice, a public utility may, upon written application, within the 73075
time prescribed by the commissioner, appear before ~~him~~ the 73076

commissioner and be heard in the matter of the proposal. The 73077
commissioner may, on the application of a public utility, or on 73078
~~his~~ the commissioner's own motion, correct the proposal. 73079

Sec. 5727.11. (A) Except as otherwise provided in this 73080
section, the true value of all taxable property, except property 73081
of a railroad company, required by ~~division (A)(2) or (3) of~~ 73082
section 5727.06 of the Revised Code to be assessed by the tax 73083
commissioner shall be determined by a method of valuation using 73084
cost as capitalized on the public utility's books and records less 73085
composite annual allowances as prescribed by the commissioner. If 73086
the commissioner finds that application of this method will not 73087
result in the determination of true value of the public utility's 73088
taxable property, the commissioner may use another method of 73089
valuation. 73090

(B)(1) Except as provided in division (B)(2) of this section, 73091
the true value of current gas stored underground is the cost of 73092
that gas shown on the books and records of the public utility on 73093
the thirty-first day of December of the preceding year. 73094

(2) For tax year 2001 and thereafter, the true value of 73095
current gas stored underground is the quotient obtained by 73096
dividing (a) the average value of the current gas stored 73097
underground, which shall be determined by adding the value of the 73098
gas on hand at the end of each calendar month in the calendar year 73099
preceding the tax year, or, if applicable, the last day of 73100
business of each month for a partial month, divided by (b) the 73101
total number of months the natural gas company was in business 73102
during the calendar year prior to the beginning of the tax year. 73103
with the approval of the tax commissioner, a natural gas company 73104
may use a date other than the end of a calendar month to value its 73105
current gas stored underground. 73106

(C) The true value of noncurrent gas stored underground is 73107

thirty-five per cent of the cost of that gas shown on the books 73108
and records of the public utility on the thirty-first day of 73109
December of the preceding year. 73110

(D)(1) Except as provided in division (D)(2) of this section, 73111
the true value of the production equipment of an electric company 73112
and the true value of all taxable property of a rural electric 73113
company is the equipment's or property's cost as capitalized on 73114
the company's books and records less fifty per cent of that cost 73115
as an allowance for depreciation and obsolescence. 73116

(2) The true value of the production equipment of an electric 73117
company or rural electric company purchased, transferred, or 73118
placed into service after the effective date of this amendment is 73119
the purchase price of the equipment as capitalized on the 73120
company's books and records less composite annual allowances as 73121
prescribed by the tax commissioner. 73122

(E) The true value of taxable property ~~described in division~~ 73123
~~(A)(2) or (3) of, except property of a railroad company, required~~ 73124
by section 5727.06 of the Revised Code to be assessed by the tax 73125
commissioner shall not include the allowance for funds used during 73126
construction or interest during construction that has been 73127
capitalized on the public utility's books and records as part of 73128
the total cost of the taxable property. This division shall not 73129
apply to the taxable property of an electric company or a rural 73130
electric company, excluding transmission and distribution 73131
property, first placed into service after December 31, 2000, or to 73132
the taxable property a person purchases, which includes transfers, 73133
if that property was used in business by the seller prior to the 73134
purchase. 73135

(F) The true value of watercraft owned or operated by a water 73136
transportation company shall be determined by multiplying the true 73137
value of the watercraft as determined under division (A) of this 73138

section by a fraction, the numerator of which is the number of
revenue-earning miles traveled by the watercraft in the waters of
this state and the denominator of which is the number of
revenue-earning miles traveled by the watercraft in all waters.

(G) The cost of property subject to a sale and leaseback
transaction is the cost of the property as capitalized on the
books and records of the public utility owning the property
immediately prior to the sale and leaseback transaction.

(H) The cost as capitalized on the books and records of a
public utility includes amounts capitalized that represent
regulatory assets, if such amounts previously were included on the
company's books and records as capitalized costs of taxable
personal property.

(I) Any change in the composite annual allowances as
prescribed by the commissioner on a prospective basis shall not be
admissible in any judicial or administrative action or proceeding
as evidence of value with regard to prior years' taxes.
Information about the business, property, or transactions of any
taxpayer obtained by the commissioner for the purpose of adopting
or modifying the composite annual allowances shall not be subject
to discovery or disclosure.

Sec. 5727.111. The taxable property of each public utility,
except a railroad company, and of each interexchange
telecommunications company shall be assessed at the following
percentages of true value:

~~(A)(1) Except as provided in division (A)(2) of this section,
fifty per cent in the case of a rural electric company;~~

~~(2) For tax year 2001 and thereafter, fifty~~ Fifty per cent in
the case of the taxable transmission and distribution property of
a rural electric company, and twenty-five per cent for all its

other taxable property;	73169
(B) In the case of a telephone or telegraph company,	73170
twenty-five per cent for taxable property first subject to	73171
taxation in this state for tax year 1995 or thereafter <u>for tax</u>	73172
<u>years before tax year 2007, and pursuant to division (H) of</u>	73173
<u>section 5711.22 of the Revised Code for tax year 2007 and</u>	73174
<u>thereafter</u> , and the following for all other taxable property:	73175
(1) For tax years prior to 2005, eighty-eight per cent;	73176
(2) For tax year 2005, sixty-seven per cent;	73177
(3) For tax year 2006, forty-six per cent;	73178
(4) For tax year 2007 and thereafter, twenty-five per cent	73179
<u>pursuant to division (H) of section 5711.22 of the Revised Code.</u>	73180
(C) Twenty-five per cent in the case of a natural gas	73181
company.	73182
(D) Eighty-eight per cent in the case of a pipe-line,	73183
water-works, or heating company;	73184
(E)(1) Except as provided in division (E)(2) or (3) of this	73185
section, one hundred per cent in the case of the taxable	73186
production equipment of an electric company and eighty eight per	73187
cent for all its other taxable property;	73188
(2) For tax year 2001 and thereafter 2005, eighty-eight per	73189
cent in the case of the taxable transmission and distribution	73190
property of an electric company, and twenty-five per cent for all	73191
its other taxable property;	73192
(3) Property listed and assessed under divisions (B)(1) and	73193
(2) of section 5711.22 of the Revised Code and leased to an	73194
electric company shall continue to be assessed at one hundred per	73195
cent for production equipment and eighty eight (2) For tax year	73196
<u>2006 and each tax year thereafter, eighty-five per cent in the</u>	73197
<u>case of the taxable transmission and distribution property of an</u>	73198

electric company, and twenty-four per cent for all such its other 73199
taxable property until January 1, 2002. 73200

(F)(1) Twenty-five per cent in the case of an interexchange 73201
telecommunications company for tax years before tax year 2007; 73202

(2) Pursuant to division (H) of section 5711.22 of the 73203
Revised Code for tax year 2007 and thereafter. 73204

(G) Twenty-five per cent in the case of a water 73205
transportation company. 73206

Sec. 5727.12. As used in this chapter, "property used in 73207
railroad operations" means property used in or determined by the 73208
tax commissioner to be held by a railroad for use in railroad 73209
operations. In determining the true value of all real and personal 73210
property owned or leased by each railroad company and used in 73211
railroad operations, the commissioner shall use the unitary method 73212
and value all of the property of the company's railroad system as 73213
a whole, considering the factors generally used in that method, 73214
and weighing each factor appropriately. The true value of the 73215
property used in railroad operations shall be apportioned to this 73216
state as provided in section 5727.14 of the Revised Code. ~~The~~ 73217
~~commissioner shall separately determine the true~~ For tax year 2006 73218
and each tax year thereafter, the county auditor shall value of 73219
and assess the real property owned by the company that the 73220
commissioner determines is not used in railroad operations. ~~The~~ 73221
~~commissioner may require the advice of county auditors concerning~~ 73222
~~such values.~~ 73223

All property of a railroad shall be assessed for taxation at 73224
the same percentage of true value at which all other real property 73225
in this state is assessed, in the case of real property, and at 73226
the percentage of true value provided under divisions (E) ~~and~~ 73227
(F), and (G) of section 5711.22 of the Revised Code, in the case 73228
of personal property. 73229

A determination of the value of each ~~tract, lot, or parcel of~~ 73230
~~real property or~~ each item of personal property not used in 73231
railroad operations shall be considered a separate determination 73232
with respect to which a separate petition for reassessment may be 73233
filed under section 5727.47 of the Revised Code. 73234

Where a line of railroad is subsidized under the terms of the 73235
federal regional rail reorganization act or the federal rail 73236
revitalization and regulatory reform act, the real and other fixed 73237
property shall be assessed solely in the name of its owner. 73238

Sec. 5727.23. On or before the first Monday in October, 73239
annually, the tax commissioner shall assess the taxable property 73240
of each public utility. The and interexchange telecommunications 73241
company, and for tax year 2009 and thereafter of each public 73242
utility property lessor. If the taxpayer failed to file its annual 73243
report required by section 5727.08 of the Revised Code at least 73244
sixty days prior to the first Monday of October, the commissioner 73245
may make the assessment under this section within sixty days after 73246
the taxpayer files the report, but this does not preclude the 73247
commissioner from making an assessment without receiving the 73248
report. 73249

The action of the tax commissioner shall be evidenced by a 73250
preliminary assessment that reflects the taxable value apportioned 73251
to each county and each taxing district in the county. The 73252
commissioner may amend the preliminary assessment as provided in 73253
this section. Each preliminary assessment and amended preliminary 73254
assessment shall be certified to the public utility, interexchange 73255
telecommunications company, or public utility property lessor, and 73256
to, the auditor of each county to which taxable value has been 73257
apportioned. 73258

The county auditor shall place the apportioned taxable value 73259
on the general tax list and duplicate of real and public utility 73260

property, and taxes shall be levied and collected thereon at the 73261
same rates and in the same manner as taxes are levied and 73262
collected on real property in the taxing district in question. 73263

Unless a petition for reassessment of an assessment has been 73264
properly filed pursuant to section 5727.47 of the Revised Code, 73265
each preliminary assessment and, if amended, each preliminary 73266
assessment as last amended shall become final ninety days after 73267
certification of the preliminary assessment or thirty days after 73268
certification of the amended preliminary assessment, whichever is 73269
later. If a petition for reassessment is properly filed, the 73270
assessment shall become final when the tax commissioner issues a 73271
final determination. 73272

Neither the certification of any preliminary or amended 73273
assessment nor the expiration of the period of time that makes any 73274
assessment final constitutes a final determination, assessment, 73275
reassessment, valuation, finding, computation, or order of the 73276
commissioner that is appealable under section 5717.02 of the 73277
Revised Code. 73278

Sec. 5727.241. (A) As used in this section: 73279

(1) "Tax otherwise due" means the tax imposed on a taxpayer 73280
under section 5727.24 of the Revised Code reduced by the total 73281
amount of all other nonrefundable credits, if any, that the 73282
taxpayer is entitled to claim. 73283

(2) "Taxpayer" means any person subject to the tax imposed by 73284
section 5727.24 of the Revised Code. 73285

(B) Upon the issuance of a tax credit certificate by the Ohio 73286
venture capital authority under section 150.07 of the Revised 73287
Code, a credit may be claimed against the tax imposed on a 73288
taxpayer under section 5727.24 of the Revised Code. The credit 73289
shall be claimed on a return due under section 5727.25 of the 73290

<u>Revised Code after the certificate is issued by the authority.</u>	73291
<u>(C) If the taxpayer elected a refundable credit under section 150.07 of the Revised Code and if the amount of the credit shown on the certificate does not exceed the tax otherwise due, then for the calendar year the taxpayer shall claim a refundable credit equal to the amount of the credit shown on the certificate.</u>	73292 73293 73294 73295 73296
<u>(D) If the taxpayer elected a refundable credit under section 150.07 of the Revised Code, and if the amount of the refundable credit shown on the certificate exceeds the tax otherwise due, then for the calendar year the taxpayer shall claim a refundable credit equal to the sum of the following:</u>	73297 73298 73299 73300 73301
<u>(1) The amount, if any, of the tax otherwise due;</u>	73302
<u>(2) Seventy-five per cent of the difference between the amount of the refundable credit shown on the certificate and the tax otherwise due.</u>	73303 73304 73305
<u>(E) If the taxpayer elected a nonrefundable credit under section 150.07 of the Revised Code and if the nonrefundable credit to which the taxpayer would otherwise be entitled under this section for any calendar year is greater than the tax otherwise due, the excess shall be allowed as a nonrefundable credit in each of the ensuing ten calendar years, but the amount of any excess nonrefundable credit allowed in the ensuing calendar year shall be deducted from the balance carried forward to the next calendar year.</u>	73306 73307 73308 73309 73310 73311 73312 73313 73314
Sec. 5727.84. (A) As used in this section and sections 5727.85, 5727.86, and 5727.87 of the Revised Code:	73315 73316
(1) "School district" means a city, local, or exempted village school district.	73317 73318
(2) "Joint vocational school district" means a joint vocational school district created under section 3311.16 of the	73319 73320

Revised Code, and includes a cooperative education school district
created under section 3311.52 or 3311.521 of the Revised Code and
a county school financing district created under section 3311.50
of the Revised Code.

(3) "Local taxing unit" means a subdivision or taxing unit,
as defined in section 5705.01 of the Revised Code, a park district
created under Chapter 1545. of the Revised Code, or a township
park district established under section 511.23 of the Revised
Code, but excludes school districts and joint vocational school
districts.

(4) "State education aid" means the sum of state aid amounts
computed for a school district or joint vocational school district
under Chapter 3317. of the Revised Code.

(5) "State education aid offset" means the amount determined
for each school district or joint vocational school district under
division (A)(1) of section 5727.85 of the Revised Code.

(6) "Recognized valuation" has the same meaning as in section
3317.02 of the Revised Code.

(7) "Electric company tax value loss" means the amount
determined under division (D) of this section.

(8) "Natural gas company tax value loss" means the amount
determined under division (E) of this section.

(9) "Tax value loss" means the sum of the electric company
tax value loss and the natural gas company tax value loss.

(10) "Fixed-rate levy" means any tax levied on property other
than a fixed-sum levy.

(11) "Fixed-rate levy loss" means the amount determined under
division (G) of this section.

(12) "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 73351
charges, and includes school district emergency levies imposed 73352
pursuant to section 5705.194 of the Revised Code. 73353

(13) "Fixed-sum levy loss" means the amount determined under 73354
division (H) of this section. 73355

(14) "Consumer price index" means the consumer price index 73356
(all items, all urban consumers) prepared by the bureau of labor 73357
statistics of the United States department of labor. 73358

(B) The kilowatt-hour tax receipts fund is hereby created in 73359
the state treasury and shall consist of money arising from the tax 73360
imposed by section 5727.81 of the Revised Code. All money in the 73361
kilowatt-hour tax receipts fund shall be credited as follows: 73362

(1) Fifty-nine and nine hundred seventy-six one-thousandths 73363
per cent, shall be credited to the general revenue fund. 73364

(2) Two and six hundred forty-six one-thousandths per cent 73365
shall be credited to the local government fund, for distribution 73366
in accordance with section 5747.50 of the Revised Code. 73367

(3) Three hundred seventy-eight one-thousandths per cent 73368
shall be credited to the local government revenue assistance fund, 73369
for distribution in accordance with section 5747.61 of the Revised 73370
Code. 73371

(4) Twenty-five and four-tenths per cent shall be credited to 73372
the school district property tax replacement fund, which is hereby 73373
created in the state treasury for the purpose of making the 73374
payments described in section 5727.85 of the Revised Code. 73375

(5) Eleven and six-tenths per cent shall be credited to the 73376
local government property tax replacement fund, which is hereby 73377
created in the state treasury for the purpose of making the 73378
payments described in section 5727.86 of the Revised Code. 73379

~~(6) In fiscal years 2002, 2003, 2004, 2005, and 2006, if the 73380~~

~~revenue arising from the tax levied by section 5727.81 of the
Revised Code is less than five hundred fifty two million dollars,
the amount credited to the general revenue fund under division
(B)(1) of this section shall be reduced by the amount necessary to
credit to each of the funds in divisions (B)(2) and (3) of this
section the amount it would have received if the tax did raise
five hundred fifty two million dollars for that fiscal year. The
tax commissioner shall certify to the director of budget and
management the amounts that shall be credited under this division.~~

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~~(7) Beginning in fiscal year 2007, if the revenue arising
from the tax levied by section 5727.81 of the Revised Code is less
than five hundred fifty two million dollars, the amount credited
to the general revenue fund under division (B)(1) of this section
shall be reduced by the amount necessary to credit to each of the
funds in divisions (B)(2), (3), (4), and (5) of this section the
amount that it would have received if the tax did raise five
hundred fifty two million dollars for that fiscal year. The tax
commissioner shall certify to the director of budget and
management the amounts to be credited under division (B)(7) of
this section.~~

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(C) The natural gas tax receipts fund is hereby created in
the state treasury and shall consist of money arising from the tax
imposed by section 5727.811 of the Revised Code. All money in the
fund shall be credited as follows:

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(1) Sixty-eight and seven-tenths per cent shall be credited
to the school district property tax replacement fund for the
purpose of making the payments described in section 5727.85 of the
Revised Code.

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(2) Thirty-one and three-tenths per cent shall be credited to
the local government property tax replacement fund for the purpose
of making the payments described in section 5727.86 of the Revised

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Code. 73412

~~(3) Beginning in fiscal year 2007, if the revenue arising from the tax levied by section 5727.811 of the Revised Code is less than ninety million dollars, an amount equal to the difference between the amount collected and ninety million dollars shall be transferred from the general revenue fund to each of the funds in divisions (C)(1) and (2) of this section in the same percentages as if that amount had been collected as taxes under section 5727.811 of the Revised Code. The tax commissioner shall certify to the director of budget and management the amounts that shall be transferred under this division.~~ 73413
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(D) Not later than January 1, 2002, the tax commissioner shall determine for each taxing district its electric company tax value loss, which is the sum of the applicable amounts described in divisions (D)(1) to (3) of this section: 73423
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(1) The difference obtained by subtracting the amount described in division (D)(1)(b) from the amount described in division (D)(1)(a) of this section. 73427
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(a) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 1999, and as apportioned to the taxing district for tax year 1998; 73430
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(b) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001. 73435
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(2) The difference obtained by subtracting the amount described in division (D)(2)(b) from the amount described in division (D)(2)(a) of this section. 73440
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(a) The three-year average for tax years 1996, 1997, and 1998 73443
of the assessed value from nuclear fuel materials and assemblies 73444
assessed against a person under Chapter 5711. of the Revised Code 73445
from the leasing of them to an electric company for those 73446
respective tax years, as reflected in the preliminary assessments; 73447

(b) The three-year average assessed value from nuclear fuel 73448
materials and assemblies assessed under division (D)(2)(a) of this 73449
section for tax years 1996, 1997, and 1998, as reflected in the 73450
preliminary assessments, using an assessment rate of twenty-five 73451
per cent. 73452

(3) In the case of a taxing district having a nuclear power 73453
plant within its territory, any amount, resulting in an electric 73454
company tax value loss, obtained by subtracting the amount 73455
described in division (D)(1) of this section from the difference 73456
obtained by subtracting the amount described in division (D)(3)(b) 73457
of this section from the amount described in division (D)(3)(a) of 73458
this section. 73459

(a) The value of electric company tangible personal property 73460
as assessed by the tax commissioner for tax year 2000 on a 73461
preliminary assessment, or an amended preliminary assessment if 73462
issued prior to March 1, 2001, and as apportioned to the taxing 73463
district for tax year 2000; 73464

(b) The value of electric company tangible personal property 73465
as assessed by the tax commissioner for tax year 2001 on a 73466
preliminary assessment, or an amended preliminary assessment if 73467
issued prior to March 1, 2002, and as apportioned to the taxing 73468
district for tax year 2001. 73469

(E) Not later than January 1, 2002, the tax commissioner 73470
shall determine for each taxing district its natural gas company 73471
tax value loss, which is the sum of the amounts described in 73472
divisions (E)(1) and (2) of this section: 73473

(1) The difference obtained by subtracting the amount 73474
described in division (E)(1)(b) from the amount described in 73475
division (E)(1)(a) of this section. 73476

(a) The value of all natural gas company tangible personal 73477
property, other than property described in division (E)(2) of this 73478
section, as assessed by the tax commissioner for tax year 1999 on 73479
a preliminary assessment, or an amended preliminary assessment if 73480
issued prior to March 1, 2000, and apportioned to the taxing 73481
district for tax year 1999; 73482

(b) The value of all natural gas company tangible personal 73483
property, other than property described in division (E)(2) of this 73484
section, as assessed by the tax commissioner for tax year 1999 had 73485
the property been apportioned to the taxing district for tax year 73486
2001, and assessed at the rates in effect for tax year 2001. 73487

(2) The difference in the value of current gas obtained by 73488
subtracting the amount described in division (E)(2)(b) from the 73489
amount described in division (E)(2)(a) of this section. 73490

(a) The three-year average assessed value of current gas as 73491
assessed by the tax commissioner for tax years 1997, 1998, and 73492
1999 on a preliminary assessment, or an amended preliminary 73493
assessment if issued prior to March 1, 2001, and as apportioned in 73494
the taxing district for those respective years; 73495

(b) The three-year average assessed value from current gas 73496
under division (E)(2)(a) of this section for tax years 1997, 1998, 73497
and 1999, as reflected in the preliminary assessment, using an 73498
assessment rate of twenty-five per cent. 73499

(F) The tax commissioner may request that natural gas 73500
companies, electric companies, and rural electric companies file a 73501
report to help determine the tax value loss under divisions (D) 73502
and (E) of this section. The report shall be filed within thirty 73503
days of the commissioner's request. A company that fails to file 73504

the report or does not timely file the report is subject to the 73505
penalty in section 5727.60 of the Revised Code. 73506

(G) Not later than January 1, 2002, the tax commissioner 73507
shall determine for each school district, joint vocational school 73508
district, and local taxing unit its fixed-rate levy loss, which is 73509
the sum of its electric company tax value loss multiplied by the 73510
tax rate in effect in tax year 1998 for fixed-rate levies and its 73511
natural gas company tax value loss multiplied by the tax rate in 73512
effect in tax year 1999 for fixed-rate levies. 73513

(H) Not later than January 1, 2002, the tax commissioner 73514
shall determine for each school district, joint vocational school 73515
district, and local taxing unit its fixed-sum levy loss, which is 73516
the amount obtained by subtracting the amount described in 73517
division (H)(2) of this section from the amount described in 73518
division (H)(1) of this section: 73519

(1) The sum of the electric company tax value loss multiplied 73520
by the tax rate in effect in tax year 1998, and the natural gas 73521
company tax value loss multiplied by the tax rate in effect in tax 73522
year 1999, for fixed-sum levies for all taxing districts within 73523
each school district, joint vocational school district, and local 73524
taxing unit. For the years 2002 through 2006, this computation 73525
shall include school district emergency levies that existed in 73526
1998 in the case of the electric company tax value loss, and 1999 73527
in the case of the natural gas company tax value loss, and all 73528
other fixed-sum levies that existed in 1998 in the case of the 73529
electric company tax value loss and 1999 in the case of the 73530
natural gas company tax value loss and continue to be charged in 73531
the tax year preceding the distribution year. For the years 2007 73532
through 2016 in the case of school district emergency levies, and 73533
for all years after 2006 in the case of all other fixed-sum 73534
levies, this computation shall exclude all fixed-sum levies that 73535
existed in 1998 in the case of the electric company tax value loss 73536

and 1999 in the case of the natural gas company tax value loss, 73537
but are no longer in effect in the tax year preceding the 73538
distribution year. For the purposes of this section, an emergency 73539
levy that existed in 1998 in the case of the electric company tax 73540
value loss, and 1999 in the case of the natural gas company tax 73541
value loss, continues to exist in a year beginning on or after 73542
January 1, 2007, but before January 1, 2017, if, in that year, the 73543
board of education levies a school district emergency levy for an 73544
annual sum at least equal to the annual sum levied by the board in 73545
tax year 1998 or 1999, respectively, less the amount of the 73546
payment certified under this division for 2002. 73547

(2) The total taxable value in tax year 1999 less the tax 73548
value loss in each school district, joint vocational school 73549
district, and local taxing unit multiplied by one-fourth of one 73550
mill. 73551

If the amount computed under division (H) of this section for 73552
any school district, joint vocational school district, or local 73553
taxing unit is greater than zero, that amount shall equal the 73554
fixed-sum levy loss reimbursed pursuant to division (E) of section 73555
5727.85 of the Revised Code or division (A)(2) of section 5727.86 73556
of the Revised Code, and the one-fourth of one mill that is 73557
subtracted under division (H)(2) of this section shall be 73558
apportioned among all contributing fixed-sum levies in the 73559
proportion of each levy to the sum of all fixed-sum levies within 73560
each school district, joint vocational school district, or local 73561
taxing unit. 73562

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 73563
section, in computing the tax value loss, fixed-rate levy loss, 73564
and fixed-sum levy loss, the tax commissioner shall use the 73565
greater of the 1998 tax rate or the 1999 tax rate in the case of 73566
levy losses associated with the electric company tax value loss, 73567
but the 1999 tax rate shall not include for this purpose any tax 73568

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.

(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
display the levy loss for each levy eligible for reimbursement.

(K) Not later than September 1, 2001, the tax commissioner
shall certify the amount of the fixed-sum levy loss to the county
auditor of each county in which a school district with a fixed-sum
levy loss has territory.

Sec. 5727.85. (A) By the thirty-first day of July of each
year, beginning in 2002 and ending in 2016, the department of
education shall determine the following for each school district
and each joint vocational school district eligible for payment
under division (C) or (D) of this section:

(1) The state education aid offset, which is the difference
obtained by subtracting the amount described in division (A)(1)(b)
of this section from the amount described in division (A)(1)(a) of
this section:

(a) The state education aid computed for the school district
or joint vocational school district for the current fiscal year as
of the thirty-first day of July;

(b) The state education aid that would be computed for the
school district or joint vocational school district for the

current fiscal year as of the thirty-first day of July if the
recognized valuation included the tax value loss for the school
district or joint vocational school district.

(2) The greater of zero or the difference obtained by
subtracting the state education aid offset determined under
division (A)(1) of this section from the fixed-rate levy loss
certified under division (J) of section 5727.84 of the Revised
Code for all taxing districts in each school district and joint
vocational school district.

By the fifth day of August of each such year, the department
of education shall certify the amount so determined under division
(A)(1) of this section to the director of budget and management.

(B) Not later than the thirty-first day of October of the
years 2006 through 2016, the department of education shall
determine all of the following for each school district:

(1) The amount obtained by subtracting the district's state
education aid computed for fiscal year 2002 from the district's
state education aid computed for the current fiscal year;

(2) The inflation-adjusted property tax loss. The
inflation-adjusted property tax loss equals the fixed-rate levy
loss, excluding the tax loss from levies within the ten-mill
limitation to pay debt charges, determined under division (G) of
section 5727.84 of the Revised Code for all taxing districts in
each school district, plus the product obtained by multiplying
that loss by the cumulative percentage increase in the consumer
price index from January 1, 2002, to the thirtieth day of June of
the current year.

(3) The difference obtained by subtracting the amount
computed under division (B)(1) from the amount of the
inflation-adjusted property tax loss. If this difference is zero
or a negative number, no further payments shall be made under

division (C) of this section to the school district from the 73630
school district property tax replacement fund. 73631

(C) The department of education shall pay from the school 73632
district property tax replacement fund to each school district all 73633
of the following: 73634

(1) In February 2002, one-half of the fixed-rate levy loss 73635
certified under division (J) of section 5727.84 of the Revised 73636
Code between the twenty-first and twenty-eighth days of February. 73637

(2) From August 2002 through August 2006, one-half of the 73638
amount calculated for that fiscal year under division (A)(2) of 73639
this section between the twenty-first and twenty-eighth days of 73640
August and of February. 73641

(3) From February 2007 through August 2016, one-half of the 73642
amount calculated for that calendar year under division (B)(3) of 73643
this section between the twenty-first and twenty-eighth days of 73644
August and of February. 73645

(4) For taxes levied within the ten-mill limitation for debt 73646
purposes in tax year 1998 in the case of electric company tax 73647
value losses, and in tax year 1999 in the case of natural gas 73648
company tax value losses, payments shall be made equal to one 73649
hundred per cent of the loss computed as if the tax were a 73650
fixed-rate levy, but those payments shall extend from fiscal year 73651
2006 through fiscal year 2016. 73652

The department of education shall report to each school 73653
district the apportionment of the payments among the school 73654
district's funds based on the certifications under division (J) of 73655
section 5727.84 of the Revised Code. 73656

(D) Not later than January 1, 2002, for all taxing districts 73657
in each joint vocational school district, the tax commissioner 73658
shall certify to the department of education the fixed-rate levy 73659

loss determined under division (G) of section 5727.84 of the Revised Code. From February 2002 to August 2016, the department shall pay from the school district property tax replacement fund to the joint vocational school district one-half of the amount calculated for that fiscal year under division (A)(2) of this section between the twenty-first and twenty-eighth days of August and of February.

(E)(1) Not later than January 1, 2002, for each fixed-sum levy levied by each school district or joint vocational school district and for each year for which a determination is made under division (H) of section 5727.84 of the Revised Code that a fixed-sum levy loss is to be reimbursed, the tax commissioner shall certify to the department of education the fixed-sum levy loss determined under that division. The certification shall cover a time period sufficient to include all fixed-sum levies for which the tax commissioner made such a determination. The department shall pay from the school district property tax replacement fund to the school district or joint vocational school district one-half of the fixed-sum levy loss so certified for each year between the twenty-first and twenty-eighth days of August and of February.

(2) Beginning in 2003, by the thirty-first day of January of each year, the tax commissioner shall review the certification originally made under division (E)(1) of this section. If the commissioner determines that a debt levy that had been scheduled to be reimbursed in the current year has expired, a revised certification for that and all subsequent years shall be made to the department of education.

(F) If the balance of the half-mill equalization fund created under section 3318.18 of the Revised Code is insufficient to make the full amount of payments required under division (D) of that section, the department of education, at the end of the third

quarter of the fiscal year, shall certify to the director of 73692
budget and management the amount of the deficiency, and the 73693
director shall transfer an amount equal to the deficiency from the 73694
school district property tax replacement fund to the half-mill 73695
equalization fund. 73696

(G) Beginning in August 2002, and ending in February May 73697
2017, the director of budget and management shall transfer from 73698
the school district property tax replacement fund to the general 73699
revenue fund each of the following: 73700

(1) Between the twenty-eighth day of August and the fifth day 73701
of September, the lesser of one-half of the amount certified for 73702
that fiscal year under division (A)(2) of this section or the 73703
balance in the school district property tax replacement fund; 73704

(2) Between the first and fifth days of ~~March~~ May, the lesser 73705
of one-half of the amount certified for that fiscal year under 73706
division (A)(2) of this section or the balance in the school 73707
district property tax replacement fund. 73708

~~(G) By August 5, 2002, the tax commissioner shall estimate~~ 73709
~~the amount of money in the school district property tax~~ 73710
~~replacement fund in excess of the amount necessary to make~~ 73711
~~payments under divisions (C), (D), (E), and (F) of this section.~~ 73712
~~Notwithstanding division (C) of this section, the department of~~ 73713
~~education, in consultation with the tax commissioner and from~~ 73714
~~those excess funds, may pay any school district four and one half~~ 73715
~~times the amount certified under division (A)(2) of this section.~~ 73716
~~Payments shall be made in order from the smallest annual loss to~~ 73717
~~the largest annual loss. A payment made under this division shall~~ 73718
~~be in lieu of the payment to be made in August 2002 under division~~ 73719
~~(C)(2) of this section. No payments shall be made in the manner~~ 73720
~~established in this division to any school district with annual~~ 73721
~~losses from permanent improvement fixed rate levies in excess of~~ 73722
~~twenty thousand dollars, or annual losses from any other~~ 73723

~~fixed rate levies in excess of twenty thousand dollars. A school district receiving a payment under this division is no longer entitled to any further payments under division (C) of this section.~~ 73724
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~~(H) On the thirty first day of July of 2003, 2004, 2005, and 2006, and on the thirty first day of January and July of 2007 and each year thereafter, if the amount credited to the school district property tax replacement fund exceeds the amount needed to make payments from the fund under divisions (C), (D), (E), and (F) of this section, the department of education shall distribute the excess among school districts and joint vocational school districts. The amount distributed to each district shall bear the same proportion to the excess remaining in the fund as the ADM of the district bears to the ADM of all of the districts. For the purpose of this division, "ADM" means the formula ADM in the case of a school district, and the average daily membership reported under section 3317.03 of the Revised Code in the case of a joint vocational school district.~~ 73728
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~~If, in the opinion of the department of education, the excess remaining in the school district property tax replacement fund in any year is not sufficient to warrant distribution under this division, the excess shall remain to the credit of the fund.~~ 73742
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~~Amounts received by a school district or joint vocational school district under this division shall be used exclusively for capital improvements.~~ 73746
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(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. 73749
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(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), ~~and~~ (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 ~~or a part~~ 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 another an existing or new district, the department of education, in consultation with the tax commissioner, shall adjust the payments made under this section ~~to each of the districts in proportion to the tax value loss apportioned to the merged or transferred territory as follows:~~

(1) For the merger of all of the territory of two or more districts, the fixed-rate levy loss and the fixed-sum levy loss of the successor district shall be equal to the sum of the fixed-rate levy losses and the fixed-sum levy losses for each of the districts involved in the merger.

(2) For the transfer of a part of one district's territory to an existing district, the amount of the fixed-rate levy loss that is transferred to the recipient district shall be an amount equal to the transferring district's total fixed-rate levy loss times a fraction, the numerator of which is the value of electric company tangible personal property located in the part of the territory

that was transferred, and the denominator of which is the total 73787
value of electric company tangible personal property located in 73788
the entire district from which the territory was transferred. The 73789
value of electric company tangible personal property under this 73790
division shall be determined for the most recent year for which 73791
data is available. Fixed-sum levy losses for both districts shall 73792
be determined under division (J)(4) of this section. 73793

(3) For the transfer of a part of the territory of one or 73794
more districts to create a new district: 73795

(a) If the new district is created on or after January 1, 73796
2000, but before January 1, 2005, the new district shall be paid 73797
its current fixed-rate levy loss through August 2006. From 73798
February 2007 to August 2016, the new district shall be paid the 73799
lesser of: (i) the amount calculated under division (B) of this 73800
section or (ii) an amount determined under the schedule in 73801
division (A)(1) of section 5727.86 of the Revised Code, as if for 73802
this purpose the new district was a local taxing unit under that 73803
section. Fixed-sum levy losses for the districts shall be 73804
determined under division (J)(4) of this section. 73805

(b) If the new district is created on or after January 1, 73806
2005, the new district shall be deemed not to have any fixed-rate 73807
levy loss or, except as provided in division (J)(4) of this 73808
section, fixed-sum levy loss. The district or districts from which 73809
the territory was transferred shall have no reduction in their 73810
fixed-rate levy loss, or, except as provided in division (J)(4) of 73811
this section, their fixed-sum levy loss. 73812

(4) If a recipient district under division (J)(2) of this 73813
section or a new district under division (J)(3)(a) or (b) of this 73814
section takes on debt from one or more of the districts from which 73815
territory was transferred, and any of the districts transferring 73816
the territory had fixed-sum levy losses, the department of 73817

education, in consultation with the tax commissioner, shall make 73818
an equitable division of the fixed-sum levy losses. 73819

(K) There is hereby created the public utility property tax 73820
study committee, effective January 1, 2011. The committee shall 73821
consist of the following seven members: the tax commissioner, 73822
three members of the senate appointed by the president of the 73823
senate, and three members of the house of representatives 73824
appointed by the speaker of the house of representatives. The 73825
appointments shall be made not later than January 31, 2011. The 73826
tax commissioner shall be the chairperson of the committee. 73827

The committee shall study the extent to which each school 73828
district or joint vocational school district has been compensated, 73829
under sections 5727.84 and 5727.85 of the Revised Code as enacted 73830
by Substitute Senate Bill No. 3 of the 123rd general assembly and 73831
any subsequent acts, for the property tax loss caused by the 73832
reduction in the assessment rates for natural gas, electric, and 73833
rural electric company tangible personal property. Not later than 73834
June 30, 2011, the committee shall issue a report of its findings, 73835
including any recommendations for providing additional 73836
compensation for the property tax loss or regarding remedial 73837
legislation, to the president of the senate and the speaker of the 73838
house of representatives, at which time the committee shall cease 73839
to exist. 73840

The department of taxation and department of education shall 73841
provide such information and assistance as is required for the 73842
committee to carry out its duties. 73843

Sec. 5728.01. As used in sections 5728.02 to 5728.14 of the 73844
Revised Code: 73845

(A) "Motor vehicle" means everything on wheels that is 73846
self-propelled, other than by muscular power or power collected 73847

from electric trolley wires and other than vehicles or machinery 73848
not designed for or employed in general highway transportation, 73849
used to transport or propel persons or property over a public 73850
highway. 73851

(B) "Commercial car" means any motor vehicle used for 73852
transporting persons or property, wholly on its own structure on a 73853
public highway. 73854

(C) "Commercial tractor" means any motor vehicle designed and 73855
used to propel or draw a trailer or semi-trailer or both on a 73856
public highway without having any provision for carrying loads 73857
independently of such trailer or semi-trailer. 73858

(D) "Trailer" means everything on wheels that is not 73859
self-propelled, except vehicles or machinery not designed for or 73860
employed in general highway transportation, used for carrying 73861
property wholly on its own structure and for being drawn by a 73862
motor vehicle on a public highway, including any such vehicle when 73863
formed by or operated as a combination of a semi-trailer and a 73864
vehicle of the dolly type such as that commonly known as a trailer 73865
dolly. "Trailer" does not include manufactured homes as defined in 73866
division (C)(4) of section 3781.06 of the Revised Code or mobile 73867
homes as defined in division (O) of section 4501.01 of the Revised 73868
Code. 73869

(E) "Semi-trailer" means everything on wheels that is not 73870
self-propelled, except vehicles or machinery not designed for or 73871
employed in general highway transportation, designed and used for 73872
carrying property on a public highway when being propelled or 73873
drawn by a commercial tractor when part of its own weight or the 73874
weight of its load, or both, rest upon and is carried by a 73875
commercial tractor. 73876

(F) "Commercial tandem" means any commercial car and trailer 73877
or any commercial tractor, semi-trailer, and trailer when fastened 73878

together and used as one unit. 73879

(G) "Commercial tractor combination" means any commercial tractor and semi-trailer when fastened together and used as one unit. 73880
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(H) "Axle" means two or more load carrying wheels mounted in a single transverse vertical plane. 73883
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(I) "Public highway" means any highway, road, or street dedicated to public use, including a highway under the control and jurisdiction of the Ohio turnpike commission created by the provisions of section 5537.02 of the Revised Code and land and lots over which the public, either as user or owner, generally has a right to pass even though such land or lots are closed temporarily by public authorities for the purpose of construction, reconstruction, maintenance, or repair. 73885
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(J) "Jurisdiction" means a state of the United States, the District of Columbia, or a province or territory of Canada. 73893
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Sec. 5728.02. (A) Except as provided in section 5728.03 of the Revised Code, every person who is liable for the tax imposed by section 5728.06 of the Revised Code on the operation of a commercial car ~~with three or more axles when operated alone or as part of a commercial tandem, a commercial car with two axles that is to be operated as part of a commercial tandem with a gross vehicle weight or a registered gross vehicle weight exceeding twenty six thousand pounds,~~ or a commercial tractor that is, or is to be, operated or driven upon a public highway in two or more jurisdictions shall cause to be filed annually with the tax commissioner ~~a written~~ an application for a fuel use permit ~~on blank forms~~ to be furnished by the commissioner for that purpose. 73895
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Each application for a fuel use permit for a commercial car or a commercial tractor shall contain any information the tax 73907
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commissioner prescribes. 73909

(B) Upon receipt of the application, the tax commissioner 73910
shall issue to the person making the application a fuel use permit 73911
and any identification device that the commissioner considers 73912
necessary for the proper administration of this chapter. The 73913
permit and the identification device shall be of a design and 73914
contain any information the commissioner considers necessary. The 73915
identification device shall be displayed on the commercial car or 73916
commercial tractor for which it was issued at all times in the 73917
manner the commissioner prescribes. The fuel use permits and the 73918
identification device shall not be transferable. In case of the 73919
loss of a fuel use permit or identification device, the 73920
commissioner shall issue a duplicate of the permit or device. 73921

The fuel use permit shall be valid until it expires or is 73922
suspended or surrendered. 73923

Sec. 5728.03. (A) In lieu of filing an application for an 73924
annual fuel use permit under section 5728.02 of the Revised Code 73925
and in lieu of filing returns under section 5728.08 of the Revised 73926
Code, a person who is the owner of a commercial car ~~with three or~~ 73927
~~more axles when operated alone or as part of a commercial tandem,~~ 73928
~~a commercial car with two axles that is to be operated as part of~~ 73929
~~a commercial tandem with a gross vehicle weight or a registered~~ 73930
~~gross vehicle weight exceeding twenty six thousand pounds, or a~~ 73931
commercial tractor that would otherwise be liable for the tax 73932
imposed by section 5728.06 of the Revised Code, that is, or is to 73933
be, operated or driven upon a public highway, may file an 73934
application with the tax commissioner for a single-trip fuel use 73935
permit. The application shall be based on rules adopted by the tax 73936
commissioner and shall include an amount estimated to be 73937
substantially equivalent to the fuel use tax liability that the 73938
applicant will incur by driving on the highways of this state 73939

during the period covered by the single-trip permit. The amount so 73940
estimated shall be considered to be the fuel use tax liability so 73941
incurred. 73942

The commissioner may authorize independent permit services or 73943
other persons to issue single-trip fuel use permits. 73944

(B) The tax commissioner shall adopt rules establishing all 73945
of the following: 73946

(1) Procedures for the issuance of single-trip permits; 73947

(2) The length of time the permits are effective; 73948

(3) Requirements that independent permit services or other 73949
persons must meet to be authorized to issue single-trip fuel use 73950
permits and procedures for obtaining that authorization; 73951

(4) Estimates of the amount substantially equivalent to the 73952
fuel use tax liability that an applicant will incur by driving on 73953
the highways of this state during the period covered by the 73954
permit. 73955

(C) No person whose fuel use permit issued under section 73956
5728.02 of the Revised Code is currently under suspension in 73957
accordance with section 5728.11 of the Revised Code shall be 73958
issued a single-trip fuel use permit under this section. 73959

(D) All moneys collected pursuant to this section shall be 73960
deposited in the state treasury in accordance with section 5728.08 73961
of the Revised Code. 73962

Sec. 5728.04. (A) It is unlawful for any person to operate a 73963
commercial car ~~with three or more axles when operated alone or as~~ 73964
~~part of a commercial tandem, a commercial car with two axles that~~ 73965
~~is to be operated as part of a commercial tandem with a gross~~ 73966
~~vehicle weight or a registered gross vehicle weight exceeding~~ 73967
~~twenty six thousand pounds, or a commercial tractor when operated~~ 73968
~~alone or as part of a commercial tractor combination or commercial~~ 73969

~~tandem~~ that is subject to the tax imposed by section 5728.06 of 73970
the Revised Code on a public highway in two or more jurisdictions 73971
under either of the following circumstances: 73972

(1) Without a fuel use permit or single trip fuel use permit 73973
for such commercial car or commercial tractor. 73974

(2) With a suspended or surrendered fuel use permit for such 73975
commercial car or commercial tractor. 73976

(B) The judge or magistrate of any court finding any person 73977
guilty of unlawfully operating a commercial car or commercial 73978
tractor as provided for in this section shall immediately notify 73979
the tax commissioner of such violation and shall transmit to the 73980
tax commissioner the name and the permanent address of the owner 73981
of the commercial car or commercial tractor operated in violation 73982
of this section, the registration number, the state of 73983
registration, and the certificate of title number of the 73984
commercial car or commercial tractor. The commercial car or 73985
commercial tractor involved in a violation of division (A)(1) or 73986
(2) of this section may be detained until a valid fuel use permit 73987
is obtained or reinstated. 73988

Sec. 5728.06. (A) For the following purposes, an excise tax 73989
is hereby imposed on the use of motor fuel to operate on the 73990
public highways of this state a commercial car with three or more 73991
axles, regardless of weight, operated alone or as part of a 73992
commercial tandem, a commercial car with two axles ~~operated as~~ 73993
~~part of a commercial tandem~~ having a gross vehicle weight or 73994
registered gross vehicle weight exceeding twenty-six thousand 73995
pounds operated alone or as part of a commercial tandem, or a 73996
commercial tractor operated alone or as part of a commercial 73997
tractor combination or commercial tandem: to provide revenue for 73998
maintaining the state highway system, to widen existing surfaces 73999
on such highways, to resurface such highways, to enable the 74000

counties of the state properly to plan for, maintain, and repair 74001
their roads, to enable the municipal corporations to plan, 74002
construct, reconstruct, repave, widen, maintain, repair, clear, 74003
and clean public highways, roads, and streets; to pay that portion 74004
of the construction cost of a highway project that a county, 74005
township, or municipal corporation normally would be required to 74006
pay, but that the director of transportation, pursuant to division 74007
(B) of section 5531.08 of the Revised Code, determines instead 74008
will be paid from moneys in the highway operating fund; to 74009
maintain and repair bridges and viaducts; to purchase, erect, and 74010
maintain street and traffic signs and markers; to purchase, erect, 74011
and maintain traffic lights and signals; to pay the costs 74012
apportioned to the public under section 4907.47 of the Revised 74013
Code; and to supplement revenue already available for such 74014
purposes, to distribute equitably among those persons using the 74015
privilege of driving motor vehicles upon such highways and streets 74016
the cost of maintaining and repairing the same, and to pay the 74017
interest, principal, and charges on bonds and other obligations 74018
issued pursuant to Section 2i of Article VIII, Ohio Constitution, 74019
and sections 5528.30 and 5528.31 of the Revised Code. The tax is 74020
imposed in the same amount as the motor fuel tax imposed under 74021
Chapter 5735. of the Revised Code plus an additional tax of three 74022
cents per gallon of motor fuel used before July 1, 2004, provided 74023
that the additional tax shall be reduced to two cents per gallon 74024
of motor fuel used from July 1, 2004 through June 30, 2005, as 74025
determined by the gallons consumed while operated on the public 74026
highways of this state. Subject to section 5735.292 of the Revised 74027
Code, on and after July 1, 2005, the tax shall be imposed in the 74028
same amount as the motor fuel tax imposed under Chapter 5735. of 74029
the Revised Code. Payment of the fuel use tax shall be made by the 74030
purchase of motor fuel within Ohio of such gallons of motor fuel, 74031
for which the tax imposed under Chapter 5735. of the Revised Code 74032
has been paid, as is equivalent to the gallons consumed while 74033

operating such a motor vehicle on the public highways of this 74034
state, or by direct remittance to the treasurer of state with the 74035
fuel use tax return filed pursuant to section 5728.08 of the 74036
Revised Code. 74037

Any person subject to the tax imposed under this section who 74038
purchases motor fuel in this state for use in another state in 74039
excess of the amount consumed while operating such motor vehicle 74040
on the public highways of this state shall be allowed a credit 74041
against the tax imposed by this section or a refund equal to the 74042
motor fuel tax paid to this state on such excess. No such credit 74043
or refund shall be allowed for taxes paid to any state that 74044
imposes a tax on motor fuel purchased or obtained in this state 74045
and used on the highways of such other state but does not allow a 74046
similar credit or refund for the tax paid to this state on motor 74047
fuel purchased or acquired in the other state and used on the 74048
public highways of this state. 74049

The tax commissioner is authorized to determine whether such 74050
credits or refunds are available and to prescribe such rules as 74051
are required for the purpose of administering this chapter. 74052

(B) Within sixty days after the last day of each month, the 74053
tax commissioner shall determine the amount of motor fuel tax 74054
allowed as a credit against the tax imposed by this section. The 74055
commissioner shall certify the amount to the director of budget 74056
and management and the treasurer of state, who shall credit the 74057
amount in accordance with section 5728.08 of the Revised Code from 74058
current revenue arising from the tax levied by section 5735.05 of 74059
the Revised Code. 74060

(C) The owner of each commercial car and commercial tractor 74061
subject to sections 5728.01 to 5728.14 of the Revised Code is 74062
liable for the payment of the full amount of the taxes imposed by 74063
this section. 74064

An owner who is a person regularly engaged, for compensation, 74065
in the business of leasing or renting motor vehicles without 74066
furnishing drivers may designate that the lessee of a motor 74067
vehicle leased for a period of thirty days or more shall report 74068
and pay the tax incurred during the duration of the lease. An 74069
owner who is an independent contractor that furnishes both the 74070
driver and motor vehicle, may designate that the person so 74071
furnished with the driver and motor vehicle for a period of thirty 74072
days or more shall report and pay the tax incurred during that 74073
period. An independent contractor that is not an owner, but that 74074
furnishes both the driver and motor vehicle and that has been 74075
designated by the owner of the motor vehicle to report and pay the 74076
tax, may designate that the person so furnished with driver and 74077
motor vehicle for a period of thirty days or more shall report and 74078
pay the tax incurred during that period. 74079

Sec. 5728.08. Except as provided in section 5728.03 of the 74080
Revised Code and except as otherwise provided in ~~this division (A)~~ 74081
of section 5728.06 of the Revised Code, whoever is liable for the 74082
payment of the tax levied by section 5728.06 of the Revised Code, 74083
on or before the last day of each January, April, July, and 74084
October, shall file with the tax commissioner, on forms prescribed 74085
by the commissioner, a fuel use tax return and make payment of the 74086
full amount of the tax due for the operation of each commercial 74087
car and commercial tractor for the preceding three calendar 74088
months. ~~If the commercial cars or commercial tractors are farm~~ 74089
~~trucks and the amount of motor fuel used to operate the trucks~~ 74090
~~during the preceding twelve calendar months was less than fifteen~~ 74091
~~thousand gallons, the fuel use tax return shall be filed and the~~ 74092
~~full amount of tax due paid on or before the last day of each July~~ 74093
~~for the preceding twelve calendar months. If the commercial cars~~ 74094
~~or commercial tractors are farm trucks and the amount of motor~~ 74095
~~fuel used to operate the trucks during the preceding twelve~~ 74096

~~calendar months was fifteen thousand gallons or more, the fuel use 74097
tax return shall be filed and the full amount of the tax due paid 74098
either on or before the last day of each July for the preceding 74099
twelve calendar months, or on or before the last day of each 74100
January, April, July, and October for the preceding three calendar 74101
months, at the option of the person liable for payment of the tax. 74102
If the commercial cars or commercial tractors are not farm trucks, 74103
and if, in the estimation of the commissioner, the amount of the 74104
tax due does not warrant quarterly filing, the commissioner may 74105
authorize the filing of the fuel use tax return and payment of the 74106
full amount due on or before the last day of each July for the 74107
preceding twelve months. 74108~~

The commissioner shall immediately forward to the treasurer 74109
of state all money received from the tax levied by section 5728.06 74110
of the Revised Code. 74111

The treasurer of state shall place to the credit of the tax 74112
refund fund created by section 5703.052 of the Revised Code, out 74113
of receipts from the taxes levied by section 5728.06 of the 74114
Revised Code, amounts equal to the refund certified by the tax 74115
commissioner pursuant to section 5728.061 of the Revised Code. 74116
Receipts from the tax shall be used by the commissioner to defray 74117
expenses incurred by the department of taxation in administering 74118
sections 5728.01 to 5728.14 of the Revised Code. 74119

All moneys received in the state treasury from taxes levied 74120
by section 5728.06 of the Revised Code and fees assessed under 74121
section 5728.03 of the Revised Code that are not required to be 74122
placed to the credit of the tax refund fund as provided by this 74123
section shall, during each calendar year, be credited to the 74124
highway improvement bond retirement fund created by section 74125
5528.12 of the Revised Code until the commissioners of the sinking 74126
fund certify to the treasurer of state, as required by section 74127
5528.17 of the Revised Code, that there are sufficient moneys to 74128

the credit of the highway improvement bond retirement fund to meet 74129
in full all payments of interest, principal, and charges for the 74130
retirement of bonds and other obligations issued pursuant to 74131
Section 2g of Article VIII, Ohio Constitution, and sections 74132
5528.10 and 5528.11 of the Revised Code due and payable during the 74133
current calendar year and during the following calendar year. From 74134
the date of the receipt of the certification required by section 74135
5528.17 of the Revised Code by the treasurer of state until the 74136
thirty-first day of December of the calendar year in which the 74137
certification is made, all moneys received in the state treasury 74138
from taxes levied under section 5728.06 of the Revised Code and 74139
fees assessed under section 5728.03 of the Revised Code that are 74140
not required to be placed to the credit of the tax refund fund as 74141
provided by this section shall be credited to the highway 74142
obligations bond retirement fund created by section 5528.32 of the 74143
Revised Code until the commissioners of the sinking fund certify 74144
to the treasurer of state, as required by section 5528.38 of the 74145
Revised Code, that there are sufficient moneys to the credit of 74146
the highway obligations bond retirement fund to meet in full all 74147
payments of interest, principal, and charges for the retirement of 74148
bonds and other obligations issued pursuant to Section 2i of 74149
Article VIII, Ohio Constitution, and sections 5528.30 and 5528.31 74150
of the Revised Code due and payable during the current calendar 74151
year and during the following calendar year. From the date of the 74152
receipt of the certification required by section 5528.38 of the 74153
Revised Code by the treasurer of state until the thirty-first day 74154
of December of the calendar year in which the certification is 74155
made, all moneys received in the state treasury from taxes levied 74156
under section 5728.06 of the Revised Code and fees assessed under 74157
section 5728.03 of the Revised Code that are not required to be 74158
placed to the credit of the tax refund fund as provided by this 74159
section shall be credited to the highway operating fund created by 74160
section 5735.291 of the Revised Code, except as provided by the 74161

following paragraph of this section.

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From the date of the receipt by the treasurer of state of
certifications from the commissioners of the sinking fund, as
required by sections 5528.18 and 5528.39 of the Revised Code,
certifying that the moneys to the credit of the highway
improvement bond retirement fund are sufficient to meet in full
all payments of interest, principal, and charges for the
retirement of all bonds and other obligations that may be issued
pursuant to Section 2g of Article VIII, Ohio Constitution, and
sections 5528.10 and 5528.11 of the Revised Code, and to the
credit of the highway obligations bond retirement fund are
sufficient to meet in full all payments of interest, principal,
and charges for the retirement of all obligations issued pursuant
to Section 2i of Article VIII, Ohio Constitution, and sections
5528.30 and 5528.31 of the Revised Code, all moneys received in
the state treasury from the taxes levied under section 5728.06 and
fees assessed under section 5728.03 of the Revised Code that are
not required to be placed to the credit of the tax refund fund as
provided by this section, shall be deposited to the credit of the
highway operating fund.

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~~As used in this section, "farm truck" means any commercial
ear or commercial tractor that is registered as a farm truck under
Chapter 4503. of the Revised Code.~~

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Sec. 5729.032. Upon the issuance of a tax credit certificate
by the director of development, a refundable credit granted by the
tax credit authority under section 122.17 of the Revised Code may
be claimed against the tax imposed by section 5729.03 of the
Revised Code. The credit shall be claimed in the calendar year
specified in the certificate issued by the director of
development.

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Sec. 5729.08. (A) As used in this section, "tax otherwise due" means the tax imposed on a foreign insurance company under section 5729.03 of the Revised Code reduced by the total amount of all other nonrefundable credits, if any, that the foreign insurance company is entitled to claim. 74192
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(B) Upon the issuance of a tax credit certificate by the Ohio venture capital authority under section 150.07 of the Revised Code, a credit may be claimed against the tax imposed on a foreign insurance company under section 5729.03 of the Revised Code. The credit shall be claimed in the calendar year specified in the certificate issued by the authority. 74197
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(C) If the company elected a refundable credit under section 150.07 of the Revised Code and if the amount of the credit shown on the certificate does not exceed the tax otherwise due, then for the calendar year the company shall claim a refundable credit equal to the amount of the credit shown on the certificate. 74203
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(D) If the company elected a refundable credit under section 150.07 of the Revised Code, and the amount of the credit shown on the certificate exceeds the tax otherwise due ~~under section 5729.03 of the Revised Code~~, than for the calendar year the company may receive a refund equal to seventy five per cent of such excess. If shall claim a refundable credit equal to the sum of the following: 74208
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(1) The amount, if any, of the tax otherwise due; 74215

(2) Seventy-five per cent of the difference between the amount of the refundable credit shown on the certificate and the tax otherwise due. 74216
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(E) If the company elected a nonrefundable credit, the amount of the credit shown on the certificate shall not exceed the amount of tax otherwise due. If the company elected a nonrefundable 74219
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credit and the credit to which the company would otherwise be 74222
entitled under this section for any calendar year is greater than 74223
the tax otherwise due ~~under section 5729.03 of the Revised Code,~~ 74224
the excess shall be allowed as a nonrefundable credit in each of 74225
the ensuing ten calendar years, but the amount of any excess 74226
credit allowed in the ensuing calendar year shall be deducted from 74227
the balance carried forward to the next calendar year. 74228

Sec. 5731.01. As used in this chapter: 74229

(A) The "value of the gross estate" of the decedent shall 74230
include, to the extent provided in sections 5731.03 to 5731.131 of 74231
the Revised Code, the value, on the ~~due~~ date of the decedent's 74232
death or on an alternate valuation date prescribed by division (D) 74233
of this section, of all property, real or personal, tangible or 74234
intangible, wherever situated, except real property situated and 74235
tangible personal property having an actual situs outside of this 74236
state. 74237

(B) Subject to the provisions of section 5731.011 of the 74238
Revised Code that permit a valuation of qualified farm property at 74239
its value for its actual qualified use, the value of any property 74240
included in the gross estate shall be the price at which such 74241
property would change hands between a willing buyer and a willing 74242
seller, neither being under any compulsion to buy or sell and both 74243
having reasonable knowledge of relevant facts. All relevant facts 74244
and elements of value as of the valuation date shall be considered 74245
in determining such value. 74246

The rulings and regulations of the internal revenue service 74247
and decisions of the federal courts defining the principles 74248
applicable in determining fair market value for purposes of the 74249
federal estate tax imposed by Subchapter A, Chapter 11 of the 74250
Internal Revenue Code ~~of 1954, 26 U.S.C. 2001, as amended,~~ shall 74251
be applied in determining fair market value for purposes of the 74252

estate taxes imposed by this chapter, to the extent that these 74253
rulings, regulations, and decisions are not inconsistent with the 74254
express provisions of this chapter, but the actual determination 74255
of the fair market value by the internal revenue service of any 74256
asset included in the gross estate is not controlling for purposes 74257
of the estate taxes imposed by this chapter, unless the person 74258
filing the estate tax return and the tax commissioner have agreed 74259
in writing to be bound by the federal determination, as provided 74260
in section 5731.26 of the Revised Code. 74261

(C) In the case of stock and securities of a corporation the 74262
value of which, by reason of their not being listed on an exchange 74263
and by reason of the absence of sales of them, cannot be 74264
determined with reference to bid and asked prices, or with 74265
reference to sales prices, the value of them shall be determined 74266
by taking into consideration, in addition to all other factors, 74267
the value of stock or securities of corporations engaged in the 74268
same or a similar line of business which are listed on an exchange 74269
or which are traded actively in the over-the-counter market. 74270

If a valuation of securities is undertaken by reference to 74271
market transactions and if the block of securities to be valued is 74272
so large in relation to actual sales on existing markets that it 74273
could not be liquidated in a reasonable time without depressing 74274
the market, the price at which the block could be sold, as such, 74275
outside the usual market, as through an underwriter, shall be 74276
considered in determining the value of such block of securities. 74277

(D) "Alternate valuation date" means the date for valuation 74278
of a gross estate permitted by filing an election under this 74279
division. Whether or not an alternate valuation date election is 74280
available to an estate for federal estate tax purposes or, if 74281
available, is made for the estate, the value of the gross estate 74282
may be determined, if the person required to file the estate tax 74283
return so elects, by valuing all the property included in the 74284

gross estate on the alternate date, if any, provided in section 74285
2032 (a) of the Internal Revenue Code ~~of 1954, 26 U.S.C. 2032(a)~~, 74286
~~as amended~~ as such section generally applies, for federal estate 74287
tax purposes, to the estates of persons dying on the decedent's 74288
date of death. 74289

No deduction under this chapter of any item shall be allowed 74290
if allowance is, in effect, given by use of the alternate 74291
valuation date. In the determination of any tax liability of any 74292
estate in which an election is filed under this division, all 74293
provisions in this chapter ~~which~~ that refer to value at the time 74294
of the decedent's death shall be construed for all purposes to 74295
mean the value of such property used in determining the value of 74296
the gross estate. For the purposes of the charitable deduction 74297
under section 5731.17 of the Revised Code, any bequest, legacy, 74298
devise, or transfer enumerated in it shall be valued as of the 74299
date of the decedent's death with adjustment for any difference in 74300
value, not due to mere lapse of time or the occurrence or 74301
nonoccurrence of a contingency, of the property as of the date six 74302
months after the decedent's death, or in case of its earlier 74303
disposition, on such date of disposition. 74304

An election under this division shall be exercised on the 74305
estate tax return by the person required to file the return. When 74306
made, an election under this division is irrevocable. An election 74307
cannot be exercised under this division if a return is filed more 74308
than one year after the time prescribed, including any extensions 74309
of time granted, pursuant to law for filing the return. 74310

(E) Unless otherwise indicated by the context, "county" means 74311
one of the following: 74312

(1) The county in which the decedent's estate is 74313
administered; 74314

(2) If no administration of the decedent's estate is being 74315

had, the county of residence of the decedent at the time of ~~his~~ 74316
death; 74317

(3) If the decedent dies a resident of another state, any 74318
county in which any property subject to tax is located. 74319

(F) "Internal Revenue Code" means the "Internal Revenue Code 74320
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended. 74321

Sec. 5731.05. (A) Except as provided in divisions (B) and (C) 74322
of this section, the value of the gross estate shall include the 74323
value of all property, to the extent of any interest in property, 74324
of which the decedent has at any time made a transfer, by trust or 74325
otherwise, in contemplation of ~~his~~ death. 74326

(B) Any transfer, except as provided in division (C) of this 74327
section, by trust or otherwise, made within a period of three 74328
years ending with the date of the decedent's death shall be deemed 74329
to have been made in contemplation of death, unless the contrary 74330
is shown. No transfer made before that three-year period shall be 74331
treated as having been made in contemplation of death. 74332

(C) This section does not apply to any of the following: 74333

(1) A bona fide sale for an adequate and full consideration 74334
in money or money's worth; 74335

(2) A transfer of property that would not be included in the 74336
decedent's gross estate if retained by ~~him~~ the decedent until 74337
death; 74338

(3) The first ten thousand dollars of the transfers that were 74339
made by the decedent to each transferee, other than the spouse of 74340
the decedent, in each calendar year, but only to the extent that 74341
those transfers qualify as present interests under section 2503(b) 74342
and (c) of the ~~"Internal Revenue Code of 1986," 26 U.S.C. 2503, as~~ 74343
~~amended.~~ The exclusion provided by division (C)(3) of this section 74344
does not apply to any portion of a transfer that is treated as 74345

being made by the spouse of the decedent under section 2513 of the 74346
"Internal Revenue Code of 1986," 26 U.S.C. 2513, as amended. 74347

(4) A transfer of property made to the spouse of the 74348
transferor, except as provided in section 5731.131 of the Revised 74349
Code; 74350

(5) Federal or state gift taxes paid with respect to any 74351
includible transfer. 74352

~~(D) The amendments made to this section by Amended Substitute 74353
House Bill No. 111 and Substitute Senate Bill No. 336 of the 118th 74354
general assembly that are effective on July 1, 1993, shall apply 74355
only to the estates of decedents who die on or after that date. 74356~~

Sec. 5731.131. ~~(A)~~ The value of the gross estate shall 74357
include the value of any property in which the decedent had an 74358
income interest for life as follows: 74359

~~(1)~~(A) If a marital deduction was allowed with respect to the 74360
transfer of such property to the decedent under section 2523(f) of 74361
the "Internal Revenue Code of 1986," 26 U.S.C. 2523(f), as 74362
amended, in connection with the determination of the value of the 74363
taxable estate of the decedent's predeceasing spouse; 74364

~~(2)~~(B) If the decedent's predeceasing spouse was not a 74365
resident of this state at the time of ~~his~~ death and if a marital 74366
deduction was allowed with respect to the transfer of such 74367
property to the decedent under section 2056(b)(7) of the "Internal 74368
Revenue Code of 1986," 26 U.S.C. 2056(b)(7), as amended, in 74369
connection with the determination of the value of the taxable 74370
estate of the decedent's predeceasing spouse; 74371

~~(3)~~(C) If the decedent's predeceasing spouse died prior to 74372
July 1, 1993, and if a marital deduction was allowed with respect 74373
to the transfer of such property to the decedent under division 74374
(A)(1) of section 5731.15 of the Revised Code as it existed prior 74375

to July 1, 1993, in connection with the determination of the value 74376
of the taxable estate of the decedent's predeceasing spouse; 74377

~~(4)(D)~~ If a qualified terminable interest property deduction 74378
was allowed with respect to the transfer of such property to the 74379
decedent under division (B) of section 5731.15 of the Revised 74380
Code, in connection with the determination of the value of the 74381
taxable estate of the decedent's predeceasing spouse. 74382

~~(B) The amendments made to this section by Amended Substitute 74383
House Bill No. 111 and substitute Senate Bill No. 336 of the 118th 74384
general assembly that are effective on July 1, 1993, shall apply 74385
only to the estates of decedents who die on or after that date. 74386~~

Sec. 5731.14. For purposes of the tax levied by section 74387
5731.02 of the Revised Code, the value of the taxable estate shall 74388
be determined by deducting from the value of the gross estate 74389
deductions provided for in sections 5731.15 to 5731.17 ~~and 5731.20~~ 74390
of the Revised Code. 74391

Sec. 5731.18. (A) In addition to the tax levied by section 74392
5731.02 of the Revised Code, a tax is hereby levied upon the 74393
transfer of the estate of every person dying on or after July 1, 74394
1968, who, at the time of his death was a resident of this state, 74395
in an amount equal to the maximum credit allowable by subtitle B, 74396
~~chapter Chapter~~ 11 of the Internal Revenue Code ~~of 1954, 26 U.S.C.~~ 74397
~~2011, as amended~~, for any taxes paid to any state. 74398

(B) The tax levied on any estate under this section shall be 74399
credited with the amount of the tax levied under section 5731.02 74400
of the Revised Code and with the amount of any estate, 74401
inheritance, legacy, or succession taxes actually paid to any 74402
state or territory of the United States or to the District of 74403
Columbia on any property included in the decedent's gross estate 74404
for federal estate tax purposes. 74405

(C) The additional tax levied under this section shall be 74406
administered, collected, and paid as provided in section 5731.24 74407
of the Revised Code. 74408

Sec. 5731.181. (A) For purposes of this section, 74409
"generation-skipping transfer," "taxable distribution," and 74410
"taxable termination" have the same meaning as in Chapter 13 of 74411
subtitle B of the Internal Revenue Code ~~of 1986, 100 Stat. 2718,~~ 74412
~~26 U.S.C. 2601-2624, as amended.~~ 74413

(B) A tax is hereby levied upon every generation-skipping 74414
transfer of property having a situs in this state, that occurs at 74415
the same time as, and as a result of, the death of an individual, 74416
in an amount equal to the credit allowed by Chapter 13 of subtitle 74417
B of the Internal Revenue Code ~~of 1986, 100 Stat. 2718, 26 U.S.C.~~ 74418
~~2601-2624, as amended,~~ for any taxes paid to any state in respect 74419
of any property included in the generation-skipping transfer. 74420

For purposes of this division, "property having a situs in 74421
this state" includes all the following: 74422

(1) Real property situated in this state; 74423

(2) Tangible personal property having an actual situs in this 74424
state; 74425

(3) Intangible personal property employed in carrying on a 74426
business in this state; 74427

(4) Intangible personal property owned by a trust, the 74428
trustee of which resides in or has its principal place of business 74429
in this state, or, if there is more than one trustee of the trust, 74430
the principal place of administration of which is in this state. 74431

(C) The return with respect to the generation-skipping tax 74432
levied by division (B) of this section shall be filed in the form 74433
that the tax commissioner shall prescribe, on or before the day 74434
prescribed by law, including extensions, for filing the 74435

generation-skipping transfer tax return under Chapter 13 of 74436
subtitle B of the Internal Revenue Code ~~of 1986, 100 Stat. 2718,~~ 74437
~~26 U.S.C. 2601-2624, as amended,~~ for the same generation-skipping 74438
transfer. The return shall be filed by the distributee in the case 74439
of a taxable distribution and by the trustee in the case of a 74440
taxable termination. 74441

(D) The generation-skipping tax levied by division (B) of 74442
this section shall be paid, without notice or demand by the tax 74443
commissioner, with the return, and shall be charged, collected, 74444
and administered in the same manner as estate taxes levied by this 74445
chapter. This chapter is generally applicable to, except to the 74446
extent it is inconsistent with the nature of, the 74447
generation-skipping tax. 74448

(E) If another state levies a generation-skipping tax on a 74449
transfer described in division (B) of this section, the tax 74450
commissioner may enter into a compromise of the 74451
generation-skipping tax levied by division (B) of this section in 74452
the manner provided in section 5731.35 of the Revised Code, except 74453
that no approval of any probate court is required. If such a 74454
compromise agreement is made, no interest and penalties shall 74455
accrue for the period prior to the execution of the agreement and 74456
for sixty days after its execution. 74457

Sec. 5731.22. (A) If the executor, administrator, or other 74458
person required to file a return fails to file the return required 74459
by this chapter or to pay the tax due under this chapter on or 74460
before the date prescribed therefor, determined with regard to any 74461
extension of time for filing or payment, ~~unless it is shown that~~ 74462
~~such failure is due to reasonable cause and not due to willful~~ 74463
~~neglect,~~ there shall be added to the amount of tax as finally 74464
determined a penalty ~~determined by the tax commissioner,~~ in the 74465
amount of five ten per cent of the amount of ~~that tax if the~~ 74466

~~failure is not for more than one month, or, if the failure is for~~ 74467
~~more than one month, in the amount of five per cent of the amount~~ 74468
~~of that tax plus an additional five per cent for each additional~~ 74469
~~month or fraction of a month during which the failure continues,~~ 74470
~~not exceeding twenty five per cent in the aggregate. If, due to~~ 74471
~~fraud, there is a failure to file the return or an underpayment of~~ 74472
~~tax due under this chapter, there shall be added to the amount of~~ 74473
~~tax as finally determined a penalty determined by the tax~~ 74474
~~commissioner, in an amount not to exceed ten thousand dollars the~~ 74475
~~tax due and unpaid. The ~~penalties~~ penalty imposed by this section~~ 74476
~~shall be collected at the same time and in the same manner as the~~ 74477
~~tax itself.~~ 74478

The ~~penalties~~ penalty shall be charged against the executor, 74479
administrator, or other person having custody or control of any 74480
property the transfer of which is subject to estate tax, and such 74481
executor, administrator, or other person is personally liable for 74482
the ~~penalties.~~ Such penalties penalty. The penalty shall be 74483
divided in the same manner prescribed for the division of the tax 74484
in sections 5731.50 and 5731.51 of the Revised Code. 74485

(B) The county auditor, upon consultation with the county 74486
treasurer, shall remit a penalty imposed under this section on a 74487
person if that person applies for remission and shows that the 74488
failure to file the return or to pay the tax due under this 74489
chapter on or before the date prescribed for such filing or 74490
payment, determined with regard to any extension, was due to 74491
reasonable cause and not willful neglect. The county auditor shall 74492
notify the applicant of the remission decision by mail. If the 74493
county auditor denies the applicant's application for remission, 74494
the applicant, within sixty days after the notice of the county 74495
auditor's decision is mailed, may apply to the tax commissioner 74496
for review of the county auditor's decision. The application may 74497
be filed in person or by certified mail. If the application is 74498

filed by certified mail, the date of the United States postmark 74499
placed on the sender's receipt by the postal service shall be 74500
treated as the date of filing. The tax commissioner shall consider 74501
the application, determine whether the penalty should be remitted, 74502
and certify the determination to the applicant, the county 74503
auditor, and the county treasurer. The county auditor and county 74504
treasurer shall make any settlement, and the county treasurer 74505
shall correct the accounts required to be kept under section 74506
5731.46 of the Revised Code, as necessitated by the tax 74507
commissioner's determination. The applicant may file an exception 74508
to the tax commissioner's determination with the probate court as 74509
provided under section 5731.30 of the Revised Code. 74510

The tax commissioner may issue orders and instructions for 74511
the uniform implementation of this division by the county auditors 74512
and county treasurers of all counties, and such officers shall 74513
follow such orders and instructions. 74514

Sec. 5731.23. Subject to division (A) of section 5731.25 of 74515
the Revised Code or any other statute extending the time for 74516
payment of an estate tax, the tax levied by section 5731.02 and 74517
division (A) of section 5731.19 of the Revised Code shall, without 74518
notice or demand by the tax commissioner, be due and payable by 74519
the person liable for it, at the expiration of nine months from 74520
the date of the decedent's death, to the treasurer of the county. 74521
If any amount of tax levied by section 5731.02 or division (A) of 74522
section 5731.19 of the Revised Code is not paid on or before nine 74523
months from the date of the decedent's death, interest on such 74524
amount shall be paid for the period from such date to the date 74525
paid, computed at the ~~rate per annum prescribed by federal~~ 74526
short-term rate determined by the tax commissioner under section 74527
5703.47 of the Revised Code. Interest at the same rate shall be 74528
paid on any amount of tax determined to be due by way of 74529

deficiency from nine months from the date of the decedent's death 74530
to the date of payment thereof. Such interest shall be charged and 74531
collected in the same manner as the tax. 74532

Interest computed at the ~~rate per annum prescribed by federal~~ 74533
~~short-term rate determined by the tax commissioner under~~ 74534
section 5703.47 of the Revised Code shall be allowed and paid upon any 74535
overpayment of tax levied by section 5731.02 or division (A) of 74536
section 5731.19 of the Revised Code from nine months from the date 74537
of the decedent's death or the date of payment of the tax, 74538
whichever is later, to the date such overpayment is repaid. ~~Such~~ 74539
~~payment may be made upon an estimated basis whether or not a~~ 74540
~~return is filed, and shall be charged and collected in the same~~ 74541
~~manner as provided in section 5731.21 of the Revised Code.~~ 74542

At any time after nine months from the date of the decedent's 74543
death, payment of an estimated deficiency may be made and shall be 74544
credited against any deficiency of tax finally determined. 74545
Interest on any deficiency ultimately determined to be due shall 74546
be charged only upon the unpaid portion thereof. 74547

Sec. 5731.39. (A) No corporation organized or existing under 74548
the laws of this state shall transfer on its books or issue a new 74549
certificate for any share of its capital stock registered in the 74550
name of a decedent, or in trust for a decedent, or in the name of 74551
a decedent and another person or persons, without the written 74552
consent of the tax commissioner. 74553

(B) No safe deposit company, trust company, financial 74554
institution as defined in division (A) of section 5725.01 of the 74555
Revised Code or other corporation or person, having in possession, 74556
control, or custody a deposit standing in the name of a decedent, 74557
or in trust for a decedent, or in the name of a decedent and 74558
another person or persons, shall deliver or transfer an amount in 74559
excess of three-fourths of the total value of such deposit, 74560

including accrued interest and dividends, as of the date of 74561
decedent's death, without the written consent of the tax 74562
commissioner. The written consent of the tax commissioner need not 74563
be obtained prior to the delivery or transfer of amounts having a 74564
value of three-fourths or less of said total value. 74565

(C) No life insurance company shall pay the proceeds of an 74566
annuity or matured endowment contract, or of a life insurance 74567
contract payable to the estate of a decedent, or of any other 74568
insurance contract taxable under Chapter 5731. of the Revised 74569
Code, without the written consent of the tax commissioner. Any 74570
life insurance company may pay the proceeds of any insurance 74571
contract not specified in this division (C) without the written 74572
consent of the tax commissioner. 74573

(D) No trust company or other corporation or person shall pay 74574
the proceeds of any death benefit, retirement, pension or profit 74575
sharing plan in excess of two thousand dollars, without the 74576
written consent of the tax commissioner. Such trust company or 74577
other corporation or person, however, may pay the proceeds of any 74578
death benefit, retirement, pension, or profit-sharing plan which 74579
consists of insurance on the life of the decedent payable to a 74580
beneficiary other than the estate of the insured without the 74581
written consent of the tax commissioner. 74582

(E) No safe deposit company, trust company, financial 74583
institution as defined in division (A) of section 5725.01 of the 74584
Revised Code, or other corporation or person, having in 74585
possession, control, or custody securities, assets, or other 74586
property (including the shares of the capital stock of, or other 74587
interest in, such safe deposit company, trust company, financial 74588
institution as defined in division (A) of section 5725.01 of the 74589
Revised Code, or other corporation), standing in the name of a 74590
decedent, or in trust for a decedent, or in the name of a decedent 74591
and another person or persons, and the transfer of which is 74592

taxable under Chapter 5731. of the Revised Code, shall deliver or 74593
transfer any such securities, assets, or other property which have 74594
a value as of the date of decedent's death in excess of 74595
three-fourths of the total value thereof, without the written 74596
consent of the tax commissioner. The written consent of the tax 74597
commissioner need not be obtained prior to the delivery or 74598
transfer of any such securities, assets, or other property having 74599
a value of three-fourths or less of said total value. 74600

(F) No safe deposit company, financial institution as defined 74601
in division (A) of section 5725.01 of the Revised Code, or other 74602
corporation or person having possession or control of a safe 74603
deposit box or similar receptacle standing in the name of a 74604
decedent or in the name of the decedent and another person or 74605
persons, or to which the decedent had a right of access, except 74606
when such safe deposit box or other receptacle stands in the name 74607
of a corporation or partnership, or in the name of the decedent as 74608
guardian or executor, shall deliver any of the contents thereof 74609
unless the safe deposit box or similar receptacle has been opened 74610
and inventoried in the presence of the tax commissioner or the 74611
commissioner's agent, and a written consent to transfer issued; 74612
provided, however, that a safe deposit company, financial 74613
institution, or other corporation or person having possession or 74614
control of a safe deposit box may deliver wills, deeds to burial 74615
lots, and insurance policies to a representative of the decedent, 74616
but that a representative of the safe deposit company, financial 74617
institution, or other corporation or person must supervise the 74618
opening of the box and make a written record of the wills, deeds, 74619
and policies removed. Such written record shall be included in the 74620
tax commissioner's inventory records. 74621

(G) Notwithstanding any provision of this section: 74622

(1) The tax commissioner may authorize any delivery or 74623
transfer or waive any of the foregoing requirements under such 74624

terms and conditions as the commissioner may prescribe; 74625

(2) An adult care facility, as defined in section 3722.01 of 74626
the Revised Code, or a home, as defined in section 3721.10 of the 74627
Revised Code, may transfer or use the money in a personal needs 74628
allowance account in accordance with section ~~5111.112~~ 5111.113 of 74629
the Revised Code without the written consent of the tax 74630
commissioner, and without the account having been opened and 74631
inventoried in the presence of the commissioner or the 74632
commissioner's agent. 74633

Failure to comply with this section shall render such safe 74634
deposit company, trust company, life insurance company, financial 74635
institution as defined in division (A) of section 5725.01 of the 74636
Revised Code, or other corporation or person liable for the amount 74637
of the taxes and interest due under the provisions of Chapter 74638
5731. of the Revised Code on the transfer of such stock, deposit, 74639
proceeds of an annuity or matured endowment contract or of a life 74640
insurance contract payable to the estate of a decedent, or other 74641
insurance contract taxable under Chapter 5731. of the Revised 74642
Code, proceeds of any death benefit, retirement, pension, or 74643
profit sharing plan in excess of two thousand dollars, or 74644
securities, assets, or other property of any resident decedent, 74645
and in addition thereto, to a penalty of not less than five 74646
hundred or more than five thousand dollars. 74647

Sec. 5731.41. To enforce section 5731.39 of the Revised Code, 74648
and to administer Chapters 5713. and 4503. of the Revised Code the 74649
tax commissioner may appoint agents in the unclassified civil 74650
service who shall perform such duties as are prescribed by the 74651
commissioner. Such agents shall, as compensation, receive annually 74652
eight cents per capita for each full one thousand of the first 74653
twenty thousand of the population of the county and two cents per 74654
capita for each full one thousand over twenty thousand of the 74655

population of the county, as shown by the last federal census, 74656
which shall be paid in equal monthly installments from the 74657
undivided inheritance or estate tax in the county treasury on the 74658
warrant of the county auditor or from the county real estate 74659
assessment fund pursuant to division (B)(6) of section 325.31 of 74660
the Revised Code, any other provision of law to the contrary 74661
notwithstanding. The amount paid to any agent in the unclassified 74662
service for all of the duties performed in estate tax matters 74663
under this section, as directed by the commissioner, shall not 74664
exceed three thousand nor be less than twelve hundred dollars in 74665
any calendar year. 74666

Sec. 5733.01. (A) The tax provided by this chapter for 74667
domestic corporations shall be the amount charged against each 74668
corporation organized for profit under the laws of this state and 74669
each nonprofit corporation organized pursuant to Chapter 1729. of 74670
the Revised Code, except as provided in sections 5733.09 and 74671
5733.10 of the Revised Code, for the privilege of exercising its 74672
franchise during the calendar year in which that amount is 74673
payable, and the tax provided by this chapter for foreign 74674
corporations shall be the amount charged against each corporation 74675
organized for profit and each nonprofit corporation organized or 74676
operating in the same or similar manner as nonprofit corporations 74677
organized under Chapter 1729. of the Revised Code, under the laws 74678
of any state or country other than this state, except as provided 74679
in sections 5733.09 and 5733.10 of the Revised Code, for the 74680
privilege of doing business in this state, owning or using a part 74681
or all of its capital or property in this state, holding a 74682
certificate of compliance with the laws of this state authorizing 74683
it to do business in this state, or otherwise having nexus in or 74684
with this state under the Constitution of the United States, 74685
during the calendar year in which that amount is payable. 74686

(B) A corporation is subject to the tax imposed by section 74687

5733.06 of the Revised Code for each calendar year that it is so
organized, doing business, owning or using a part or all of its
capital or property, holding a certificate of compliance, or
otherwise having nexus in or with this state under the
Constitution of the United States, on the first day of January of
that calendar year.

(C) Any corporation subject to this chapter that is not
subject to the federal income tax shall file its returns and
compute its tax liability as required by this chapter in the same
manner as if that corporation were subject to the federal income
tax.

(D) For purposes of this chapter, a federally chartered
financial institution shall be deemed to be organized under the
laws of the state within which its principal office is located.

(E) ~~Any~~ For purposes of this chapter, any person, as defined
in section 5701.01 of the Revised Code, shall be treated as a
corporation ~~for purposes of this chapter~~ if the person is
classified for federal income tax purposes as an association
taxable as a corporation, and an equity interest in the person
shall be treated as capital stock of the person.

(F) For the purposes of this chapter, "disregarded entity"
has the same meaning as in division (D) of section 5745.01 of the
Revised Code.

(1) A person's interest in a disregarded entity, whether held
directly or indirectly, shall be treated as the person's ownership
of the assets and liabilities of the disregarded entity, and the
income, including gain or loss, shall be included in the person's
net income under this chapter.

(2) Any sale, exchange, or other disposition of the person's
interest in the disregarded entity, whether held directly or
indirectly, shall be treated as a sale, exchange, or other

disposition of the person's share of the disregarded entity's 74719
underlying assets or liabilities, and the gain or loss from such 74720
sale, exchange, or disposition shall be included in the person's 74721
net income under this chapter. 74722

(3) The disregarded entity's payroll, property, and sales 74723
factors shall be included in the person's factors. 74724

(G) The tax a corporation is required to pay under this 74725
chapter shall be as follows: 74726

(1)(a) For financial institutions, the greater of the minimum 74727
payment required under division (E) of section 5733.06 of the 74728
Revised Code or the difference between all taxes charged the 74729
financial institution under this chapter, without regard to 74730
division (G)(2) of this section, less any credits allowable 74731
against such tax. 74732

(b) A corporation satisfying the description in division 74733
(E)(5), (6), (7), (8), or (10) of section 5751.01 of the Revised 74734
Code that is not a financial institution, insurance company, or 74735
dealer in intangibles is subject to the taxes imposed under this 74736
chapter as a corporation and not subject to tax as a financial 74737
institution, and shall pay the greater of the minimum payment 74738
required under division (E) of section 5733.06 of the Revised Code 74739
or the difference between all the taxes charged under this 74740
chapter, without regard to division (G)(2) of this section, less 74741
any credits allowable against such tax. 74742

(2) For all corporations other than those persons described 74743
in division (G)(1)(a) or (b) of this section, the amount under 74744
division (G)(2)(a) of this section applicable to the tax year 74745
specified less the amount under division (G)(2)(b) of this 74746
section: 74747

(a)(i) For tax year 2005, the greater of the minimum payment 74748
required under division (E) of section 5733.06 of the Revised Code 74749

or the difference between all taxes charged the corporation under 74750
this chapter and any credits allowable against such tax; 74751

(ii) For tax year 2006, the greater of the minimum payment 74752
required under division (E) of section 5733.06 of the Revised Code 74753
or four-fifths of the difference between all taxes charged the 74754
corporation under this chapter and any credits allowable against 74755
such tax except the qualifying pass-through entity tax credit 74756
described in division (A)(30) and the refundable credits described 74757
in divisions (A)(31), (32), and (33) of section 5733.98 of the 74758
Revised Code; 74759

(iii) For tax year 2007, the greater of the minimum payment 74760
required under division (E) of section 5733.06 of the Revised Code 74761
or three-fifths of the difference between all taxes charged the 74762
corporation under this chapter and any credits allowable against 74763
such tax except the qualifying pass-through entity tax credit 74764
described in division (A)(30) and the refundable credits described 74765
in divisions (A)(31), (32), and (33) of section 5733.98 of the 74766
Revised Code; 74767

(iv) For tax year 2008, the greater of the minimum payment 74768
required under division (E) of section 5733.06 of the Revised Code 74769
or two-fifths of the difference between all taxes charged the 74770
corporation under this chapter and any credits allowable against 74771
such tax except the qualifying pass-through entity tax credit 74772
described in division (A)(30) and the refundable credits described 74773
in divisions (A)(31), (32), and (33) of section 5733.98 of the 74774
Revised Code; 74775

(v) For tax year 2009, the greater of the minimum payment 74776
required under division (E) of section 5733.06 of the Revised Code 74777
or one-fifth of the difference between all taxes charged the 74778
corporation under this chapter and any credits allowable against 74779
such tax except the qualifying pass-through entity tax credit 74780

described in division (A)(30) and the refundable credits described 74781
in divisions (A)(31), (32), and (33) of section 5733.98 of the 74782
Revised Code; 74783

(vi) For tax year 2010 and each tax year thereafter, no tax. 74784

(b) A corporation shall subtract from the amount calculated 74785
under division (G)(2)(a)(ii), (iii), (iv), or (v) of this section 74786
any qualifying pass-through entity tax credit described in 74787
division (A)(30) and any refundable credits described in divisions 74788
(A)(31), (32), and (33) of section 5733.98 of the Revised Code to 74789
which the corporation is entitled. Any unused qualifying 74790
pass-through entity tax credit is not refundable. 74791

(c) For the purposes of computing the amount of a credit that 74792
may be carried forward to a subsequent tax year under division 74793
(G)(2) of this section, a credit is utilized against the tax for a 74794
tax year to the extent the credit applies against the tax for that 74795
tax year, even if the difference is then multiplied by the 74796
applicable fraction under division (G)(2)(a) of this section. 74797

(3) Nothing in division (G) of this section eliminates or 74798
reduces the tax imposed by section 5733.41 of the Revised Code on 74799
a qualifying pass-through entity. 74800

Sec. 5733.065. (A) As used in this section, "litter stream 74801
products" means: 74802

(1) Intoxicating liquor, beer, wine, mixed beverages, or 74803
spirituous liquor as defined in section 4301.01 of the Revised 74804
Code; 74805

(2) Soft drinks as defined in section 913.22 of the Revised 74806
Code; 74807

(3) Glass, metal, plastic, or fiber containers with a 74808
capacity of less than two gallons sold for the purpose of being 74809
incorporated into or becoming a part of a product enumerated in 74810

divisions (A)(1) and (2) of this section; 74811

(4) Container crowns and closures sold for the purpose of 74812
being incorporated into or becoming a part of a product enumerated 74813
in divisions (A)(1) and (2) of this section; 74814

(5) Packaging materials transferred or intended for transfer 74815
of use or possession in conjunction with retail sales of products 74816
enumerated in divisions (A)(1) and (2) of this section; 74817

(6) Packaging materials in the finished form in which they 74818
are to be used, including sacks, bags, cups, lids, straws, plates, 74819
wrappings, boxes, or containers of any type used in the packaging 74820
or serving of food or beverages, when the food or beverages are 74821
prepared for human consumption by a restaurant or take-out food 74822
outlet at the premises where sold at retail and are delivered to a 74823
purchaser for consumption off the premises where the food or 74824
beverages are sold; 74825

(7) Cigarettes, cigars, tobacco, matches, candy, and gum. 74826

(B) For the purpose of providing additional funding for ~~the~~ 74827
~~division of recycling and litter prevention under Chapter 1502. of~~ 74828
~~the Revised Code~~, there is hereby levied an additional tax on 74829
corporations for the privilege of manufacturing or selling litter 74830
stream products in this state. The tax imposed by this section is 74831
in addition to the tax charged under section 5733.06 of the 74832
Revised Code, computed at the rate prescribed by section 5733.066 74833
of the Revised Code. ~~This section does not apply for tax year 1981~~ 74834
~~to a corporation whose taxable year for tax year 1981 ended on or~~ 74835
~~before June 30, 1980.~~ 74836

(C) The tax shall be imposed upon each corporation subject to 74837
the tax imposed by section 5733.06 of the Revised Code that 74838
manufactures or sells litter stream products in this state. The 74839
tax for each year shall be in an amount equal to the greater of 74840
either: 74841

(1) Twenty-two hundredths of one per cent upon the value of 74842
that portion of the taxpayer's issued and outstanding shares of 74843
stock as determined under division (B) of section 5733.05 of the 74844
Revised Code that is subject to the rate contained in division (B) 74845
of section 5733.06 of the Revised Code; 74846

(2) Fourteen one-hundredths of a mill times the value of the 74847
taxpayer's issued and outstanding shares of stock as determined 74848
under division (C) of section 5733.05 of the Revised Code. 74849

The additional tax charged any taxpayer or group of combined 74850
taxpayers pursuant to this section for any tax year shall not 74851
exceed five thousand dollars. 74852

(D)(1) In the case of a corporation engaged in the business 74853
of manufacturing litter stream products, no tax shall be due under 74854
this section unless the sale of litter stream products in this 74855
state during the taxable year exceeds five per cent of the total 74856
sales in this state of the corporation during that period or 74857
unless the total sales in this state of litter stream products by 74858
the corporation during the taxable year exceed ten million 74859
dollars. 74860

(2) In the case of a corporation engaged in the business of 74861
selling litter stream products in the form in which the item is or 74862
is to be received, no tax shall be due under this section unless 74863
the corporation's sales of litter stream products in this state 74864
during the taxable year constitute more than five per cent of its 74865
total sales in this state during that period. 74866

(3) In the case of a corporation transferring possession of 74867
litter stream products included in division (A)(6) of this 74868
section, in which food or beverages prepared for human consumption 74869
are placed, when the food or beverages are prepared for retail 74870
sale at the premises where sold and are delivered to a purchaser 74871
for consumption off the premises where the food or beverages are 74872

sold, no tax shall be due under this section unless such sales for 74873
off-premises consumption during the taxable year exceed five per 74874
cent of the corporation's total annual sales during the taxable 74875
year. 74876

(E)(1) The tax imposed by this section is due in the 74877
proportions and on the dates on which the tax imposed by section 74878
5733.06 of the Revised Code may be paid without penalty. 74879

(2) Payment of the tax and any reports or returns required to 74880
enable the tax commissioner to determine the correct amount of the 74881
tax shall be submitted with and are due at the same time as 74882
payments and reports required to be submitted under this chapter. 74883

(3) If the tax is not paid in full on or before the date 74884
required by division (E)(1) of this section, the unpaid portion of 74885
the tax due and unpaid shall be subject to all provisions of this 74886
chapter for the collection of unpaid, delinquent taxes imposed by 74887
section 5733.06 of the Revised Code, except that all such taxes, 74888
interest, and penalties, when collected, shall be treated as 74889
proceeds arising from the tax imposed by this section and shall be 74890
deposited in the general revenue fund. 74891

The tax levied on corporations under this section does not 74892
prohibit or otherwise limit the authority of municipal 74893
corporations to impose an income tax on the income of such 74894
corporations. 74895

Sec. 5733.066. There shall be added to the rates contained in 74896
section 5733.06 of the Revised Code the following: 74897

(A) To the rate in division (A) of that section upon that 74898
portion of the value of the taxpayer's issued and outstanding 74899
shares of stock as determined under division (B) of section 74900
5733.05 of the Revised Code that is subject to such rate, an 74901
additional eleven-hundredths per cent upon that value to provide 74902

funding for ~~the division of~~ recycling and litter prevention under 74903
~~Chapter 1502. of the Revised Code;~~ 74904

(B) To the rate in division (B) of that section upon that 74905
portion of the value so determined that is subject to that rate, 74906
an additional twenty-two-hundredths per cent upon that value to 74907
provide funding for ~~the division~~ recycling and litter prevention 74908
~~under Chapter 1502. of the Revised Code;~~ 74909

(C) To the rate in division (C) of that section times that 74910
portion of the value of the taxpayer's issued and outstanding 74911
shares of stock as determined under division (C) of section 74912
5733.05 of the Revised Code, an additional fourteen one-hundredths 74913
mills times that value to provide funding for ~~the division of~~ 74914
recycling and litter prevention ~~under Chapter 1502. of the Revised~~ 74915
~~Code.~~ 74916

The additional tax charged any taxpayer or group of combined 74917
taxpayers pursuant to this section for any tax year shall not 74918
exceed five thousand dollars. 74919

This section does not apply to any family farm corporation as 74920
defined in section 4123.01 of the Revised Code. 74921

The tax levied on corporations under this section does not 74922
prohibit or otherwise limit the authority of municipal 74923
corporations to impose an income tax on the income of such 74924
corporations. 74925

Sec. 5733.33. (A) As used in this section: 74926

(1) "Manufacturing machinery and equipment" means engines and 74927
machinery, and tools and implements, of every kind used, or 74928
designed to be used, in refining and manufacturing. "Manufacturing 74929
machinery and equipment" does not include property acquired after 74930
December 31, 1999, that is used: 74931

(a) For the transmission and distribution of electricity; 74932

(b) For the generation of electricity, if fifty per cent or more of the electricity that the property generates is consumed, during the one-hundred-twenty-month period commencing with the date the property is placed in service, by persons that are not related members to the person who generates the electricity.

(2) "New manufacturing machinery and equipment" means manufacturing machinery and equipment, the original use in this state of which commences with the taxpayer or with a partnership of which the taxpayer is a partner. "New manufacturing machinery and equipment" does not include property acquired after December 31, 1999, that is used:

(a) For the transmission and distribution of electricity;

(b) For the generation of electricity, if fifty per cent or more of the electricity that the property generates is consumed, during the one-hundred-twenty-month period commencing with the date the property is placed in service, by persons that are not related members to the person who generates the electricity.

(3)(a) "Purchase" has the same meaning as in section 179(d)(2) of the Internal Revenue Code.

(b) For purposes of this section, any property that is not manufactured or assembled primarily by the taxpayer is considered purchased at the time the agreement to acquire the property becomes binding. Any property that is manufactured or assembled primarily by the taxpayer is considered purchased at the time the taxpayer places the property in service in the county for which the taxpayer will calculate the county excess amount.

(c) Notwithstanding section 179(d) of the Internal Revenue Code, a taxpayer's direct or indirect acquisition of new manufacturing machinery and equipment is not purchased on or after July 1, 1995, if the taxpayer, or a person whose relationship to the taxpayer is described in subparagraphs (A), (B), or (C) of

section 179(d)(2) of the Internal Revenue Code, had directly or
indirectly entered into a binding agreement to acquire the
property at any time prior to July 1, 1995.

(4) "Qualifying period" means the period that begins July 1,
1995, and ends ~~December 31, 2015~~ June 30, 2005.

(5) "County average new manufacturing machinery and equipment
investment" means either of the following:

(a) The average annual cost of new manufacturing machinery
and equipment purchased for use in the county during baseline
years, in the case of a taxpayer that was in existence for more
than one year during baseline years.

(b) Zero, in the case of a taxpayer that was not in existence
for more than one year during baseline years.

(6) "Partnership" includes a limited liability company formed
under Chapter 1705. of the Revised Code or under the laws of any
other state, provided that the company is not classified for
federal income tax purposes as an association taxable as a
corporation.

(7) "Partner" includes a member of a limited liability
company formed under Chapter 1705. of the Revised Code or under
the laws of any other state, provided that the company is not
classified for federal income tax purposes as an association
taxable as a corporation.

(8) "Distressed area" means either a municipal corporation
that has a population of at least fifty thousand or a county that
meets two of the following criteria of economic distress, or a
municipal corporation the majority of the population of which is
situated in such a county:

(a) Its average rate of unemployment, during the most recent
five-year period for which data are available, is equal to at

least one hundred twenty-five per cent of the average rate of unemployment for the United States for the same period; 74994
74995

(b) It has a per capita income equal to or below eighty per cent of the median county per capita income of the United States as determined by the most recently available figures from the United States census bureau; 74996
74997
74998
74999

(c)(i) In the case of a municipal corporation, at least twenty per cent of the residents have a total income for the most recent census year that is below the official poverty line; 75000
75001
75002

(ii) In the case of a county, in intercensal years, the county has a ratio of transfer payment income to total county income equal to or greater than twenty-five per cent. 75003
75004
75005

(9) "Eligible area" means a distressed area, a labor surplus area, an inner city area, or a situational distress area. 75006
75007

(10) "Inner city area" means, in a municipal corporation that has a population of at least one hundred thousand and does not meet the criteria of a labor surplus area or a distressed area, targeted investment areas established by the municipal corporation within its boundaries that are comprised of the most recent census block tracts that individually have at least twenty per cent of their population at or below the state poverty level or other census block tracts contiguous to such census block tracts. 75008
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(11) "Labor surplus area" means an area designated as a labor surplus area by the United States department of labor. 75016
75017

(12) "Official poverty line" has the same meaning as in division (A) of section 3923.51 of the Revised Code. 75018
75019

(13) "Situational distress area" means a county or a municipal corporation that has experienced or is experiencing a closing or downsizing of a major employer, that will adversely affect the county's or municipal corporation's economy. In order 75020
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to be designated as a situational distress area for a period not 75024
to exceed thirty-six months, the county or municipal corporation 75025
may petition the director of development. The petition shall 75026
include written documentation that demonstrates all of the 75027
following adverse effects on the local economy: 75028

(a) The number of jobs lost by the closing or downsizing; 75029

(b) The impact that the job loss has on the county's or 75030
municipal corporation's unemployment rate as measured by the state 75031
director of job and family services; 75032

(c) The annual payroll associated with the job loss; 75033

(d) The amount of state and local taxes associated with the 75034
job loss; 75035

(e) The impact that the closing or downsizing has on the 75036
suppliers located in the county or municipal corporation. 75037

(14) "Cost" has the same meaning and limitation as in section 75038
179(d)(3) of the Internal Revenue Code. 75039

(15) "Baseline years" means: 75040

(a) Calendar years 1992, 1993, and 1994, with regard to a 75041
credit claimed for the purchase during calendar year 1995, 1996, 75042
1997, or 1998 of new manufacturing machinery and equipment; 75043

(b) Calendar years 1993, 1994, and 1995, with regard to a 75044
credit claimed for the purchase during calendar year 1999 of new 75045
manufacturing machinery and equipment; 75046

(c) Calendar years 1994, 1995, and 1996, with regard to a 75047
credit claimed for the purchase during calendar year 2000 of new 75048
manufacturing machinery and equipment; 75049

(d) Calendar years 1995, 1996, and 1997, with regard to a 75050
credit claimed for the purchase during calendar year 2001 of new 75051
manufacturing machinery and equipment; 75052

(e) Calendar years 1996, 1997, and 1998, with regard to a credit claimed for the purchase during calendar year 2002 of new manufacturing machinery and equipment;	75053 75054 75055
(f) Calendar years 1997, 1998, and 1999, with regard to a credit claimed for the purchase during calendar year 2003 of new manufacturing machinery and equipment;	75056 75057 75058
(g) Calendar years 1998, 1999, and 2000, with regard to a credit claimed for the purchase during calendar year 2004 of new manufacturing machinery and equipment;	75059 75060 75061
(h) Calendar years 1999, 2000, and 2001, with regard to a credit claimed for the purchase during calendar year 2005 <u>on or after January 1, 2005, and on or before June 30, 2005,</u> of new manufacturing machinery and equipment;	75062 75063 75064 75065
(i) Calendar years 2000, 2001, and 2002, with regard to a credit claimed for the purchase during calendar year 2006 of new manufacturing machinery and equipment;	75066 75067 75068
(j) Calendar years 2001, 2002, and 2003, with regard to a credit claimed for the purchase during calendar year 2007 of new manufacturing machinery and equipment;	75069 75070 75071
(k) Calendar years 2002, 2003, and 2004, with regard to a credit claimed for the purchase during calendar year 2008 of new manufacturing machinery and equipment;	75072 75073 75074
(l) Calendar years 2003, 2004, and 2005, with regard to a credit claimed for the purchase during calendar year 2009 of new manufacturing machinery and equipment;	75075 75076 75077
(m) Calendar years 2004, 2005, and 2006, with regard to a credit claimed for the purchase during calendar year 2010 of new manufacturing machinery and equipment;	75078 75079 75080
(n) Calendar years 2005, 2006, and 2007, with regard to a credit claimed for the purchase during calendar year 2011 of new	75081 75082

~~manufacturing machinery and equipment;~~ 75083

~~(o) Calendar years 2006, 2007, and 2008, with regard to a~~ 75084
~~credit claimed for the purchase during calendar year 2012 of new~~ 75085
~~manufacturing machinery and equipment;~~ 75086

~~(p) Calendar years 2007, 2008, and 2009, with regard to a~~ 75087
~~credit claimed for the purchase during calendar year 2013 of new~~ 75088
~~manufacturing machinery and equipment;~~ 75089

~~(q) Calendar years 2008, 2009, and 2010, with regard to a~~ 75090
~~credit claimed for the purchase during calendar year 2014 of new~~ 75091
~~manufacturing machinery and equipment;~~ 75092

~~(r) Calendar years 2009, 2010, and 2011, with regard to a~~ 75093
~~credit claimed for the purchase during calendar year 2015 of new~~ 75094
~~manufacturing machinery and equipment.~~ 75095

(16) "Related member" has the same meaning as in section 75096
5733.042 of the Revised Code. 75097

(B)(1) Subject to division (I) of this section, a 75098
nonrefundable credit is allowed against the tax imposed by section 75099
5733.06 of the Revised Code for a taxpayer that purchases new 75100
manufacturing machinery and equipment during the qualifying 75101
period, provided that the new manufacturing machinery and 75102
equipment are installed in this state no later than ~~December 31,~~ 75103
~~2016~~ June 30, 2006. No credit shall be allowed under this section 75104
or section 5747.31 of the Revised Code for taxable years ending on 75105
or after July 1, 2005. The elimination of the credit for those 75106
taxable years includes the elimination of any remaining 75107
one-sevenths of credit amounts for which a portion was allowed for 75108
prior taxable years and the elimination of any credit 75109
carry-forward, but the purchases on which the credits were based 75110
remain subject to grants under section 122.173 of the Revised Code 75111
for those remaining one-seventh amounts or carry-forward amounts. 75112

(2)(a) Except as otherwise provided in division (B)(2)(b) of 75113
this section, a credit may be claimed under this section in excess 75114
of one million dollars only if the cost of all manufacturing 75115
machinery and equipment owned in this state by the taxpayer 75116
claiming the credit on the last day of the calendar year exceeds 75117
the cost of all manufacturing machinery and equipment owned in 75118
this state by the taxpayer on the first day of that calendar year. 75119

As used in division (B)(2)(a) of this section, "calendar 75120
year" means the calendar year in which the machinery and equipment 75121
for which the credit is claimed was purchased. 75122

(b) Division (B)(2)(a) of this section does not apply if the 75123
taxpayer claiming the credit applies for and is issued a waiver of 75124
the requirement of that division. A taxpayer may apply to the 75125
director of development for such a waiver in the manner prescribed 75126
by the director, and the director may issue such a waiver if the 75127
director determines that granting the credit is necessary to 75128
increase or retain employees in this state, and that the credit 75129
has not caused relocation of manufacturing machinery and equipment 75130
among counties within this state for the primary purpose of 75131
qualifying for the credit. 75132

(C)(1) Except as otherwise provided in division (C)(2) and 75133
division (I) of this section, the credit amount is equal to seven 75134
and one-half per cent of the excess of the cost of the new 75135
manufacturing machinery and equipment purchased during the 75136
calendar year for use in a county over the county average new 75137
manufacturing machinery and equipment investment for that county. 75138

(2) Subject to division (I) of this section, as used in 75139
division (C)(2) of this section "county excess" means the 75140
taxpayer's excess cost for a county as computed under division 75141
(C)(1) of this section. 75142

Subject to division (I) of this section, a taxpayer with a 75143

county excess, whose purchases included purchases for use in any 75144
eligible area in the county, the credit amount is equal to 75145
thirteen and one-half per cent of the cost of the new 75146
manufacturing machinery and equipment purchased during the 75147
calendar year for use in the eligible areas in the county, 75148
provided that the cost subject to the thirteen and one-half per 75149
cent rate shall not exceed the county excess. If the county excess 75150
is greater than the cost of the new manufacturing machinery and 75151
equipment purchased during the calendar year for use in eligible 75152
areas in the county, the credit amount also shall include an 75153
amount equal to seven and one-half per cent of the amount of the 75154
difference. 75155

(3) If a taxpayer is allowed a credit for purchases of new 75156
manufacturing machinery and equipment in more than one county or 75157
eligible area, it shall aggregate the amount of those credits each 75158
year. 75159

(4) The taxpayer shall claim one-seventh of the credit amount 75160
for the tax year immediately following the calendar year in which 75161
the new manufacturing machinery and equipment is purchased for use 75162
in the county by the taxpayer or partnership. One-seventh of the 75163
taxpayer credit amount is allowed for each of the six ensuing tax 75164
years. Except for carried-forward amounts, the taxpayer is not 75165
allowed any credit amount remaining if the new manufacturing 75166
machinery and equipment is sold by the taxpayer or partnership or 75167
is transferred by the taxpayer or partnership out of the county 75168
before the end of the seven-year period unless, at the time of the 75169
sale or transfer, the new manufacturing machinery and equipment 75170
has been fully depreciated for federal income tax purposes. 75171

(5)(a) A taxpayer that acquires manufacturing machinery and 75172
equipment as a result of a merger with the taxpayer with whom 75173
commenced the original use in this state of the manufacturing 75174
machinery and equipment, or with a taxpayer that was a partner in 75175

a partnership with whom commenced the original use in this state 75176
of the manufacturing machinery and equipment, is entitled to any 75177
remaining or carried-forward credit amounts to which the taxpayer 75178
was entitled. 75179

(b) A taxpayer that enters into an agreement under division 75180
(C)(3) of section 5709.62 of the Revised Code and that acquires 75181
manufacturing machinery or equipment as a result of purchasing a 75182
large manufacturing facility, as defined in section 5709.61 of the 75183
Revised Code, from another taxpayer with whom commenced the 75184
original use in this state of the manufacturing machinery or 75185
equipment, and that operates the large manufacturing facility so 75186
purchased, is entitled to any remaining or carried-forward credit 75187
amounts to which the other taxpayer who sold the facility would 75188
have been entitled under this section had the other taxpayer not 75189
sold the manufacturing facility or equipment. 75190

(c) New manufacturing machinery and equipment is not 75191
considered sold if a pass-through entity transfers to another 75192
pass-through entity substantially all of its assets as part of a 75193
plan of reorganization under which substantially all gain and loss 75194
is not recognized by the pass-through entity that is transferring 75195
the new manufacturing machinery and equipment to the transferee 75196
and under which the transferee's basis in the new manufacturing 75197
machinery and equipment is determined, in whole or in part, by 75198
reference to the basis of the pass-through entity which 75199
transferred the new manufacturing machinery and equipment to the 75200
transferee. 75201

(d) Division (C)(5) of this section shall apply only if the 75202
acquiring taxpayer or transferee does not sell the new 75203
manufacturing machinery and equipment or transfer the new 75204
manufacturing machinery and equipment out of the county before the 75205
end of the seven-year period to which division (C)(4) of this 75206
section refers. 75207

(e) Division (C)(5)(b) of this section applies only to the 75208
extent that the taxpayer that sold the manufacturing machinery or 75209
equipment, upon request, timely provides to the tax commissioner 75210
any information that the tax commissioner considers to be 75211
necessary to ascertain any remaining or carried-forward amounts to 75212
which the taxpayer that sold the facility would have been entitled 75213
under this section had the taxpayer not sold the manufacturing 75214
machinery or equipment. Nothing in division (C)(5)(b) or (e) of 75215
this section shall be construed to allow a taxpayer to claim any 75216
credit amount with respect to the acquired manufacturing machinery 75217
or equipment that is greater than the amount that would have been 75218
available to the other taxpayer that sold the manufacturing 75219
machinery or equipment had the other taxpayer not sold the 75220
manufacturing machinery or equipment. 75221

(D) The taxpayer shall claim the credit in the order required 75222
under section 5733.98 of the Revised Code. Each year, any credit 75223
amount in excess of the tax due under section 5733.06 of the 75224
Revised Code after allowing for any other credits that precede the 75225
credit under this section in that order may be carried forward for 75226
three tax years. 75227

(E) A taxpayer purchasing new manufacturing machinery and 75228
equipment and intending to claim the credit shall file, with the 75229
department of development, a notice of intent to claim the credit 75230
on a form prescribed by the department of development. The 75231
department of development shall inform the tax commissioner of the 75232
notice of intent to claim the credit. No credit may be claimed 75233
under this section for any manufacturing machinery and equipment 75234
with respect to which a notice was not filed by the date of a 75235
timely filed return, including extensions, for the taxable year 75236
that includes September 30, 2005. 75237

(F) The director of development shall annually certify, by 75238
the first day of January of each year during the qualifying 75239

period, the eligible areas for the tax credit for the calendar 75240
year that includes that first day of January. The director shall 75241
send a copy of the certification to the tax commissioner. 75242

(G) New manufacturing machinery and equipment for which a 75243
taxpayer claims the credit under section 5733.31, 5733.311, 75244
5747.26, or 5747.261 of the Revised Code shall not be considered 75245
new manufacturing machinery and equipment for purposes of the 75246
credit under this section. 75247

(H)(1) Notwithstanding sections 5733.11 and 5747.13 of the 75248
Revised Code, but subject to division (H)(2) of this section, the 75249
tax commissioner may issue an assessment against a person with 75250
respect to a credit claimed under this section for new 75251
manufacturing machinery and equipment described in division 75252
(A)(1)(b) or (2)(b) of this section, if the machinery or equipment 75253
subsequently does not qualify for the credit. 75254

(2) Division (H)(1) of this section shall not apply after the 75255
twenty-fourth month following the last day of the period described 75256
in divisions (A)(1)(b) and (2)(b) of this section. 75257

(I) Notwithstanding any other provision of this section to 75258
the contrary, in the case of a qualifying controlled group, the 75259
credit available under this section to a taxpayer or taxpayers in 75260
the qualifying controlled group shall be computed as if all 75261
corporations in the group were a single corporation. The credit 75262
shall be allocated to such a taxpayer or taxpayers in the group in 75263
any amount elected for the taxable year by the group. Such 75264
election shall be revocable and amendable during the period 75265
described in division (B) of section 5733.12 of the Revised Code. 75266

This division applies to all purchases of new manufacturing 75267
machinery and equipment made on or after January 1, 2001, and to 75268
all baseline years used to compute any credit attributable to such 75269
purchases; provided, that this division may be applied solely at 75270

the election of the qualifying controlled group with respect to 75271
all purchases of new manufacturing machinery and equipment made 75272
before that date, and to all baseline years used to compute any 75273
credit attributable to such purchases. The qualifying controlled 75274
group at any time may elect to apply this division to purchases 75275
made prior to January 1, 2001, subject to the following: 75276

(1) The election is irrevocable; 75277

(2) The election need not accompany a timely filed report, 75278
but the election may accompany a subsequently filed but timely 75279
application for refund, a subsequently filed but timely amended 75280
report, or a subsequently filed but timely petition for 75281
reassessment. 75282

Sec. 5733.351. (A) As used in this section, "qualified 75283
research expenses" has the same meaning as in section 41 of the 75284
Internal Revenue Code. 75285

(B)(1) A nonrefundable credit is allowed against the tax 75286
imposed by section 5733.06 of the Revised Code for tax year 2002 75287
for a taxpayer whose taxable year for tax year 2002 ended before 75288
July 1, 2001. The credit shall equal seven per cent of the excess 75289
of qualified research expenses incurred in this state by the 75290
taxpayer between January 1, 2001, and the end of the taxable year, 75291
over the taxpayer's average annual qualified research expenses 75292
incurred in this state for the three preceding taxable years. 75293

(2) A nonrefundable credit also is allowed against the tax 75294
imposed by section 5733.06 of the Revised Code for each tax year, 75295
commencing with tax year 2004, and in the case of a corporation 75296
subject to division (G)(2) of section 5733.01 of the Revised Code 75297
ending with tax year 2008. The credit shall equal seven per cent 75298
of the excess of qualified research expenses incurred in this 75299
state by the taxpayer for the taxable year over the taxpayer's 75300

average annual qualified research expenses incurred in this state 75301
for the three preceding taxable years. 75302

(3) The taxpayer shall claim the credit allowed under 75303
division (B)(1) or (2) of this section in the order required by 75304
section 5733.98 of the Revised Code. Any credit amount in excess 75305
of the tax due under section 5733.06 of the Revised Code, after 75306
allowing for any other credits that precede the credit under this 75307
section in the order required under section 5733.98 of the Revised 75308
Code, may be carried forward for seven taxable years, but the 75309
amount of the excess credit allowed in any such year shall be 75310
deducted from the balance carried forward to the next year. A 75311
corporation subject to division (G)(2) of section 5733.01 of the 75312
Revised Code may carry forward any credit not fully utilized by 75313
tax year 2008 and apply it against the tax levied by Chapter 5751. 75314
of the Revised Code to the extent allowed under section 5751.51 of 75315
the Revised Code, provided that the total number of taxable years 75316
under this section and calendar years under Chapter 5751. of the 75317
Revised Code for which the credit is carried forward shall not 75318
exceed seven. 75319

(C) In the case of a qualifying controlled group, the credit 75320
allowed under division (B)(1) or (2) of this section to taxpayers 75321
in the qualifying controlled group shall be computed as if all 75322
corporations in the qualifying controlled group were a 75323
consolidated, single taxpayer. The credit shall be allocated to 75324
such taxpayers in any amount elected for the taxable year by the 75325
qualifying controlled group. The election shall be revocable and 75326
amendable during the period prescribed by division (B) of section 75327
5733.12 of the Revised Code. 75328

Sec. 5733.352. (A) As used in this section: 75329

(1) "Borrower" means any person that receives a loan from the 75330
director of development under section 166.21 of the Revised Code, 75331

regardless of whether the borrower is subject to the taxes imposed 75332
by sections 5733.06, 5733.065, and 5733.066 of the Revised Code. 75333

(2) "Related member" has the same meaning as in section 75334
5733.042 of the Revised Code. 75335

(3) "Qualified research and development loan payments" has 75336
the same meaning as in division (D) of section 166.21 of the 75337
Revised Code. 75338

(B) Beginning ~~in~~ with tax year 2004, and in the case of a 75339
corporation subject to division (G)(2) of section 5733.01 of the 75340
Revised Code ending with tax year 2008, a nonrefundable credit is 75341
allowed against the taxes imposed by sections 5733.06, 5733.065, 75342
and 5733.066 of the Revised Code equal to a borrower's qualified 75343
research and development loan payments made during the calendar 75344
year immediately preceding the tax year for which the credit is 75345
claimed. The amount of the credit for a tax year shall not exceed 75346
one hundred fifty thousand dollars. No taxpayer is entitled to 75347
claim a credit under this section unless it has obtained a 75348
certificate issued by the director of development under division 75349
(D) of section 166.21 of the Revised Code. The credit shall be 75350
claimed in the order required under section 5733.98 of the Revised 75351
Code. The credit, to the extent it exceeds the taxpayer's tax 75352
liability for the tax year after allowance for any other credits 75353
that precede the credit under this section in that order, shall be 75354
carried forward to the next succeeding tax year or years until 75355
fully used. A corporation subject to division (G)(2) of section 75356
5733.01 of the Revised Code may carry forward any credit not fully 75357
utilized by tax year 2008 and apply it against the tax levied by 75358
Chapter 5751. of the Revised Code to the extent allowed under 75359
section 5751.52 of the Revised Code. 75360

(C) A borrower entitled to a credit under this section may 75361
assign the credit, or a portion thereof, to any of the following: 75362

(1) A related member of that borrower; 75363

(2) The owner or lessee of the eligible research and 75364
development project; 75365

(3) A related member of the owner or lessee of the eligible 75366
research and development project. 75367

A borrower making an assignment under this division shall 75368
provide written notice of the assignment to the tax commissioner 75369
and the director of development, in such form as the tax 75370
commissioner prescribes, before the credit that was assigned is 75371
used. The assignor may not claim the credit to the extent it was 75372
assigned to an assignee. The assignee may claim the credit only to 75373
the extent the assignor has not claimed it. 75374

(D) If any taxpayer is a partner in a partnership or a member 75375
in a limited liability company treated as a partnership for 75376
federal income tax purposes, the taxpayer shall be allowed the 75377
taxpayer's distributive or proportionate share of the credit 75378
available through the partnership or limited liability company. 75379

(E) The aggregate credit against the taxes imposed by 75380
sections 5733.06, 5733.065, 5733.066, and 5747.02 of the Revised 75381
Code that may be claimed under this section and section 5747.331 75382
of the Revised Code by a borrower as a result of qualified 75383
research and development loan payments attributable during a 75384
calendar year to any one loan shall not exceed one hundred fifty 75385
thousand dollars. 75386

Sec. 5733.40. As used in sections 5733.40 and 5733.41 and 75387
Chapter 5747. of the Revised Code: 75388

(A)(1) "Adjusted qualifying amount" means either of the 75389
following: 75390

(a) The sum of a each qualifying investor's distributive 75391
share of the income, gain, expense, or loss of a qualifying 75392

pass-through entity for the qualifying taxable year of the 75393
qualifying pass-through entity multiplied by the apportionment 75394
fraction defined in division (B) of this section, subject to 75395
section 5733.401 of the Revised Code and divisions (A)(2) to (7) 75396
of this section; 75397

(b) The sum of a each qualifying beneficiary's share of the 75398
qualifying net income and qualifying net gain distributed by a 75399
qualifying trust for the qualifying taxable year of the qualifying 75400
trust multiplied by the apportionment fraction defined in division 75401
(B) of this section, subject to section 5733.401 of the Revised 75402
Code and divisions (A)(2) to ~~(6)~~(7) of this section. 75403

(2) The sum shall exclude any amount which, pursuant to the 75404
Constitution of the United States, the Constitution of Ohio, or 75405
any federal law is not subject to a tax on or measured by net 75406
income. 75407

(3) ~~The sum shall be increased by~~ For the purposes of 75408
Chapters 5733. and 5747. of the Revised Code, the profit or net 75409
income of the qualifying entity shall be increased by disallowing 75410
all amounts representing expenses, other than amounts described in 75411
division (A)(7) of this section, that the qualifying entity paid 75412
to or incurred with respect to direct or indirect transactions 75413
with one or more related members, excluding the cost of goods sold 75414
calculated in accordance with section 263A of the Internal Revenue 75415
Code and United States department of the treasury regulations 75416
issued thereunder. Nothing in division (A)(3) of this section 75417
shall be construed to limit solely to this chapter the application 75418
of section 263A of the Internal Revenue Code and United States 75419
department of the treasury regulations issued thereunder. 75420

(4) ~~The sum shall be increased by~~ For the purposes of 75421
Chapters 5733. and 5747. of the Revised Code, the profit or net 75422
income of the qualifying entity shall be increased by disallowing 75423
all recognized losses, other than losses from sales of inventory 75424

the cost of which is calculated in accordance with section 263A of 75425
the Internal Revenue Code and United States department of the 75426
treasury regulations issued thereunder, with respect to all direct 75427
or indirect transactions with one or more related members. ~~Losses~~ 75428
For the purposes of Chapters 5733. and 5747. of the Revised Code, 75429
losses from the sales of such inventory shall be allowed only to 75430
the extent calculated in accordance with section 482 of the 75431
Internal Revenue Code and United States department of the treasury 75432
regulations issued thereunder. Nothing in division (A)(4) of this 75433
section shall be construed to limit solely to this section the 75434
application of section 263A and section 482 of the Internal 75435
Revenue Code and United States department of the treasury 75436
regulations issued thereunder. 75437

(5) The sum shall be increased or decreased by an amount 75438
equal to the qualifying investor's or qualifying beneficiary's 75439
distributive or proportionate share of the amount that the 75440
qualifying entity would be required to add or deduct under 75441
divisions (A)(20) and (21) of section 5747.01 of the Revised Code 75442
if the qualifying entity were a taxpayer for the purposes of 75443
Chapter 5747. of the Revised Code. 75444

(6) The sum shall be computed without regard to section 75445
5733.051 or division (D) of section 5733.052 of the Revised Code. 75446

(7) For the purposes of Chapters 5733. and 5747. of the 75447
Revised Code, guaranteed payments or compensation paid to 75448
investors by a qualifying entity that is not subject to the tax 75449
imposed by section 5733.06 of the Revised Code shall be considered 75450
a distributive share of income of the qualifying entity. Division 75451
(A)(7) of this section applies only to such payments or such 75452
compensation paid to an investor who at any time during the 75453
qualifying entity's taxable year holds at least a twenty per cent 75454
direct or indirect interest in the profits or capital of the 75455
qualifying entity. 75456

(B) "Apportionment fraction" means: 75457

(1) With respect to a qualifying pass-through entity other 75458
than a financial institution, the fraction calculated pursuant to 75459
division (B)(2) of section 5733.05 of the Revised Code as if the 75460
qualifying pass-through entity were a corporation subject to the 75461
tax imposed by section 5733.06 of the Revised Code; 75462

(2) With respect to a qualifying pass-through entity that is 75463
a financial institution, the fraction calculated pursuant to 75464
division (C) of section 5733.056 of the Revised Code as if the 75465
qualifying pass-through entity were a financial institution 75466
subject to the tax imposed by section 5733.06 of the Revised Code. 75467

(3) With respect to a qualifying trust, the fraction 75468
calculated pursuant to division (B)(2) of section 5733.05 of the 75469
Revised Code as if the qualifying trust were a corporation subject 75470
to the tax imposed by section 5733.06 of the Revised Code, except 75471
that the property, payroll, and sales fractions shall be 75472
calculated by including in the numerator and denominator of the 75473
fractions only the property, payroll, and sales, respectively, 75474
directly related to the production of income or gain from 75475
acquisition, ownership, use, maintenance, management, or 75476
disposition of tangible personal property located in this state at 75477
any time during the qualifying trust's qualifying taxable year or 75478
of real property located in this state. 75479

(C) "Qualifying beneficiary" means any individual that, 75480
during the qualifying taxable year of a qualifying trust, is a 75481
beneficiary of that trust, but does not include an individual who 75482
is a resident taxpayer for the purposes of Chapter 5747. of the 75483
Revised Code for the entire qualifying taxable year of the 75484
qualifying trust. 75485

(D) "Fiscal year" means an accounting period ending on any 75486
day other than the thirty-first day of December. 75487

(E) "Individual" means a natural person.	75488
(F) "Month" means a calendar month.	75489
(G) "Partnership" has the same meaning as in section 5747.01 of the Revised Code.	75490 75491
(H) "Investor" means any person that, during any portion of a taxable year of a qualifying pass-through entity, is a partner, member, shareholder, or investor in that qualifying pass-through entity.	75492 75493 75494 75495
(I) Except as otherwise provided in section 5733.402 or 5747.401 of the Revised Code, "qualifying investor" means any investor except those described in divisions (I)(1) to (9) of this section.	75496 75497 75498 75499
(1) An investor satisfying one of the descriptions under section 501(a) or (c) of the Internal Revenue Code, a partnership with equity securities registered with the United States securities and exchange commission under section 12 of the "Securities Exchange Act of 1934," as amended, or an investor described in division (F) of section 3334.01, or division (A) or (C) of section 5733.09 of the Revised Code for the entire qualifying taxable year of the qualifying pass-through entity.	75500 75501 75502 75503 75504 75505 75506 75507
(2) An investor who is either an individual or an estate and is a resident taxpayer for the purposes of section 5747.01 of the Revised Code for the entire qualifying taxable year of the qualifying pass-through entity.	75508 75509 75510 75511
(3) An investor who is an individual for whom the qualifying pass-through entity makes a good faith and reasonable effort to comply fully and timely with the filing and payment requirements set forth in division (D) of section 5747.08 of the Revised Code and section 5747.09 of the Revised Code with respect to the individual's adjusted qualifying amount for the entire qualifying	75512 75513 75514 75515 75516 75517

taxable year of the qualifying pass-through entity. 75518

(4) An investor that is another qualifying pass-through 75519
entity having only investors described in division (I)(1), (2), 75520
(3), or (6) of this section during the three-year period beginning 75521
twelve months prior to the first day of the qualifying taxable 75522
year of the qualifying pass-through entity. 75523

(5) An investor that is another pass-through entity having no 75524
investors other than individuals and estates during the qualifying 75525
taxable year of the qualifying pass-through entity in which it is 75526
an investor, and that makes a good faith and reasonable effort to 75527
comply fully and timely with the filing and payment requirements 75528
set forth in division (D) of section 5747.08 of the Revised Code 75529
and section 5747.09 of the Revised Code with respect to investors 75530
that are not resident taxpayers of this state for the purposes of 75531
Chapter 5747. of the Revised Code for the entire qualifying 75532
taxable year of the qualifying pass-through entity in which it is 75533
an investor. 75534

(6) An investor that is a financial institution required to 75535
calculate the tax in accordance with division ~~(D)~~(E) of section 75536
5733.06 of the Revised Code on the first day of January of the 75537
calendar year immediately following the last day of the financial 75538
institution's calendar or fiscal year in which ends the taxpayer's 75539
taxable year. 75540

(7) An investor other than an individual that satisfies all 75541
the following: 75542

(a) The investor submits a written statement to the 75543
qualifying pass-through entity stating that the investor 75544
irrevocably agrees that the investor has nexus with this state 75545
under the Constitution of the United States and is subject to and 75546
liable for the tax calculated under division (A) or (B) of section 75547
5733.06 of the Revised Code with respect to the investor's 75548

adjusted qualifying amount for the entire qualifying taxable year 75549
of the qualifying pass-through entity. The statement is subject to 75550
the penalties of perjury, shall be retained by the qualifying 75551
pass-through entity for no fewer than seven years, and shall be 75552
delivered to the tax commissioner upon request. 75553

(b) The investor makes a good faith and reasonable effort to 75554
comply timely and fully with all the reporting and payment 75555
requirements set forth in Chapter 5733. of the Revised Code with 75556
respect to the investor's adjusted qualifying amount for the 75557
entire qualifying taxable year of the qualifying pass-through 75558
entity. 75559

(c) Neither the investor nor the qualifying pass-through 75560
entity in which it is an investor, before, during, or after the 75561
qualifying pass-through entity's qualifying taxable year, carries 75562
out any transaction or transactions with one or more related 75563
members of the investor or the qualifying pass-through entity 75564
resulting in a reduction or deferral of tax imposed by Chapter 75565
5733. of the Revised Code with respect to all or any portion of 75566
the investor's adjusted qualifying amount for the qualifying 75567
pass-through entity's taxable year, or that constitute a sham, 75568
lack economic reality, or are part of a series of transactions the 75569
form of which constitutes a step transaction or transactions or 75570
does not reflect the substance of those transactions. 75571

(8) Any other investor that the tax commissioner may 75572
designate by rule. The tax commissioner may adopt rules including 75573
a rule defining "qualifying investor" or "qualifying beneficiary" 75574
and governing the imposition of the withholding tax imposed by 75575
section 5747.41 of the Revised Code with respect to an individual 75576
who is a resident taxpayer for the purposes of Chapter 5747. of 75577
the Revised Code for only a portion of the qualifying taxable year 75578
of the qualifying entity. 75579

(9) An investor that is a trust or fund the beneficiaries of 75580

which, during the qualifying taxable year of the qualifying
pass-through entity, are limited to the following:

(a) A person that is or may be the beneficiary of a trust
subject to Subchapter D of Chapter 1 of Subtitle A of the Internal
Revenue Code.

(b) A person that is or may be the beneficiary of or the
recipient of payments from a trust or fund that is a nuclear
decommissioning reserve fund, a designated settlement fund, or any
other trust or fund established to resolve and satisfy claims that
may otherwise be asserted by the beneficiary or a member of the
beneficiary's family. Sections 267(c)(4), 468A(e), and 468B(d)(2)
of the Internal Revenue Code apply to the determination of whether
such a person satisfies division (I)(9) of this section.

(c) A person who is or may be the beneficiary of a trust
that, under its governing instrument, is not required to
distribute all of its income currently. Division (I)(9)(c) of this
section applies only if the trust, prior to the due date for
filing the qualifying pass-through entity's return for taxes
imposed by section 5733.41 and sections 5747.41 to 5747.453 of the
Revised Code, irrevocably agrees in writing that for the taxable
year during or for which the trust distributes any of its income
to any of its beneficiaries, the trust is a qualifying trust and
will pay the estimated tax, and will withhold and pay the withheld
tax, as required under sections 5747.40 to 5747.453 of the Revised
Code.

For the purposes of division (I)(9) of this section, a trust
or fund shall be considered to have a beneficiary other than
persons described under divisions (I)(9)(a) to (c) of this section
if a beneficiary would not qualify under those divisions under the
doctrines of "economic reality," "sham transaction," "step
doctrine," or "substance over form." A trust or fund described in

division (I)(9) of this section bears the burden of establishing 75612
by a preponderance of the evidence that any transaction giving 75613
rise to the tax benefits provided under division (I)(9) of this 75614
section does not have as a principal purpose a claim of those tax 75615
benefits. Nothing in this section shall be construed to limit 75616
solely to this section the application of the doctrines referred 75617
to in this paragraph. 75618

(J) "Qualifying net gain" means any recognized net gain with 75619
respect to the acquisition, ownership, use, maintenance, 75620
management, or disposition of tangible personal property located 75621
in this state at any time during a trust's qualifying taxable year 75622
or real property located in this state. 75623

(K) "Qualifying net income" means any recognized income, net 75624
of related deductible expenses, other than distributions 75625
deductions with respect to the acquisition, ownership, use, 75626
maintenance, management, or disposition of tangible personal 75627
property located in this state at any time during the trust's 75628
qualifying taxable year or real property located in this state. 75629

(L) "Qualifying entity" means a qualifying pass-through 75630
entity or a qualifying trust. 75631

(M) "Qualifying trust" means a trust subject to subchapter J 75632
of the Internal Revenue Code that, during any portion of the 75633
trust's qualifying taxable year, has income or gain from the 75634
acquisition, management, ownership, use, or disposition of 75635
tangible personal property located in this state at any time 75636
during the trust's qualifying taxable year or real property 75637
located in this state. "Qualifying trust" does not include a 75638
person described in section 501(c) of the Internal Revenue Code or 75639
a person described in division (C) of section 5733.09 of the 75640
Revised Code. 75641

(N) "Qualifying pass-through entity" means a pass-through 75642

entity as defined in section 5733.04 of the Revised Code, 75643
excluding: a person described in section 501(c) of the Internal 75644
Revenue Code; a partnership with equity securities registered 75645
with the United States securities and exchange commission under 75646
section 12 of the Securities Exchange Act of 1934, as amended; or 75647
a person described in division (C) of section 5733.09 of the 75648
Revised Code. 75649

(O) "Quarter" means the first three months, the second three 75650
months, the third three months, or the last three months of a 75651
qualifying entity's qualifying taxable year. 75652

(P) "Related member" has the same meaning as in division 75653
(A)(6) of section 5733.042 of the Revised Code without regard to 75654
division (B) of that section. However, for the purposes of 75655
divisions (A)(3) and (4) of this section only, "related member" 75656
has the same meaning as in division (A)(6) of section 5733.042 of 75657
the Revised Code without regard to division (B) of that section, 75658
but shall be applied by substituting "forty per cent" for "twenty 75659
per cent" wherever "twenty per cent" appears in division (A) of 75660
that section. 75661

(Q) "Return" or "report" means the notifications and reports 75662
required to be filed pursuant to sections 5747.42 to 5747.45 of 75663
the Revised Code for the purpose of reporting the tax imposed 75664
under section 5733.41 or 5747.41 of the Revised Code, and included 75665
declarations of estimated tax when so required. 75666

(R) "Qualifying taxable year" means the calendar year or the 75667
qualifying entity's fiscal year ending during the calendar year, 75668
or fractional part thereof, for which the adjusted qualifying 75669
amount is calculated pursuant to sections 5733.40 and 5733.41 or 75670
sections 5747.40 to 5747.453 of the Revised Code. 75671

(S) "Distributive share" includes the sum of the income, 75672
gain, expense, or loss of a disregarded entity or qualified 75673

subchapter S subsidiary. 75674

Sec. 5733.41. The purpose of the tax imposed by this section 75675
is to complement and to reinforce the tax imposed under section 75676
5733.06 of the Revised Code. 75677

For the same purposes for which the tax is levied under 75678
section 5733.06 of the Revised Code, there is hereby levied a tax 75679
on every qualifying pass-through entity having at least one 75680
qualifying investor that is not an individual. The tax imposed by 75681
this section is imposed on the sum of the adjusted qualifying 75682
amounts of the qualifying pass-through entity's qualifying 75683
investors that are not individuals as follows: for qualifying 75684
investors subject to division (G)(2) of section 5733.01 of the 75685
Revised Code, at six and eight-tenths per cent for the entity's 75686
taxable year ending in 2005, at five and one-tenth per cent for 75687
the entity's taxable year ending in 2006, at three and four-tenths 75688
per cent for the entity's taxable year ending in 2007, at one and 75689
seven-tenths per cent for the entity's taxable year ending in 75690
2008, and at zero per cent for the entity's taxable year ending in 75691
2009 or in subsequent years; and for all other qualifying 75692
investors that are not individuals, at the rate specified in 75693
division (B) of section 5733.06 of the Revised Code that is in 75694
effect on the last day of the entity's taxable year. 75695

The tax imposed by this section applies only if the 75696
qualifying entity has nexus with this state under the Constitution 75697
of the United States for any portion of the qualifying entity's 75698
qualifying taxable year, and the sum of the qualifying entity's 75699
adjusted qualifying amounts exceeds one thousand dollars for the 75700
qualifying entity's qualifying taxable year. This section does not 75701
apply to a pass-through entity if all of the partners, 75702
shareholders, members, or investors of the pass-through entity are 75703
taxpayers for the purposes of section 5733.04 of the Revised Code 75704

without regard to section 5733.09 of the Revised Code for the 75705
entire qualifying taxable year of the pass-through entity. 75706

If, prior to the due date of the return, a qualifying 75707
pass-through entity receives from an investor a written 75708
representation, under penalties of perjury, that the investor is 75709
described in division (I)(1), (2), (6), (7), (8), or (9) of 75710
section 5733.40 of the Revised Code for the qualifying 75711
pass-through entity's entire qualifying taxable year, the 75712
qualifying pass-through entity is not required to withhold or pay 75713
the taxes or estimated taxes imposed under this section or 75714
sections 5747.41 to 5747.453 of the Revised Code with respect to 75715
that investor for that qualifying taxable year, and is not subject 75716
to any interest or interest penalties for failure to withhold or 75717
pay those taxes or estimated taxes with respect to that investor 75718
for that qualifying taxable year. 75719

If, prior to the due date of the return, a qualifying trust 75720
receives from a beneficiary of that trust a written 75721
representation, under penalties of perjury, that the beneficiary 75722
is a resident taxpayer for the purposes of Chapter 5747. of the 75723
Revised Code for the qualifying trust's entire qualifying taxable 75724
year, the qualifying trust is not required to withhold or pay the 75725
taxes or estimated taxes imposed under this section or sections 75726
5747.41 to 5747.453 of the Revised Code with respect to that 75727
beneficiary for that qualifying taxable year, and is not subject 75728
to any interest or interest penalties for failure to withhold or 75729
pay those taxes or estimated taxes with respect to that 75730
beneficiary for that qualifying taxable year. 75731

The tax commissioner may adopt rules for the purpose of the 75732
tax levied by this section or section 5747.41 of the Revised Code, 75733
including a rule defining "qualifying investor" or "qualifying 75734
beneficiary", and a rule requiring or permitting a qualifying 75735
entity to combine its income with related members and to pay the 75736

tax and estimated tax on a combined basis. 75737

Sections 5747.10 to 5747.19 and 5747.42 to 5747.453 of the 75738
Revised Code apply to a qualifying entity subject to the tax 75739
imposed under this section. 75740

The levy of the tax under this section does not prevent a 75741
municipal corporation or a joint economic development district 75742
created under section 715.70 or 715.71 or sections 715.72 to 75743
715.81 of the Revised Code from levying a tax on income. 75744

Sec. 5733.49. (A) Upon the issuance of a tax credit 75745
certificate by the Ohio venture capital authority under section 75746
150.07 of the Revised Code, a credit may be claimed against the 75747
tax imposed by section 5733.06 of the Revised Code. The credit 75748
shall be claimed for the tax year specified in the certificate 75749
issued by the authority and in the order required under section 75750
5733.98 of the Revised Code. 75751

(B) If the taxpayer elected a refundable credit under section 75752
150.07 of the Revised Code and the amount of the credit shown on 75753
the certificate does not exceed the tax otherwise due under 75754
section 5733.06, 5733.065, and 5733.066 of the Revised Code after 75755
all nonrefundable credits are deducted, then the taxpayer shall 75756
claim a refundable credit equal to the amount of the credit shown 75757
on the certificate. 75758

(C) If the taxpayer elected a refundable credit under section 75759
150.07 of the Revised Code, and the amount of the credit shown on 75760
the certificate exceeds the tax otherwise due under sections 75761
5733.06, 5733.065, and 5733.066 of the Revised Code after all 75762
nonrefundable credits, including the credit allowed under this 75763
section, are deducted in that order, the taxpayer shall receive a 75764
refund equal to seventy five per cent of that excess. If the 75765
taxpayer elected a nonrefundable credit, the amount of the credit, 75766
claimed in that order, shall not exceed the tax otherwise due 75767

~~under those sections after all the taxpayer's credits are deducted~~ 75768
~~in that order. If claim a refundable credit equal to the sum of~~ 75769
~~the following:~~ 75770

(1) The amount, if any, of the tax otherwise due under 75771
sections 5733.06, 5733.065, and 5733.066 of the Revised Code after 75772
all nonrefundable credits are deducted; 75773

(2) Seventy-five per cent of the difference between the 75774
amount of the refundable credit shown on the certificate and the 75775
tax otherwise due under sections 5733.06, 5733.065, and 5733.066 75776
of the Revised Code after all nonrefundable credits are deducted. 75777

(D) If the taxpayer elected a nonrefundable credit and the 75778
credit to which the taxpayer would otherwise be entitled under 75779
this section for any tax year is greater than the tax otherwise 75780
due under sections 5733.06, 5733.065, and 5733.066 of the Revised 75781
Code, after allowing for any other credits that, under section 75782
5733.98 of the Revised Code, precede the credit allowed under this 75783
section, the excess shall be allowed as a nonrefundable credit in 75784
each of the ensuing ten tax years, but the amount of any excess 75785
credit allowed in the ensuing tax year shall be deducted from the 75786
balance carried forward to the next tax year. 75787

Sec. 5733.98. (A) To provide a uniform procedure for 75788
calculating the amount of tax imposed by section 5733.06 of the 75789
Revised Code that is due under this chapter, a taxpayer shall 75790
claim any credits to which it is entitled in the following order, 75791
except as otherwise provided in section 5733.058 of the Revised 75792
Code: 75793

(1) ~~The~~ For tax year 2005, the credit for taxes paid by a 75794
qualifying pass-through entity allowed under section 5733.0611 of 75795
the Revised Code; 75796

(2) The credit allowed for financial institutions under 75797

section 5733.45 of the Revised Code;	75798
(3) The credit for qualifying affiliated groups under section 5733.068 of the Revised Code;	75799 75800
(4) The subsidiary corporation credit under section 5733.067 of the Revised Code;	75801 75802
(5) The savings and loan assessment credit under section 5733.063 of the Revised Code;	75803 75804
(6) The credit for recycling and litter prevention donations under section 5733.064 of the Revised Code;	75805 75806
(7) The credit for employers that enter into agreements with child day-care centers under section 5733.36 of the Revised Code;	75807 75808
(8) The credit for employers that reimburse employee child care expenses under section 5733.38 of the Revised Code;	75809 75810
(9) The credit for maintaining railroad active grade crossing warning devices under section 5733.43 of the Revised Code;	75811 75812
(10) The credit for purchases of lights and reflectors under section 5733.44 of the Revised Code;	75813 75814
(11) The job retention credit under division (B) of section 5733.0610 of the Revised Code;	75815 75816
(12) The credit for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code if the taxpayer elected a nonrefundable credit under section 150.07 of the Revised Code;	75817 75818 75819 75820
(13) The credit for purchases of new manufacturing machinery and equipment under section 5733.31 or section 5733.311 of the Revised Code;	75821 75822 75823
(14) The second credit for purchases of new manufacturing machinery and equipment under section 5733.33 of the Revised Code;	75824 75825
(15) The job training credit under section 5733.42 of the	75826

Revised Code;	75827
(16) The credit for qualified research expenses under section 5733.351 of the Revised Code;	75828 75829
(17) The enterprise zone credit under section 5709.66 of the Revised Code;	75830 75831
(18) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;	75832 75833
(19) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;	75834 75835
(20) The ethanol plant investment credit under section 5733.46 of the Revised Code;	75836 75837
(21) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;	75838 75839
(22) The export sales credit under section 5733.069 of the Revised Code;	75840 75841
(23) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;	75842 75843
(24) The enterprise zone credits under section 5709.65 of the Revised Code;	75844 75845
(25) The credit for using Ohio coal under section 5733.39 of the Revised Code;	75846 75847
(26) The research and development credit under section 5733.352 of the Revised Code;	75848 75849
(27) The credit for small telephone companies under section 5733.57 of the Revised Code;	75850 75851
(28) <u>(27)</u> The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;	75852 75853
(29) <u>(28)</u> The credit for providing programs to aid the	75854

communicatively impaired under section 5733.56 of the Revised Code;	75855 75856
(30) (29) <u>The research and development credit under section 5733.352 of the Revised Code;</u>	75857 75858
<u>(30) For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;</u>	75859 75860 75861
<u>(31) The refundable jobs creation credit under division (A) of section 5733.0610 of the Revised Code;</u>	75862 75863
(31) (32) <u>The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;</u>	75864 75865
(32) (33) <u>The credit for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code if the taxpayer elected a refundable credit under section 150.07 of the Revised Code.</u>	75866 75867 75868 75869
(B) For any credit except the credits enumerated in divisions (A) (30) , (31), and (32), <u>and (33)</u> of this section, the amount of the credit for a tax year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit.	75870 75871 75872 75873 75874 75875 75876
Sec. 5737.03. An annual excise tax is hereby levied on the handling of grain, in lieu of all taxes on grain as property of any person engaged in such business, for all the purposes for which taxes would otherwise be levied on such grain as property in the taxing district in which any such business is carried on, measured as follows:	75877 75878 75879 75880 75881 75882
One-half <u>(A) For the statement due in 2005, one-half</u> mill per bushel upon all wheat and flax handled at one or more places in	75883 75884

this state in any such business during the taxable year, as 75885
defined in section 5737.04 of the Revised Code, and one-fourth 75886
mill per bushel upon all other grain handled. ~~The~~ 75887

(B) For the statement due in 2006, one-fourth mill per bushel 75888
upon all wheat and flax handled at one or more places in this 75889
state in any such business during the taxable year, as defined in 75890
section 5737.04 of the Revised Code, and one-eighth mill per 75891
bushel upon all other grain handled. 75892

(C) No statement or tax is due in 2007 or any year 75893
thereafter. 75894

The tax imposed by this section shall not be paid by a track 75895
buyer, who shall be liable for the personal property taxes only, 75896
as levied by sections 5711.01 to 5711.36, ~~inclusive,~~ of the 75897
Revised Code. 75898

All grain included in the statements required by section 75899
5737.04 of the Revised Code, upon the handling of which a tax is 75900
imposed by this section, is exempt from taxation as personal 75901
property. Any grain that would be included in such statements for 75902
taxable year 2007 or any year thereafter is exempt from taxation 75903
as personal property. 75904

Sec. 5739.01. As used in this chapter: 75905

(A) "Person" includes individuals, receivers, assignees, 75906
trustees in bankruptcy, estates, firms, partnerships, 75907
associations, joint-stock companies, joint ventures, clubs, 75908
societies, corporations, the state and its political subdivisions, 75909
and combinations of individuals of any form. 75910

(B) "Sale" and "selling" include all of the following 75911
transactions for a consideration in any manner, whether absolutely 75912
or conditionally, whether for a price or rental, in money or by 75913
exchange, and by any means whatsoever: 75914

(1) All transactions by which title or possession, or both,	75915
of tangible personal property, is or is to be transferred, or a	75916
license to use or consume tangible personal property is or is to	75917
be granted;	75918
(2) All transactions by which lodging by a hotel is or is to	75919
be furnished to transient guests;	75920
(3) All transactions by which:	75921
(a) An item of tangible personal property is or is to be	75922
repaired, except property, the purchase of which would not be	75923
subject to the tax imposed by section 5739.02 of the Revised Code;	75924
(b) An item of tangible personal property is or is to be	75925
installed, except property, the purchase of which would not be	75926
subject to the tax imposed by section 5739.02 of the Revised Code	75927
or property that is or is to be incorporated into and will become	75928
a part of a production, transmission, transportation, or	75929
distribution system for the delivery of a public utility service;	75930
(c) The service of washing, cleaning, waxing, polishing, or	75931
painting a motor vehicle is or is to be furnished;	75932
(d) Until August 1, 2003, industrial laundry cleaning	75933
services are or are to be provided and, on and after August 1,	75934
2003, laundry and dry cleaning services are or are to be provided;	75935
(e) Automatic data processing, computer services, or	75936
electronic information services are or are to be provided for use	75937
in business when the true object of the transaction is the receipt	75938
by the consumer of automatic data processing, computer services,	75939
or electronic information services rather than the receipt of	75940
personal or professional services to which automatic data	75941
processing, computer services, or electronic information services	75942
are incidental or supplemental. Notwithstanding any other	75943
provision of this chapter, such transactions that occur between	75944

members of an affiliated group are not sales. An affiliated group 75945
means two or more persons related in such a way that one person 75946
owns or controls the business operation of another member of the 75947
group. In the case of corporations with stock, one corporation 75948
owns or controls another if it owns more than fifty per cent of 75949
the other corporation's common stock with voting rights. 75950

(f) Telecommunications service, ~~other than mobile~~ 75951
~~telecommunications service after July 31, 2002 including prepaid~~ 75952
~~calling service, prepaid wireless calling service, or ancillary~~ 75953
~~service~~, is or is to be provided, but ~~does not include~~ 75954
~~transactions by which local telecommunications service is obtained~~ 75955
~~from a including coin-operated telephone and paid for by using~~ 75956
~~coin service;~~ 75957

(g) Landscaping and lawn care service is or is to be 75958
provided; 75959

(h) Private investigation and security service is or is to be 75960
provided; 75961

(i) Information services or tangible personal property is 75962
provided or ordered by means of a nine hundred telephone call; 75963

(j) Building maintenance and janitorial service is or is to 75964
be provided; 75965

(k) Employment service is or is to be provided; 75966

(l) Employment placement service is or is to be provided; 75967

(m) Exterminating service is or is to be provided; 75968

(n) Physical fitness facility service is or is to be 75969
provided; 75970

(o) Recreation and sports club service is or is to be 75971
provided. 75972

(p) ~~After July 31, 2002, mobile telecommunications service is~~ 75973

~~or is to be provided when that service is situated to this state~~ 75974
~~pursuant to the "Mobile Telecommunications Sourcing Act," Pub. L.~~ 75975
~~No. 106-252, 114 Stat. 626 to 632 (2000), 4 U.S.C.A. 116 to 126,~~ 75976
~~as amended.~~ 75977

~~(q)~~ On and after August 1, 2003, satellite broadcasting 75978
service is or is to be provided; 75979

~~(r)~~(q) On and after August 1, 2003, personal care service is 75980
or is to be provided to an individual. As used in this division, 75981
"personal care service" includes skin care, the application of 75982
cosmetics, manicuring, pedicuring, hair removal, tattooing, body 75983
piercing, tanning, massage, and other similar services. "Personal 75984
care service" does not include a service provided by or on the 75985
order of a licensed physician or licensed chiropractor, or the 75986
cutting, coloring, or styling of an individual's hair. 75987

~~(s)~~(r) On and after August 1, 2003, the transportation of 75988
persons by motor vehicle or aircraft is or is to be provided, when 75989
the transportation is entirely within this state, except for 75990
transportation provided by an ambulance service, by a transit bus, 75991
as defined in section 5735.01 of the Revised Code, and 75992
transportation provided by a citizen of the United States holding 75993
a certificate of public convenience and necessity issued under 49 75994
U.S.C. 41102; 75995

~~(t)~~(s) On and after August 1, 2003, motor vehicle towing 75996
service is or is to be provided. As used in this division, "motor 75997
vehicle towing service" means the towing or conveyance of a 75998
wrecked, disabled, or illegally parked motor vehicle. 75999

~~(u)~~(t) On and after August 1, 2003, snow removal service is 76000
or is to be provided. As used in this division, "snow removal 76001
service" means the removal of snow by any mechanized means, but 76002
does not include the providing of such service by a person that 76003
has less than five thousand dollars in sales of such service 76004

during the calendar year. 76005

(4) All transactions by which printed, imprinted, 76006
overprinted, lithographic, multilithic, blueprinted, photostatic, 76007
or other productions or reproductions of written or graphic matter 76008
are or are to be furnished or transferred; 76009

(5) The production or fabrication of tangible personal 76010
property for a consideration for consumers who furnish either 76011
directly or indirectly the materials used in the production of 76012
fabrication work; and include the furnishing, preparing, or 76013
serving for a consideration of any tangible personal property 76014
consumed on the premises of the person furnishing, preparing, or 76015
serving such tangible personal property. Except as provided in 76016
section 5739.03 of the Revised Code, a construction contract 76017
pursuant to which tangible personal property is or is to be 76018
incorporated into a structure or improvement on and becoming a 76019
part of real property is not a sale of such tangible personal 76020
property. The construction contractor is the consumer of such 76021
tangible personal property, provided that the sale and 76022
installation of carpeting, the sale and installation of 76023
agricultural land tile, the sale and erection or installation of 76024
portable grain bins, or the provision of landscaping and lawn care 76025
service and the transfer of property as part of such service is 76026
never a construction contract. 76027

As used in division (B)(5) of this section: 76028

(a) "Agricultural land tile" means fired clay or concrete 76029
tile, or flexible or rigid perforated plastic pipe or tubing, 76030
incorporated or to be incorporated into a subsurface drainage 76031
system appurtenant to land used or to be used directly in 76032
production by farming, agriculture, horticulture, or floriculture. 76033
The term does not include such materials when they are or are to 76034
be incorporated into a drainage system appurtenant to a building 76035
or structure even if the building or structure is used or to be 76036

used in such production. 76037

(b) "Portable grain bin" means a structure that is used or to 76038
be used by a person engaged in farming or agriculture to shelter 76039
the person's grain and that is designed to be disassembled without 76040
significant damage to its component parts. 76041

(6) All transactions in which all of the shares of stock of a 76042
closely held corporation are transferred, if the corporation is 76043
not engaging in business and its entire assets consist of boats, 76044
planes, motor vehicles, or other tangible personal property 76045
operated primarily for the use and enjoyment of the shareholders; 76046

(7) All transactions in which a warranty, maintenance or 76047
service contract, or similar agreement by which the vendor of the 76048
warranty, contract, or agreement agrees to repair or maintain the 76049
tangible personal property of the consumer is or is to be 76050
provided; 76051

(8) ~~;(9)~~ The transfer of copyrighted motion picture films 76052
used solely for advertising purposes, except that the transfer of 76053
such films for exhibition purposes is not a sale. 76054

(9) On and after August 1, 2003, all transactions by which 76055
tangible personal property is or is to be stored, except such 76056
property that the consumer of the storage holds for sale in the 76057
regular course of business. 76058

Except ~~Other than~~ as provided in this section, "sale" and 76059
"selling" do not include transfers of interest in leased property 76060
where the original lessee and the terms of the original lease 76061
agreement remain unchanged, or professional, insurance, or 76062
personal service transactions that involve the transfer of 76063
tangible personal property as an inconsequential element, for 76064
which no separate charges are made. 76065

(C) "Vendor" means the person providing the service or by 76066

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.

(3) A person who performs a facility management, or similar service contract for a contractee is a consumer of all tangible personal property and services purchased for use in connection with the performance of such contract, regardless of whether title to any such property vests in the contractee. The purchase of such property and services is not subject to the exception for resale under division (E)(1) of this section.

(4)(a) In the case of a person who purchases printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of that printed matter, and the purchase of that printed matter for that purpose is a sale.

(b) In the case of a person who produces, rather than purchases, printed matter for the purpose of distributing it or having it distributed to the public or to a designated segment of the public, free of charge, that person is the consumer of all tangible personal property and services purchased for use or consumption in the production of that printed matter. That person is not entitled to claim exemption under division (B)~~(43)~~(42)(f) of section 5739.02 of the Revised Code for any material incorporated into the printed matter or any equipment, supplies, or services primarily used to produce the printed matter.

(c) The distribution of printed matter to the public or to a designated segment of the public, free of charge, is not a sale to the members of the public to whom the printed matter is distributed or to any persons who purchase space in the printed matter for advertising or other purposes.

(5) A person who makes sales of any of the services listed in division (B)(3) of this section is the consumer of any tangible personal property used in performing the service. The purchase of that property is not subject to the resale exception under

division (E)(1) of this section. 76130

(6) A person who engages in highway transportation for hire 76131
is the consumer of all packaging materials purchased by that 76132
person and used in performing the service, except for packaging 76133
materials sold by such person in a transaction separate from the 76134
service. 76135

(E) "Retail sale" and "sales at retail" include all sales, 76136
except those in which the purpose of the consumer is to resell the 76137
thing transferred or benefit of the service provided, by a person 76138
engaging in business, in the form in which the same is, or is to 76139
be, received by the person. 76140

(F) "Business" includes any activity engaged in by any person 76141
with the object of gain, benefit, or advantage, either direct or 76142
indirect. "Business" does not include the activity of a person in 76143
managing and investing the person's own funds. 76144

(G) "Engaging in business" means commencing, conducting, or 76145
continuing in business, and liquidating a business when the 76146
liquidator thereof holds itself out to the public as conducting 76147
such business. Making a casual sale is not engaging in business. 76148

(H)(1)(a) "Price," except as provided in divisions (H)(2) and 76149
(3) of this section, means the total amount of consideration, 76150
including cash, credit, property, and services, for which tangible 76151
personal property or services are sold, leased, or rented, valued 76152
in money, whether received in money or otherwise, without any 76153
deduction for any of the following: 76154

(i) The vendor's cost of the property sold; 76155

(ii) The cost of materials used, labor or service costs, 76156
interest, losses, all costs of transportation to the vendor, all 76157
taxes imposed on the vendor, including the tax imposed under 76158
Chapter 5751. of the Revised Code, and any other expense of the 76159

vendor;	76160
(iii) Charges by the vendor for any services necessary to complete the sale;	76161 76162
(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.	76163 76164 76165 76166 76167
(v) Installation charges;	76168
(vi) The value of exempt tangible personal property given to the consumer where taxable and exempt tangible personal property have been bundled together and sold by the vendor as a single product or piece of merchandise <u>Credit for any trade-in.</u>	76169 76170 76171 76172
(b) <u>"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:</u>	76173 76174 76175 76176 76177 76178 76179 76180 76181
(i) <u>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;</u>	76182 76183 76184 76185 76186 76187
(ii) <u>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</u>	76188 76189 76190

to any patron does not constitute membership in such a group or organization. 76191
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(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. 76193
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(c) "Price" does not include any of the following: 76197

(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; 76198
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(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; 76201
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(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. 76205
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(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. 76211
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(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 76215
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in trade.

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(3) In the case of a sale of any watercraft or outboard motor
by a watercraft dealer licensed in accordance with section
1547.543 of the Revised Code, in which another watercraft,
watercraft and trailer, or outboard motor is accepted by the
dealer as part of the consideration received, "price" has the same
meaning as in division (H)(1) of this section, reduced by the
credit afforded the consumer by the dealer for the watercraft,
watercraft and trailer, or outboard motor received in trade. As
used in this division, "watercraft" includes an outdrive unit
attached to the watercraft.

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~~(4) In the case of a transaction in which telecommunications
service, mobile telecommunications service, or cable television
service is sold in a bundled transaction with other distinct
services for a single price that is not itemized, the entire price
is subject to the taxes levied under sections 5739.02, 5739.021,
5739.023, and 5739.026 of the Revised Code, unless the vendor can
reasonably identify the nontaxable portion from its books and
records kept in the regular course of business. Upon the request
of the consumer, the vendor shall disclose to the consumer the
selling price for the taxable services included in the selling
price for the taxable and nontaxable services billed on an
aggregated basis. The burden of proving any nontaxable charges is
on the vendor.~~

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(I) "Receipts" means the total amount of the prices of the
sales of vendors, provided that cash discounts allowed and taken
on sales at the time they are consummated are not included, minus
any amount deducted as a bad debt pursuant to section 5739.121 of
the Revised Code. "Receipts" does not include the sale price of
property returned or services rejected by consumers when the full
sale price and tax are refunded either in cash or by credit.

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(J) "Place of business" means any location at which a person
engages in business. 76252
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(K) "Premises" includes any real property or portion thereof 76254
upon which any person engages in selling tangible personal 76255
property at retail or making retail sales and also includes any 76256
real property or portion thereof designated for, or devoted to, 76257
use in conjunction with the business engaged in by such person. 76258

(L) "Casual sale" means a sale of an item of tangible 76259
personal property that was obtained by the person making the sale, 76260
through purchase or otherwise, for the person's own use and was 76261
previously subject to any state's taxing jurisdiction on its sale 76262
or use, and includes such items acquired for the seller's use that 76263
are sold by an auctioneer employed directly by the person for such 76264
purpose, provided the location of such sales is not the 76265
auctioneer's permanent place of business. As used in this 76266
division, "permanent place of business" includes any location 76267
where such auctioneer has conducted more than two auctions during 76268
the year. 76269

(M) "Hotel" means every establishment kept, used, maintained, 76270
advertised, or held out to the public to be a place where sleeping 76271
accommodations are offered to guests, in which five or more rooms 76272
are used for the accommodation of such guests, whether the rooms 76273
are in one or several structures. 76274

(N) "Transient guests" means persons occupying a room or 76275
rooms for sleeping accommodations for less than thirty consecutive 76276
days. 76277

(O) "Making retail sales" means the effecting of transactions 76278
wherein one party is obligated to pay the price and the other 76279
party is obligated to provide a service or to transfer title to or 76280
possession of the item sold. "Making retail sales" does not 76281
include the preliminary acts of promoting or soliciting the retail 76282

sales, other than the distribution of printed matter which 76283
displays or describes and prices the item offered for sale, nor 76284
does it include delivery of a predetermined quantity of tangible 76285
personal property or transportation of property or personnel to or 76286
from a place where a service is performed, regardless of whether 76287
the vendor is a delivery vendor. 76288

(P) "Used directly in the rendition of a public utility 76289
service" means that property that is to be incorporated into and 76290
will become a part of the consumer's production, transmission, 76291
transportation, or distribution system and that retains its 76292
classification as tangible personal property after such 76293
incorporation; fuel or power used in the production, transmission, 76294
transportation, or distribution system; and tangible personal 76295
property used in the repair and maintenance of the production, 76296
transmission, transportation, or distribution system, including 76297
only such motor vehicles as are specially designed and equipped 76298
for such use. Tangible personal property and services used 76299
primarily in providing highway transportation for hire are not 76300
used directly in the rendition of a public utility service. 76301

(Q) "Refining" means removing or separating a desirable 76302
product from raw or contaminated materials by distillation or 76303
physical, mechanical, or chemical processes. 76304

(R) "Assembly" and "assembling" mean attaching or fitting 76305
together parts to form a product, but do not include packaging a 76306
product. 76307

(S) "Manufacturing operation" means a process in which 76308
materials are changed, converted, or transformed into a different 76309
state or form from which they previously existed and includes 76310
refining materials, assembling parts, and preparing raw materials 76311
and parts by mixing, measuring, blending, or otherwise committing 76312
such materials or parts to the manufacturing process. 76313

"Manufacturing operation" does not include packaging. 76314

(T) "Fiscal officer" means, with respect to a regional 76315
transit authority, the secretary-treasurer thereof, and with 76316
respect to a county that is a transit authority, the fiscal 76317
officer of the county transit board if one is appointed pursuant 76318
to section 306.03 of the Revised Code or the county auditor if the 76319
board of county commissioners operates the county transit system. 76320

(U) "Transit authority" means a regional transit authority 76321
created pursuant to section 306.31 of the Revised Code or a county 76322
in which a county transit system is created pursuant to section 76323
306.01 of the Revised Code. For the purposes of this chapter, a 76324
transit authority must extend to at least the entire area of a 76325
single county. A transit authority that includes territory in more 76326
than one county must include all the area of the most populous 76327
county that is a part of such transit authority. County population 76328
shall be measured by the most recent census taken by the United 76329
States census bureau. 76330

(V) "Legislative authority" means, with respect to a regional 76331
transit authority, the board of trustees thereof, and with respect 76332
to a county that is a transit authority, the board of county 76333
commissioners. 76334

(W) "Territory of the transit authority" means all of the 76335
area included within the territorial boundaries of a transit 76336
authority as they from time to time exist. Such territorial 76337
boundaries must at all times include all the area of a single 76338
county or all the area of the most populous county that is a part 76339
of such transit authority. County population shall be measured by 76340
the most recent census taken by the United States census bureau. 76341

(X) "Providing a service" means providing or furnishing 76342
anything described in division (B)(3) of this section for 76343
consideration. 76344

(Y)(1)(a) "Automatic data processing" means processing of others' data, including keypunching or similar data entry services together with verification thereof, or providing access to computer equipment for the purpose of processing data.

(b) "Computer services" means providing services consisting of specifying computer hardware configurations and evaluating technical processing characteristics, computer programming, and training of computer programmers and operators, provided in conjunction with and to support the sale, lease, or operation of taxable computer equipment or systems.

(c) "Electronic information services" means providing access to computer equipment by means of telecommunications equipment for the purpose of either of the following:

(i) Examining or acquiring data stored in or accessible to the computer equipment;

(ii) Placing data into the computer equipment to be retrieved by designated recipients with access to the computer equipment.

(d) "Automatic data processing, computer services, or electronic information services" shall not include personal or professional services.

(2) As used in divisions (B)(3)(e) and (Y)(1) of this section, "personal and professional services" means all services other than automatic data processing, computer services, or electronic information services, including but not limited to:

(a) Accounting and legal services such as advice on tax matters, asset management, budgetary matters, quality control, information security, and auditing and any other situation where the service provider receives data or information and studies, alters, analyzes, interprets, or adjusts such material;

(b) Analyzing business policies and procedures;

(c) Identifying management information needs;	76375
(d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;	76376 76377 76378
(e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;	76379 76380 76381 76382
(f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;	76383 76384 76385
(g) Testing of business procedures;	76386
(h) Training personnel in business procedure applications;	76387
(i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;	76388 76389 76390 76391 76392 76393
(j) Providing debt collection services by any oral, written, graphic, or electronic means.	76394 76395
The services listed in divisions (Y)(2)(a) to (j) of this section are not automatic data processing or computer services.	76396 76397
(Z) "Highway transportation for hire" means the transportation of personal property belonging to others for consideration by any of the following:	76398 76399 76400
(1) The holder of a permit or certificate issued by this state or the United States authorizing the holder to engage in transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any	76401 76402 76403 76404

similar public thoroughfare;

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(2) A person who engages in the transportation of personal property belonging to others for consideration over or on highways, roadways, streets, or any similar public thoroughfare but who could not have engaged in such transportation on December 11, 1985, unless the person was the holder of a permit or certificate of the types described in division (Z)(1) of this section;

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(3) A person who leases a motor vehicle to and operates it for a person described by division (Z)(1) or (2) of this section.

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(AA)(1) "Telecommunications service" means the ~~transmission of any interactive, two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium such as wires, cables, microwaves, cellular radio, radio waves, light waves, or any combination of those or similar media. "Telecommunications service" includes message toll service even though the vendor provides the message toll service by means of wide area transmission type service or private communications service purchased from another telecommunications service provider, and other related fees and ancillary services, including universal service fees, detailed billing service, directory assistance, service initiation, voice mail service, and vertical services, such as caller ID and three way calling~~ 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.

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"Telecommunications service" does not include any of the following: 76437
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~~(1) Sales of telecommunications service billed to persons before January 1, 2004, by telephone companies subject to the excise tax imposed by Chapter 5727. of the Revised Code;~~ 76439
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~~(2) Sales of telecommunications service to a provider of telecommunications service or of mobile telecommunications service, including access services, for use in providing telecommunications service or mobile telecommunications service;~~ 76442
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~~(3) Value added nonvoice services in which computer processing applications are used to act on the form, content, code, or protocol of the information to be transmitted;~~ 76446
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~~(4) Transmission of interactive video programming by a cable television system as defined in section 505.90 of the Revised Code;~~ 76449
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~~(5) After July 31, 2002, mobile telecommunications service~~ 76452

(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; 76453
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(b) Installation or maintenance of wiring or equipment on a customer's premises; 76458
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(c) Tangible personal property; 76460

(d) Advertising, including directory advertising; 76461

(e) Billing and collection services provided to third parties; 76462
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(f) Internet access service; 76464

(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of 76465
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transmission, conveyance, and routing of such services by the 76467
programming service provider. Radio and television audio and video 76468
programming services include, but are not limited to, cable 76469
service, as defined in 47 U.S.C. 522(6), and audio and video 76470
programming services delivered by commercial mobile radio service 76471
providers, as defined in 47 C.F.R. 20.3; 76472

(h) Ancillary service; 76473

(i) Digital products delivered electronically, including 76474
software, music, video, reading materials, or ring tones. 76475

(2) "Ancillary service" means a service that is associated 76476
with or incidental to the provision of telecommunications service, 76477
including conference bridging service, detailed telecommunications 76478
billing service, directory assistance, vertical service, and voice 76479
mail service. As used in this division: 76480

(a) "Conference bridging service" means an ancillary service 76481
that links two or more participants of an audio or video 76482
conference call, including providing a telephone number. 76483
"Conference bridging service" does not include telecommunications 76484
services used to reach the conference bridge. 76485

(b) "Detailed telecommunications billing service" means an 76486
ancillary service of separately stating information pertaining to 76487
individual calls on a customer's billing statement. 76488

(c) "Directory assistance" means an ancillary service of 76489
providing telephone number or address information. 76490

(d) "Vertical service" means an ancillary service that is 76491
offered in connection with one or more telecommunications 76492
services, which offers advanced calling features that allow 76493
customers to identify callers and manage multiple calls and call 76494
connections, including conference bridging service. 76495

(e) "Voice mail service" means an ancillary service that 76496

enables the customer to store, send, or receive recorded messages. 76497
"Voice mail service" does not include any vertical services that 76498
the customer may be required to have in order to utilize the voice 76499
mail service. 76500

(3) "900 service" means an inbound toll telecommunications 76501
service purchased by a subscriber that allows the subscriber's 76502
customers to call in to the subscriber's prerecorded announcement 76503
or live service, and which is typically marketed under the name 76504
"900" service and any subsequent numbers designated by the federal 76505
communications commission. "900 service" does not include the 76506
charge for collection services provided by the seller of the 76507
telecommunications service to the subscriber, or services or 76508
products sold by the subscriber to the subscriber's customer. 76509

(4) "Prepaid calling service" means the right to access 76510
exclusively telecommunications services, which must be paid for in 76511
advance and which enables the origination of calls using an access 76512
number or authorization code, whether manually or electronically 76513
dialed, and that is sold in predetermined units of dollars of 76514
which the number declines with use in a known amount. 76515

(5) "Prepaid wireless calling service" means a 76516
telecommunications service that provides the right to utilize 76517
mobile telecommunications service as well as other 76518
non-telecommunications services, including the download of digital 76519
products delivered electronically, and content and ancillary 76520
services, that must be paid for in advance and that is sold in 76521
predetermined units of dollars of which the number declines with 76522
use in a known amount. 76523

(6) "Value-added non-voice data service" means a 76524
telecommunications service in which computer processing 76525
applications are used to act on the form, content, code, or 76526
protocol of the information or data primarily for a purpose other 76527

than transmission, conveyance, or routing. 76528

(7) "Coin-operated telephone service" means a 76529
telecommunications service paid for by inserting money into a 76530
telephone accepting direct deposits of money to operate. 76531

(8) "Customer" has the same meaning as in section 5739.034 of 76532
the Revised Code. 76533

(BB) "Laundry and dry cleaning services" means removing soil 76534
or dirt from towels, linens, articles of clothing, or other fabric 76535
items that belong to others and supplying towels, linens, articles 76536
of clothing, or other fabric items. "Laundry and dry cleaning 76537
services" does not include the provision of self-service 76538
facilities for use by consumers to remove soil or dirt from 76539
towels, linens, articles of clothing, or other fabric items. 76540

(CC) "Magazines distributed as controlled circulation 76541
publications" means magazines containing at least twenty-four 76542
pages, at least twenty-five per cent editorial content, issued at 76543
regular intervals four or more times a year, and circulated 76544
without charge to the recipient, provided that such magazines are 76545
not owned or controlled by individuals or business concerns which 76546
conduct such publications as an auxiliary to, and essentially for 76547
the advancement of the main business or calling of, those who own 76548
or control them. 76549

(DD) "Landscaping and lawn care service" means the services 76550
of planting, seeding, sodding, removing, cutting, trimming, 76551
pruning, mulching, aerating, applying chemicals, watering, 76552
fertilizing, and providing similar services to establish, promote, 76553
or control the growth of trees, shrubs, flowers, grass, ground 76554
cover, and other flora, or otherwise maintaining a lawn or 76555
landscape grown or maintained by the owner for ornamentation or 76556
other nonagricultural purpose. However, "landscaping and lawn care 76557
service" does not include the providing of such services by a 76558

person who has less than five thousand dollars in sales of such 76559
services during the calendar year. 76560

(EE) "Private investigation and security service" means the 76561
performance of any activity for which the provider of such service 76562
is required to be licensed pursuant to Chapter 4749. of the 76563
Revised Code, or would be required to be so licensed in performing 76564
such services in this state, and also includes the services of 76565
conducting polygraph examinations and of monitoring or overseeing 76566
the activities on or in, or the condition of, the consumer's home, 76567
business, or other facility by means of electronic or similar 76568
monitoring devices. "Private investigation and security service" 76569
does not include special duty services provided by off-duty police 76570
officers, deputy sheriffs, and other peace officers regularly 76571
employed by the state or a political subdivision. 76572

(FF) "Information services" means providing conversation, 76573
giving consultation or advice, playing or making a voice or other 76574
recording, making or keeping a record of the number of callers, 76575
and any other service provided to a consumer by means of a nine 76576
hundred telephone call, except when the nine hundred telephone 76577
call is the means by which the consumer makes a contribution to a 76578
recognized charity. 76579

(GG) "Research and development" means designing, creating, or 76580
formulating new or enhanced products, equipment, or manufacturing 76581
processes, and also means conducting scientific or technological 76582
inquiry and experimentation in the physical sciences with the goal 76583
of increasing scientific knowledge which may reveal the bases for 76584
new or enhanced products, equipment, or manufacturing processes. 76585

(HH) "Qualified research and development equipment" means 76586
capitalized tangible personal property, and leased personal 76587
property that would be capitalized if purchased, used by a person 76588
primarily to perform research and development. Tangible personal 76589

property primarily used in testing, as defined in division (A)(4) 76590
of section 5739.011 of the Revised Code, or used for recording or 76591
storing test results, is not qualified research and development 76592
equipment unless such property is primarily used by the consumer 76593
in testing the product, equipment, or manufacturing process being 76594
created, designed, or formulated by the consumer in the research 76595
and development activity or in recording or storing such test 76596
results. 76597

(II) "Building maintenance and janitorial service" means 76598
cleaning the interior or exterior of a building and any tangible 76599
personal property located therein or thereon, including any 76600
services incidental to such cleaning for which no separate charge 76601
is made. However, "building maintenance and janitorial service" 76602
does not include the providing of such service by a person who has 76603
less than five thousand dollars in sales of such service during 76604
the calendar year. 76605

(JJ) "Employment service" means providing or supplying 76606
personnel, on a temporary or long-term basis, to perform work or 76607
labor under the supervision or control of another, when the 76608
personnel so supplied receive their wages, salary, or other 76609
compensation from the provider of the service. "Employment 76610
service" does not include: 76611

(1) Acting as a contractor or subcontractor, where the 76612
personnel performing the work are not under the direct control of 76613
the purchaser. 76614

(2) Medical and health care services. 76615

(3) Supplying personnel to a purchaser pursuant to a contract 76616
of at least one year between the service provider and the 76617
purchaser that specifies that each employee covered under the 76618
contract is assigned to the purchaser on a permanent basis. 76619

(4) Transactions between members of an affiliated group, as 76620

defined in division (B)(3)(e) of this section. 76621

(KK) "Employment placement service" means locating or finding 76622
employment for a person or finding or locating an employee to fill 76623
an available position. 76624

(LL) "Exterminating service" means eradicating or attempting 76625
to eradicate vermin infestations from a building or structure, or 76626
the area surrounding a building or structure, and includes 76627
activities to inspect, detect, or prevent vermin infestation of a 76628
building or structure. 76629

(MM) "Physical fitness facility service" means all 76630
transactions by which a membership is granted, maintained, or 76631
renewed, including initiation fees, membership dues, renewal fees, 76632
monthly minimum fees, and other similar fees and dues, by a 76633
physical fitness facility such as an athletic club, health spa, or 76634
gymnasium, which entitles the member to use the facility for 76635
physical exercise. 76636

(NN) "Recreation and sports club service" means all 76637
transactions by which a membership is granted, maintained, or 76638
renewed, including initiation fees, membership dues, renewal fees, 76639
monthly minimum fees, and other similar fees and dues, by a 76640
recreation and sports club, which entitles the member to use the 76641
facilities of the organization. "Recreation and sports club" means 76642
an organization that has ownership of, or controls or leases on a 76643
continuing, long-term basis, the facilities used by its members 76644
and includes an aviation club, gun or shooting club, yacht club, 76645
card club, swimming club, tennis club, golf club, country club, 76646
riding club, amateur sports club, or similar organization. 76647

(OO) "Livestock" means farm animals commonly raised for food 76648
or food production, and includes but is not limited to cattle, 76649
sheep, goats, swine, and poultry. "Livestock" does not include 76650
invertebrates, fish, amphibians, reptiles, horses, domestic pets, 76651

animals for use in laboratories or for exhibition, or other 76652
animals not commonly raised for food or food production. 76653

(PP) "Livestock structure" means a building or structure used 76654
exclusively for the housing, raising, feeding, or sheltering of 76655
livestock, and includes feed storage or handling structures and 76656
structures for livestock waste handling. 76657

(QQ) "Horticulture" means the growing, cultivation, and 76658
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 76659
and nursery stock. As used in this division, "nursery stock" has 76660
the same meaning as in section 927.51 of the Revised Code. 76661

(RR) "Horticulture structure" means a building or structure 76662
used exclusively for the commercial growing, raising, or 76663
overwintering of horticultural products, and includes the area 76664
used for stocking, storing, and packing horticultural products 76665
when done in conjunction with the production of those products. 76666

(SS) "Newspaper" means an unbound publication bearing a title 76667
or name that is regularly published, at least as frequently as 76668
biweekly, and distributed from a fixed place of business to the 76669
public in a specific geographic area, and that contains a 76670
substantial amount of news matter of international, national, or 76671
local events of interest to the general public. 76672

(TT) "Professional racing team" means a person that employs 76673
at least twenty full-time employees for the purpose of conducting 76674
a motor vehicle racing business for profit. The person must 76675
conduct the business with the purpose of racing one or more motor 76676
racing vehicles in at least ten competitive professional racing 76677
events each year that comprise all or part of a motor racing 76678
series sanctioned by one or more motor racing sanctioning 76679
organizations. A "motor racing vehicle" means a vehicle for which 76680
the chassis, engine, and parts are designed exclusively for motor 76681
racing, and does not include a stock or production model vehicle 76682

that may be modified for use in racing. For the purposes of this 76683
division: 76684

(1) A "competitive professional racing event" is a motor 76685
vehicle racing event sanctioned by one or more motor racing 76686
sanctioning organizations, at which aggregate cash prizes in 76687
excess of eight hundred thousand dollars are awarded to the 76688
competitors. 76689

(2) "Full-time employee" means an individual who is employed 76690
for consideration for thirty-five or more hours a week, or who 76691
renders any other standard of service generally accepted by custom 76692
or specified by contract as full-time employment. 76693

(UU)(1) "Lease" or "rental" means any transfer of the 76694
possession or control of tangible personal property for a fixed or 76695
indefinite term, for consideration. "Lease" or "rental" includes 76696
future options to purchase or extend, and agreements described in 76697
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 76698
the amount of consideration may be increased or decreased by 76699
reference to the amount realized upon the sale or disposition of 76700
the property. "Lease" or "rental" does not include: 76701

(a) A transfer of possession or control of tangible personal 76702
property under a security agreement or a deferred payment plan 76703
that requires the transfer of title upon completion of the 76704
required payments; 76705

(b) A transfer of possession or control of tangible personal 76706
property under an agreement that requires the transfer of title 76707
upon completion of required payments and payment of an option 76708
price that does not exceed the greater of one hundred dollars or 76709
one per cent of the total required payments; 76710

(c) Providing tangible personal property along with an 76711
operator for a fixed or indefinite period of time, if the operator 76712
is necessary for the property to perform as designed. For purposes 76713

of this division, the operator must do more than maintain, 76714
inspect, or set-up the tangible personal property. 76715

(2) "Lease" and "rental," as defined in division (UU) of this 76716
section, shall not apply to leases or rentals that exist before 76717
~~the effective date of this amendment~~ June 26, 2003. 76718

(3) "Lease" and "rental" have the same meaning as in division 76719
(UU)(1) of this section regardless of whether a transaction is 76720
characterized as a lease or rental under generally accepted 76721
accounting principles, the Internal Revenue Code, Title XIII of 76722
the Revised Code, or other federal, state, or local laws. 76723

(VV) "Mobile telecommunications service" has the same meaning 76724
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 76725
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 76726
on and after August 1, 2003, includes related fees and ancillary 76727
services, including universal service fees, detailed billing 76728
service, directory assistance, service initiation, voice mail 76729
service, and vertical services, such as caller ID and three-way 76730
calling. 76731

(WW) "Certified service provider" has the same meaning as in 76732
section 5740.01 of the Revised Code. 76733

(XX) "Satellite broadcasting service" means the distribution 76734
or broadcasting of programming or services by satellite directly 76735
to the subscriber's receiving equipment without the use of ground 76736
receiving or distribution equipment, except the subscriber's 76737
receiving equipment or equipment used in the uplink process to the 76738
satellite, and includes all service and rental charges, premium 76739
channels or other special services, installation and repair 76740
service charges, and any other charges having any connection with 76741
the provision of the satellite broadcasting service. 76742

(YY) "Tangible personal property" means personal property 76743
that can be seen, weighed, measured, felt, or touched, or that is 76744

in any other manner perceptible to the senses. For purposes of 76745
this chapter and Chapter 5741. of the Revised Code, "tangible 76746
personal property" includes motor vehicles, electricity, water, 76747
gas, steam, and prewritten computer software. 76748

(ZZ) "Direct mail" means printed material delivered or 76749
distributed by United States mail or other delivery service to a 76750
mass audience or to addressees on a mailing list provided by the 76751
consumer or at the direction of the consumer when the cost of the 76752
items are not billed directly to the recipients. "Direct mail" 76753
includes tangible personal property supplied directly or 76754
indirectly by the consumer to the direct mail vendor for inclusion 76755
in the package containing the printed material. "Direct mail" does 76756
not include multiple items of printed material delivered to a 76757
single address. 76758

(AAA) "Computer" means an electronic device that accepts 76759
information in digital or similar form and manipulates it for a 76760
result based on a sequence of instructions. 76761

(BBB) "Computer software" means a set of coded instructions 76762
designed to cause a computer or automatic data processing 76763
equipment to perform a task. 76764

(CCC) "Delivered electronically" means delivery of computer 76765
software from the seller to the purchaser by means other than 76766
tangible storage media. 76767

(DDD) "Prewritten computer software" means computer software, 76768
including prewritten upgrades, that is not designed and developed 76769
by the author or other creator to the specifications of a specific 76770
purchaser. The combining of two or more prewritten computer 76771
software programs or prewritten portions thereof does not cause 76772
the combination to be other than prewritten computer software. 76773
"Prewritten computer software" includes software designed and 76774
developed by the author or other creator to the specifications of 76775

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) Prior to July 1, 2004, "food" means cereals and cereal products, milk and milk products including ice cream, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruits, fruit products, and pure fruit juices, condiments, sugar and sugar products, coffee and coffee substitutes, tea, and cocoa and cocoa products. "Food" does not include spirituous liquors, wine, mixed beverages, or beer; soft drinks; sodas and beverages that are ordinarily dispensed at or in connection with bars and soda fountains, other than coffee, tea, and cocoa; root beer and root beer extracts; malt and malt extracts; mineral oils, cod liver oils, and halibut liver oil; medicines, including tonics, vitamin preparations, and other products sold primarily for their medicinal properties; and water, including mineral, bottled, and carbonated waters, and ice.~~

~~(2) On and after July 1, 2004, "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. 76808

~~(3)~~(2) As used in division (EEE)~~(2)~~(1) of this section: 76809

(a) "Alcoholic beverages" means beverages that are suitable 76810
for human consumption and contain one-half of one per cent or more 76811
of alcohol by volume. 76812

(b) "Dietary supplements" means any product, other than 76813
tobacco, that is intended to supplement the diet and that is 76814
intended for ingestion in tablet, capsule, powder, softgel, 76815
gelcap, or liquid form, or, if not intended for ingestion in such 76816
a form, is not represented as conventional food for use as a sole 76817
item of a meal or of the diet; that is required to be labeled as a 76818
dietary supplement, identifiable by the "supplement facts" box 76819
found on the label, as required by 21 C.F.R. 101.36; and that 76820
contains one or more of the following dietary ingredients: 76821

(i) A vitamin; 76822

(ii) A mineral; 76823

(iii) An herb or other botanical; 76824

(iv) An amino acid; 76825

(v) A dietary substance for use by humans to supplement the 76826
diet by increasing the total dietary intake; 76827

(vi) A concentrate, metabolite, constituent, extract, or 76828
combination of any ingredient described in divisions 76829
(EEE)~~(3)~~(2)(b)(i) to (v) of this section. 76830

(c) "Soft drinks" means nonalcoholic beverages that contain 76831
natural or artificial sweeteners. "Soft drinks" does not include 76832
beverages that contain milk or milk products, soy, rice, or 76833
similar milk substitutes, or that contains greater than fifty per 76834
cent vegetable or fruit juice by volume. 76835

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 76836
tobacco, or any other item that contains tobacco. 76837

(FFF) "Drug" means a compound, substance, or preparation, and 76838
any component of a compound, substance, or preparation, other than 76839
food, dietary supplements, or alcoholic beverages that is 76840
recognized in the official United States pharmacopoeia, official 76841
homeopathic pharmacopoeia of the United States, or official 76842
national formulary, and supplements to them; is intended for use 76843
in the diagnosis, cure, mitigation, treatment, or prevention of 76844
disease; or is intended to affect the structure or any function of 76845
the body. 76846

(GGG) "Prescription" means an order, formula, or recipe 76847
issued in any form of oral, written, electronic, or other means of 76848
transmission by a duly licensed practitioner authorized by the 76849
laws of this state to issue a prescription. 76850

(HHH) "Durable medical equipment" means equipment, including 76851
repair and replacement parts for such equipment, that can 76852
withstand repeated use, is primarily and customarily used to serve 76853
a medical purpose, generally is not useful to a person in the 76854
absence of illness or injury, and is not worn in or on the body. 76855
"Durable medical equipment" does not include mobility enhancing 76856
equipment. 76857

(III) "Mobility enhancing equipment" means equipment, 76858
including repair and replacement parts for such equipment, that is 76859
primarily and customarily used to provide or increase the ability 76860
to move from one place to another and is appropriate for use 76861
either in a home or a motor vehicle, that is not generally used by 76862
persons with normal mobility, and that does not include any motor 76863
vehicle or equipment on a motor vehicle normally provided by a 76864
motor vehicle manufacturer. "Mobility enhancing equipment" does 76865
not include durable medical equipment. 76866

(JJJ) "Prosthetic device" means a replacement, corrective, or 76867
supportive device, including repair and replacement parts for the 76868

device, worn on or in the human body to artificially replace a 76869
missing portion of the body, prevent or correct physical deformity 76870
or malfunction, or support a weak or deformed portion of the body. 76871
As used in this division, "prosthetic device" does not include 76872
corrective eyeglasses, contact lenses, or dental prosthesis. 76873

(KKK)(1) "Fractional aircraft ownership program" means a 76874
program in which persons within an affiliated group sell and 76875
manage fractional ownership program aircraft, provided that at 76876
least one hundred airworthy aircraft are operated in the program 76877
and the program meets all of the following criteria: 76878

(a) Management services are provided by at least one program 76879
manager within an affiliated group on behalf of the fractional 76880
owners. 76881

(b) Each program aircraft is owned or possessed by at least 76882
one fractional owner. 76883

(c) Each fractional owner owns or possesses at least a 76884
one-sixteenth interest in at least one fixed-wing program 76885
aircraft. 76886

(d) A dry-lease aircraft interchange arrangement is in effect 76887
among all of the fractional owners. 76888

(e) Multi-year program agreements are in effect regarding the 76889
fractional ownership, management services, and dry-lease aircraft 76890
interchange arrangement aspects of the program. 76891

(2) As used in division (KKK)(1) of this section: 76892

(a) "Affiliated group" has the same meaning as in division 76893
(B)(3)(e) of this section. 76894

(b) "Fractional owner" means a person that owns or possesses 76895
at least a one-sixteenth interest in a program aircraft and has 76896
entered into the agreements described in division (KKK)(1)(e) of 76897
this section. 76898

(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (KKK)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program.

(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (KKK)(1)(e) of this section, and offered by the program manager to the fractional owners, including, at a minimum, the establishment and implementation of safety guidelines; the coordination of the scheduling of the program aircraft and crews; program aircraft maintenance; program aircraft insurance; crew training for crews employed, furnished, or contracted by the program manager or the fractional owner; the satisfaction of record-keeping requirements; and the development and use of an operations manual and a maintenance manual for the fractional aircraft ownership program.

(e) "Program manager" means the person that offers management services to fractional owners pursuant to a management services agreement under division (KKK)(1)(e) of this section.

Sec. 5739.012. (A) As used in this section:

(1) "Bundled transaction" means the retail sale of two or more products, except real property and services to real property, where the products are otherwise distinct and identifiable products and are sold for one non-itemized price. "Bundled transaction" does not include the sale of any products in which the sales price varies, or is negotiable, based on the selection by the consumer of the products included in the transaction.

As used in division (A)(1) of this section: 76930

(a) "Distinct and identifiable products" does not include any 76931
of the following: 76932

(i) Packaging, including containers, boxes, sacks, bags, and 76933
bottles, and packaging materials, including wrapping, labels, 76934
tags, and instruction guides that accompany the retail sale of the 76935
products and are incidental or immaterial to the retail sale 76936
thereof; 76937

(ii) A product provided free of charge with the required 76938
purchase of another product. A product is provided free of charge 76939
if the sales price of the product purchased does not vary 76940
depending on the inclusion of the product provided free of charge. 76941

(iii) Items included in the definition of "price" under 76942
division (H) of section 5739.01 of the Revised Code. 76943

(b) "One non-itemized price" does not include a price that is 76944
separately identified by product on binding sales or other 76945
supporting sales-related documents made available to the consumer 76946
in paper or electronic form, including, but not limited to, an 76947
invoice, bill of sale, receipt, contract, service agreement, lease 76948
agreement, periodic notice of rates and services, rate card, or 76949
price list. 76950

(2) "De minimis" means the vendor's or seller's purchase 76951
price or sales price of taxable products is ten per cent or less 76952
of the total purchase price or sales price of bundled products. 76953
Vendors and sellers shall use either the purchase price or the 76954
sales price of the products to determine if the taxable products 76955
are de minimis, and shall use the full term of a service contract 76956
to determine if the taxable products are de minimis. Vendors and 76957
sellers shall not use a combination of the purchase price and 76958
sales price of the products to determine if the taxable products 76959
are de minimis. 76960

(3) "Over-the-counter drug" means a drug that contains a label that identifies the product as a drug as required by 21 C.F.R. 201.66, and the label includes either a "Drug Facts" panel or a statement of the active ingredients with a list of those ingredients contained in the drug. 76961
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(B) A transaction that otherwise meets the definition of a bundled transaction is not a bundled transaction if it is any of the following: 76966
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(1) A retail sale of tangible personal property and a service where the tangible personal property is essential to the use of the service, and is provided exclusively in connection with the service, and the true object of the transaction is the service; 76969
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(2) A retail sale of services where one service is provided that is essential to the use or receipt of a second service, the first service is provided exclusively in connection with the second service, and the true object of the transaction is the second service; 76973
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(3) A transaction that includes taxable products and nontaxable products, and the purchase price or sales price of the taxable products is de minimis; 76978
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(4) A retail sale of exempt tangible personal property and taxable tangible personal property where the transaction includes food and food ingredients, drugs, durable medical equipment, mobility enhancing equipment, over-the-counter drugs, prosthetic devices, or medical supplies, and the vendor's or seller's purchase price or sales price of the taxable tangible personal property is fifty per cent or less of the total purchase price or sales price of the bundled tangible personal property. Vendors and sellers may not use a combination of the purchase price and sales price of the tangible personal property when making the fifty per cent determination for a transaction. 76981
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(C) In the case of a bundled transaction that includes telecommunications service, ancillary service, internet access, or audio or video programming service: 76992
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(1) If the price is attributable to products that are taxable and products that are nontaxable, the portion of the price attributable to the nontaxable products shall be subject to tax unless the provider, by reasonable and verifiable standards, can identify the portion from its books and records that are kept in the regular course of business for other purposes, including, but not limited to, non-tax purposes. 76995
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(2) If the price is attributable to products that are subject to tax at different tax rates, the total price shall be treated as attributable to the products subject to tax at the highest tax rate unless the provider can identify by reasonable and verifiable standards the portion of the price attributable to the products subject to tax at the lower rate from its books and records that are kept in the regular course of business for other purposes, including, but not limited to, non-tax purposes. 77002
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(D) In all other cases of bundled transactions, the taxability of the transaction shall be determined by the true object of the consumer entering into the transaction. 77010
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Sec. 5739.02. For the purpose of providing revenue with which to meet the needs of the state, for the use of the general revenue fund of the state, for the purpose of securing a thorough and efficient system of common schools throughout the state, for the purpose of affording revenues, in addition to those from general property taxes, permitted under constitutional limitations, and from other sources, for the support of local governmental functions, and for the purpose of reimbursing the state for the expense of administering this chapter, an excise tax is hereby levied on each retail sale made in this state. 77013
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(A)(1) The tax shall be collected as provided in section 77023
5739.025 of the Revised Code, provided that on and after July 1, 77024
2003, and on or before June 30, 2005, the rate of tax shall be six 77025
per cent. On and after July 1, 2005, the rate of the tax shall be 77026
five and one-half per cent. The tax applies and is collectible 77027
when the sale is made, regardless of the time when the price is 77028
paid or delivered. 77029

(2) In the case of the lease or rental, with a fixed term of 77030
more than thirty days or an indefinite term with a minimum period 77031
of more than thirty days, of any motor vehicles designed by the 77032
manufacturer to carry a load of not more than one ton, watercraft, 77033
outboard motor, or aircraft, or of any tangible personal property, 77034
other than motor vehicles designed by the manufacturer to carry a 77035
load of more than one ton, to be used by the lessee or renter 77036
primarily for business purposes, the tax shall be collected by the 77037
vendor at the time the lease or rental is consummated and shall be 77038
calculated by the vendor on the basis of the total amount to be 77039
paid by the lessee or renter under the lease agreement. If the 77040
total amount of the consideration for the lease or rental includes 77041
amounts that are not calculated at the time the lease or rental is 77042
executed, the tax shall be calculated and collected by the vendor 77043
at the time such amounts are billed to the lessee or renter. In 77044
the case of an open-end lease or rental, the tax shall be 77045
calculated by the vendor on the basis of the total amount to be 77046
paid during the initial fixed term of the lease or rental, and for 77047
each subsequent renewal period as it comes due. As used in this 77048
division, "motor vehicle" has the same meaning as in section 77049
4501.01 of the Revised Code, and "watercraft" includes an outdrive 77050
unit attached to the watercraft. 77051

A lease with a renewal clause and a termination penalty or 77052
similar provision that applies if the renewal clause is not 77053
exercised is presumed to be a sham transaction. In such a case, 77054

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; 77085
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(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; 77087
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(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; 77097
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(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; 77103
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(9) 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 defined in division (B)(12) of this section, provided that the 77110
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number of days on which such tangible personal property or 77116
services, other than items never subject to the tax, are sold does 77117
not exceed six in any calendar year. If the number of days on 77118
which such sales are made exceeds six in any calendar year, the 77119
church or organization shall be considered to be engaged in 77120
business and all subsequent sales by it shall be subject to the 77121
tax. In counting the number of days, all sales by groups within a 77122
church or within an organization shall be considered to be sales 77123
of that church or organization, except that sales made by separate 77124
student clubs and other groups of students of a primary or 77125
secondary school, and sales made by a parent-teacher association, 77126
booster group, or similar organization that raises money to 77127
support or fund curricular or extracurricular activities of a 77128
primary or secondary school, shall not be considered to be sales 77129
of such school, and sales by each such club, group, association, 77130
or organization shall be counted separately for purposes of the 77131
six-day limitation. This division does not apply to sales by a 77132
noncommercial educational radio or television broadcasting 77133
station. 77134

(10) Sales not within the taxing power of this state under 77135
the Constitution of the United States; 77136

(11) Except for transactions that are sales under division 77137
(B)(3)~~(s)~~(r) of section 5739.01 of the Revised Code, the 77138
transportation of persons or property, unless the transportation 77139
is by a private investigation and security service; 77140

(12) Sales of tangible personal property or services to 77141
churches, to organizations exempt from taxation under section 77142
501(c)(3) of the Internal Revenue Code of 1986, and to any other 77143
nonprofit organizations operated exclusively for charitable 77144
purposes in this state, no part of the net income of which inures 77145
to the benefit of any private shareholder or individual, and no 77146
substantial part of the activities of which consists of carrying 77147

on propaganda or otherwise attempting to influence legislation; 77148
sales to offices administering one or more homes for the aged or 77149
one or more hospital facilities exempt under section 140.08 of the 77150
Revised Code; and sales to organizations described in division (D) 77151
of section 5709.12 of the Revised Code. 77152

"Charitable purposes" means the relief of poverty; the 77153
improvement of health through the alleviation of illness, disease, 77154
or injury; the operation of an organization exclusively for the 77155
provision of professional, laundry, printing, and purchasing 77156
services to hospitals or charitable institutions; the operation of 77157
a home for the aged, as defined in section 5701.13 of the Revised 77158
Code; the operation of a radio or television broadcasting station 77159
that is licensed by the federal communications commission as a 77160
noncommercial educational radio or television station; the 77161
operation of a nonprofit animal adoption service or a county 77162
humane society; the promotion of education by an institution of 77163
learning that maintains a faculty of qualified instructors, 77164
teaches regular continuous courses of study, and confers a 77165
recognized diploma upon completion of a specific curriculum; the 77166
operation of a parent-teacher association, booster group, or 77167
similar organization primarily engaged in the promotion and 77168
support of the curricular or extracurricular activities of a 77169
primary or secondary school; the operation of a community or area 77170
center in which presentations in music, dramatics, the arts, and 77171
related fields are made in order to foster public interest and 77172
education therein; the production of performances in music, 77173
dramatics, and the arts; or the promotion of education by an 77174
organization engaged in carrying on research in, or the 77175
dissemination of, scientific and technological knowledge and 77176
information primarily for the public. 77177

Nothing in this division shall be deemed to exempt sales to 77178
any organization for use in the operation or carrying on of a 77179

trade or business, or sales to a home for the aged for use in the 77180
operation of independent living facilities as defined in division 77181
(A) of section 5709.12 of the Revised Code. 77182

(13) Building and construction materials and services sold to 77183
construction contractors for incorporation into a structure or 77184
improvement to real property under a construction contract with 77185
this state or a political subdivision of this state, or with the 77186
United States government or any of its agencies; building and 77187
construction materials and services sold to construction 77188
contractors for incorporation into a structure or improvement to 77189
real property that are accepted for ownership by this state or any 77190
of its political subdivisions, or by the United States government 77191
or any of its agencies at the time of completion of the structures 77192
or improvements; building and construction materials sold to 77193
construction contractors for incorporation into a horticulture 77194
structure or livestock structure for a person engaged in the 77195
business of horticulture or producing livestock; building 77196
materials and services sold to a construction contractor for 77197
incorporation into a house of public worship or religious 77198
education, or a building used exclusively for charitable purposes 77199
under a construction contract with an organization whose purpose 77200
is as described in division (B)(12) of this section; building 77201
materials and services sold to a construction contractor for 77202
incorporation into a building under a construction contract with 77203
an organization exempt from taxation under section 501(c)(3) of 77204
the Internal Revenue Code of 1986 when the building is to be used 77205
exclusively for the organization's exempt purposes; building and 77206
construction materials sold for incorporation into the original 77207
construction of a sports facility under section 307.696 of the 77208
Revised Code; and building and construction materials and services 77209
sold to a construction contractor for incorporation into real 77210
property outside this state if such materials and services, when 77211

sold to a construction contractor in the state in which the real 77212
property is located for incorporation into real property in that 77213
state, would be exempt from a tax on sales levied by that state; 77214

(14) Sales of ships or vessels or rail rolling stock used or 77215
to be used principally in interstate or foreign commerce, and 77216
repairs, alterations, fuel, and lubricants for such ships or 77217
vessels or rail rolling stock; 77218

(15) Sales to persons primarily engaged in any of the 77219
activities mentioned in division (B)~~(43)~~(42)(a) or (g) of this 77220
section, to persons engaged in making retail sales, or to persons 77221
who purchase for sale from a manufacturer tangible personal 77222
property that was produced by the manufacturer in accordance with 77223
specific designs provided by the purchaser, of packages, including 77224
material, labels, and parts for packages, and of machinery, 77225
equipment, and material for use primarily in packaging tangible 77226
personal property produced for sale, including any machinery, 77227
equipment, and supplies used to make labels or packages, to 77228
prepare packages or products for labeling, or to label packages or 77229
products, by or on the order of the person doing the packaging, or 77230
sold at retail. "Packages" includes bags, baskets, cartons, 77231
crates, boxes, cans, bottles, bindings, wrappings, and other 77232
similar devices and containers, but does not include motor 77233
vehicles or bulk tanks, trailers, or similar devices attached to 77234
motor vehicles. "Packaging" means placing in a package. Division 77235
(B)~~(14)~~(15) of this section does not apply to persons engaged in 77236
highway transportation for hire. 77237

(16) Sales of food to persons using food stamp benefits to 77238
purchase the food. As used in this division, "food" has the same 77239
meaning as in the "Food Stamp Act of 1977," 91 Stat. 958, 7 U.S.C. 77240
2012, as amended, and federal regulations adopted pursuant to that 77241
act. 77242

(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 ~~for use by persons with medical problems for medical purposes by hospitals, nursing homes, or other medical facilities~~; and medical oxygen and medical oxygen-dispensing equipment when purchased ~~for use by persons with medical problems for medical purposes 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 77275
fire protection and emergency services, including trauma care and 77276
emergency medical services, for political subdivisions of the 77277
state; 77278

(21) Sales of tangible personal property manufactured in this 77279
state, if sold by the manufacturer in this state to a retailer for 77280
use in the retail business of the retailer outside of this state 77281
and if possession is taken from the manufacturer by the purchaser 77282
within this state for the sole purpose of immediately removing the 77283
same from this state in a vehicle owned by the purchaser; 77284

(22) Sales of services provided by the state or any of its 77285
political subdivisions, agencies, instrumentalities, institutions, 77286
or authorities, or by governmental entities of the state or any of 77287
its political subdivisions, agencies, instrumentalities, 77288
institutions, or authorities; 77289

(23) Sales of motor vehicles to nonresidents of this state 77290
upon the presentation of an affidavit executed in this state by 77291
the nonresident purchaser affirming that the purchaser is a 77292
nonresident of this state, that possession of the motor vehicle is 77293
taken in this state for the sole purpose of immediately removing 77294
it from this state, that the motor vehicle will be permanently 77295
titled and registered in another state, and that the motor vehicle 77296
will not be used in this state; 77297

(24) Sales to persons engaged in the preparation of eggs for 77298
sale of tangible personal property used or consumed directly in 77299
such preparation, including such tangible personal property used 77300
for cleaning, sanitizing, preserving, grading, sorting, and 77301
classifying by size; packages, including material and parts for 77302
packages, and machinery, equipment, and material for use in 77303
packaging eggs for sale; and handling and transportation equipment 77304
and parts therefor, except motor vehicles licensed to operate on 77305

public highways, used in intraplant or interplant transfers or	77306
shipment of eggs in the process of preparation for sale, when the	77307
plant or plants within or between which such transfers or	77308
shipments occur are operated by the same person. "Packages"	77309
includes containers, cases, baskets, flats, fillers, filler flats,	77310
cartons, closure materials, labels, and labeling materials, and	77311
"packaging" means placing therein.	77312
(25)(a) Sales of water to a consumer for residential use,	77313
except the sale of bottled water, distilled water, mineral water,	77314
carbonated water, or ice;	77315
(b) Sales of water by a nonprofit corporation engaged	77316
exclusively in the treatment, distribution, and sale of water to	77317
consumers, if such water is delivered to consumers through pipes	77318
or tubing.	77319
(26) Fees charged for inspection or reinspection of motor	77320
vehicles under section 3704.14 of the Revised Code;	77321
(27) Sales to persons licensed to conduct a food service	77322
operation pursuant to section 3717.43 of the Revised Code, of	77323
tangible personal property primarily used directly for the	77324
following:	77325
(a) To prepare food for human consumption for sale;	77326
(b) To preserve food that has been or will be prepared for	77327
human consumption for sale by the food service operator, not	77328
including tangible personal property used to display food for	77329
selection by the consumer;	77330
(c) To clean tangible personal property used to prepare or	77331
serve food for human consumption for sale.	77332
(28) Sales of animals by nonprofit animal adoption services	77333
or county humane societies;	77334
(29) Sales of services to a corporation described in division	77335

(A) of section 5709.72 of the Revised Code, and sales of tangible
personal property that qualifies for exemption from taxation under
section 5709.72 of the Revised Code; 77336
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(30) Sales and installation of agricultural land tile, as
defined in division (B)(5)(a) of section 5739.01 of the Revised
Code; 77339
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(31) Sales and erection or installation of portable grain
bins, as defined in division (B)(5)(b) of section 5739.01 of the
Revised Code; 77342
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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; 77345
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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; 77351
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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)~~(43)~~(42)(a) 77356
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of this section to which the vendor may otherwise be entitled, 77367
based upon the use of the thing purchased in providing the 77368
telecommunications, mobile telecommunications, or satellite 77369
broadcasting service. 77370

~~(35) Sales of investment metal bullion and investment coins. 77371~~
~~"Investment metal bullion" means any elementary precious metal 77372~~
~~that has been put through a process of smelting or refining, 77373~~
~~including, but not limited to, gold, silver, platinum, and 77374~~
~~palladium, and which is in such state or condition that its value 77375~~
~~depends upon its content and not upon its form. "Investment metal 77376~~
~~bullion" does not include fabricated precious metal that has been 77377~~
~~processed or manufactured for one or more specific and customary 77378~~
~~industrial, professional, or artistic uses. "Investment coins" 77379~~
~~means numismatic coins or other forms of money and legal tender 77380~~
~~manufactured of gold, silver, platinum, palladium, or other metal 77381~~
~~under the laws of the United States or any foreign nation with a 77382~~
~~fair market value greater than any statutory or nominal value of 77383~~
~~such coins. 77384~~

~~(36)~~(35)(a) Sales where the purpose of the consumer is to use 77385
or consume the things transferred in making retail sales and 77386
consisting of newspaper inserts, catalogues, coupons, flyers, gift 77387
certificates, or other advertising material that prices and 77388
describes tangible personal property offered for retail sale. 77389

(b) Sales to direct marketing vendors of preliminary 77390
materials such as photographs, artwork, and typesetting that will 77391
be used in printing advertising material; of printed matter that 77392
offers free merchandise or chances to win sweepstake prizes and 77393
that is mailed to potential customers with advertising material 77394
described in division (B)~~(36)~~(35)(a) of this section; and of 77395
equipment such as telephones, computers, facsimile machines, and 77396
similar tangible personal property primarily used to accept orders 77397
for direct marketing retail sales. 77398

(c) Sales of automatic food vending machines that preserve 77399
food with a shelf life of forty-five days or less by refrigeration 77400
and dispense it to the consumer. 77401

For purposes of division (B)~~(36)~~(35) of this section, "direct 77402
marketing" means the method of selling where consumers order 77403
tangible personal property by United States mail, delivery 77404
service, or telecommunication and the vendor delivers or ships the 77405
tangible personal property sold to the consumer from a warehouse, 77406
catalogue distribution center, or similar fulfillment facility by 77407
means of the United States mail, delivery service, or common 77408
carrier. 77409

~~(37)~~(36) Sales to a person engaged in the business of 77410
horticulture or producing livestock of materials to be 77411
incorporated into a horticulture structure or livestock structure; 77412

~~(38)~~(37) Sales of personal computers, computer monitors, 77413
computer keyboards, modems, and other peripheral computer 77414
equipment to an individual who is licensed or certified to teach 77415
in an elementary or a secondary school in this state for use by 77416
that individual in preparation for teaching elementary or 77417
secondary school students; 77418

~~(39)~~(38) Sales to a professional racing team of any of the 77419
following: 77420

(a) Motor racing vehicles; 77421

(b) Repair services for motor racing vehicles; 77422

(c) Items of property that are attached to or incorporated in 77423
motor racing vehicles, including engines, chassis, and all other 77424
components of the vehicles, and all spare, replacement, and 77425
rebuilt parts or components of the vehicles; except not including 77426
tires, consumable fluids, paint, and accessories consisting of 77427
instrumentation sensors and related items added to the vehicle to 77428

collect and transmit data by means of telemetry and other forms of communication. 77429
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~~(40)~~(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; 77431
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~~(41)~~(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)~~(43)~~(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. 77434
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~~(42)~~(41) Sales to a person providing services under division (B)(3)~~(s)~~(r) of section 5739.01 of the Revised Code of tangible personal property and services used directly and primarily in providing taxable services under that section. 77451
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~~(43)~~(42) Sales where the purpose of the purchaser is to do any of the following: 77455
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(a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining; or to use or 77457
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consume the thing transferred directly in producing tangible 77460
personal property for sale by mining, including, without 77461
limitation, the extraction from the earth of all substances that 77462
are classed geologically as minerals, production of crude oil and 77463
natural gas, farming, agriculture, horticulture, or floriculture, 77464
or directly in the rendition of a public utility service, except 77465
that the sales tax levied by this section shall be collected upon 77466
all meals, drinks, and food for human consumption sold when 77467
transporting persons. Persons engaged in rendering farming, 77468
agricultural, horticultural, or floricultural services, and 77469
services in the exploration for, and production of, crude oil and 77470
natural gas, for others are deemed engaged directly in farming, 77471
agriculture, horticulture, and floriculture, or exploration for, 77472
and production of, crude oil and natural gas. This paragraph does 77473
not exempt from "retail sale" or "sales at retail" the sale of 77474
tangible personal property that is to be incorporated into a 77475
structure or improvement to real property. 77476

(b) To hold the thing transferred as security for the 77477
performance of an obligation of the vendor; 77478

(c) To resell, hold, use, or consume the thing transferred as 77479
evidence of a contract of insurance; 77480

(d) To use or consume the thing directly in commercial 77481
fishing; 77482

(e) To incorporate the thing transferred as a material or a 77483
part into, or to use or consume the thing transferred directly in 77484
the production of, magazines distributed as controlled circulation 77485
publications; 77486

(f) To use or consume the thing transferred in the production 77487
and preparation in suitable condition for market and sale of 77488
printed, imprinted, overprinted, lithographic, multilithic, 77489
blueprinted, photostatic, or other productions or reproductions of 77490

written or graphic matter; 77491

(g) To use the thing transferred, as described in section 77492
5739.011 of the Revised Code, primarily in a manufacturing 77493
operation to produce tangible personal property for sale; 77494

(h) To use the benefit of a warranty, maintenance or service 77495
contract, or similar agreement, as described in division (B)(7) of 77496
section 5739.01 of the Revised Code, to repair or maintain 77497
tangible personal property, if all of the property that is the 77498
subject of the warranty, contract, or agreement would not be 77499
subject to the tax imposed by this section; 77500

(i) To use the thing transferred as qualified research and 77501
development equipment; 77502

(j) To use or consume the thing transferred primarily in 77503
storing, transporting, mailing, or otherwise handling purchased 77504
sales inventory in a warehouse, distribution center, or similar 77505
facility when the inventory is primarily distributed outside this 77506
state to retail stores of the person who owns or controls the 77507
warehouse, distribution center, or similar facility, to retail 77508
stores of an affiliated group of which that person is a member, or 77509
by means of direct marketing. This division does not apply to 77510
motor vehicles registered for operation on the public highways. As 77511
used in this division, "affiliated group" has the same meaning as 77512
in division (B)(3)(e) of section 5739.01 of the Revised Code and 77513
"direct marketing" has the same meaning as in division (B)~~(36)~~(35) 77514
of this section. 77515

(k) To use or consume the thing transferred to fulfill a 77516
contractual obligation incurred by a warrantor pursuant to a 77517
warranty provided as a part of the price of the tangible personal 77518
property sold or by a vendor of a warranty, maintenance or service 77519
contract, or similar agreement the provision of which is defined 77520
as a sale under division (B)(7) of section 5739.01 of the Revised 77521

Code; 77522

(1) To use or consume the thing transferred in the production 77523
of a newspaper for distribution to the public; 77524

(m) To use tangible personal property to perform a service 77525
listed in division (B)(3) of section 5739.01 of the Revised Code, 77526
if the property is or is to be permanently transferred to the 77527
consumer of the service as an integral part of the performance of 77528
the service. 77529

As used in division (B)~~(43)~~(42) of this section, "thing" 77530
includes all transactions included in divisions (B)(3)(a), (b), 77531
and (e) of section 5739.01 of the Revised Code. 77532

~~(44)~~(43) Sales conducted through a coin operated device that 77533
activates vacuum equipment or equipment that dispenses water, 77534
whether or not in combination with soap or other cleaning agents 77535
or wax, to the consumer for the consumer's use on the premises in 77536
washing, cleaning, or waxing a motor vehicle, provided no other 77537
personal property or personal service is provided as part of the 77538
transaction. 77539

~~(45)~~(44) Sales of replacement and modification parts for 77540
engines, airframes, instruments, and interiors in, and paint for, 77541
aircraft used primarily in a fractional aircraft ownership 77542
program, and sales of services for the repair, modification, and 77543
maintenance of such aircraft, and machinery, equipment, and 77544
supplies primarily used to provide those services. 77545

~~(46)~~(45) Sales of telecommunications service that is used 77546
directly and primarily to perform the functions of a call center. 77547
As used in this division, "call center" means any physical 77548
location where telephone calls are placed or received in high 77549
volume for the purpose of making sales, marketing, customer 77550
service, technical support, or other specialized business 77551
activity, and that employs at least fifty individuals that engage 77552

in call center activities on a full-time basis, or sufficient 77553
individuals to fill fifty full-time equivalent positions. 77554

(46) Sales by a telecommunications service vendor of 900 77555
service to a subscriber. This division does not apply to 77556
information services, as defined in division (FF) of section 77557
5739.01 of the Revised Code. 77558

(47) Sales of value-added non-voice data service. This 77559
division does not apply to any similar service that is not 77560
otherwise a telecommunications service. 77561

(C) For the purpose of the proper administration of this 77562
chapter, and to prevent the evasion of the tax, it is presumed 77563
that all sales made in this state are subject to the tax until the 77564
contrary is established. 77565

~~(D)(E)~~(D) The levy of this tax on retail sales of recreation 77566
and sports club service shall not prevent a municipal corporation 77567
from levying any tax on recreation and sports club dues or on any 77568
income generated by recreation and sports club dues. 77569

(E) The tax collected by the vendor from the consumer under 77570
this chapter is not part of the price, but is a tax collection for 77571
the benefit of the state, and of counties levying an additional 77572
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 77573
Code and of transit authorities levying an additional sales tax 77574
pursuant to section 5739.023 of the Revised Code. Except for the 77575
discount authorized under section 5739.12 of the Revised Code and 77576
the effects of any rounding pursuant to section 5703.055 of the 77577
Revised Code, no person other than the state or such a county or 77578
transit authority shall derive any benefit from the collection or 77579
payment of the tax levied by this section or section 5739.021, 77580
5739.023, or 5739.026 of the Revised Code. 77581

Sec. 5739.025. As used in this section, "local tax" means a 77582

tax imposed pursuant to section 5739.021, 5739.023, 5739.026, 77583
5741.021, 5741.022, or 5741.023 of the Revised Code. 77584

(A) The taxes levied by sections 5739.02 and 5741.02 of the 77585
Revised Code shall be collected as follows: 77586

(1) On and after July 1, 2003, and on or before June 30, 77587
2005, in accordance with the following schedule: 77588

If the price		The amount of	
is at least	But not more than	the tax is	
\$.01	\$.15	No tax	77591
.16	.16	1¢	77592
.17	.33	2¢	77593
.34	.50	3¢	77594
.51	.66	4¢	77595
.67	.83	5¢	77596
.84	1.00	6¢	77597

If the price exceeds one dollar, the tax is six cents on each 77598
one dollar. If the price exceeds one dollar or a multiple thereof 77599
by not more than seventeen cents, the amount of tax is six cents 77600
for each one dollar plus one cent. If the price exceeds one dollar 77601
or a multiple thereof by more than seventeen cents, the amount of 77602
tax is six cents for each one dollar plus the amount of tax for 77603
prices eighteen cents through ninety-nine cents in accordance with 77604
the schedule above. 77605

(2) On and after July 1, 2005, and on and before December 31, 77606
2005, in accordance with the following schedule: 77607

If the price		The amount	
is at least	But not more than	of the tax is	
\$.01	\$.15	No tax	77610
.16	.20	1¢	77611
	<u>.18</u>		
.21	.40	2¢	77612
<u>.19</u>	<u>.36</u>		

.41	.60	3¢	77613
<u>.37</u>	<u>.54</u>		
.61	.80	4¢	77614
<u>.55</u>	<u>.72</u>		
.81	1.00	5¢	77615
<u>.73</u>	<u>.90</u>		
<u>.91</u>	<u>1.09</u>	6¢	77616
<u>1.10</u>	<u>1.27</u>	7¢	77617
<u>1.28</u>	<u>1.46</u>	8¢	77618
<u>1.47</u>	<u>1.64</u>	9¢	77619
<u>1.65</u>	<u>1.82</u>	10¢	77620
<u>1.83</u>	<u>2.00</u>	11¢	77621

If the price exceeds ~~one dollar~~ two dollars, the tax is ~~five~~ eleven cents on each ~~one dollar~~ two dollars. If the price exceeds ~~one dollar~~ two dollars or a multiple thereof by not more than ~~twenty~~ eighteen cents, the amount of tax is ~~five~~ eleven cents for each ~~one dollar~~ two dollars plus one cent. If the price exceeds ~~one dollar~~ two dollars or a multiple thereof by more than ~~twenty~~ eighteen cents, the amount of tax is ~~five~~ eleven cents for each ~~one dollar~~ two dollars plus the amount of tax for prices ~~twenty-one~~ nineteen cents through one dollar and ninety-nine cents in accordance with the schedule above.

(B) On and after July 1, 2003, and on and before June 30, 2005, the combined taxes levied by sections 5739.02 and 5741.02 and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of the Revised Code shall be collected in accordance with the following schedules:

(1) When the combined rate of state and local tax is six and one-fourth per cent:

If the price		The amount of	77639
is at least	But not more than	the tax is	77640
\$.01	\$.15	No tax	77641

.16	.16	1¢	77642
.17	.32	2¢	77643
.33	.48	3¢	77644
.49	.64	4¢	77645
.65	.80	5¢	77646
.81	.96	6¢	77647
.97	1.12	7¢	77648
1.13	1.28	8¢	77649
1.29	1.44	9¢	77650
1.45	1.60	10¢	77651
1.61	1.76	11¢	77652
1.77	1.92	12¢	77653
1.93	2.08	13¢	77654
2.09	2.24	14¢	77655
2.25	2.40	15¢	77656
2.41	2.56	16¢	77657
2.57	2.72	17¢	77658
2.73	2.88	18¢	77659
2.89	3.04	19¢	77660
3.05	3.20	20¢	77661
3.21	3.36	21¢	77662
3.37	3.52	22¢	77663
3.53	3.68	23¢	77664
3.69	3.84	24¢	77665
3.85	4.00	25¢	77666

If the price exceeds four dollars, the tax is twenty-five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety-nine cents in accordance with the

schedule above. 77675

(2) When the combined rate of state and local tax is six and one-half per cent: 77676
77677

If the price		The amount of	
is at least	But not more than	the tax is	
\$.01	\$.15	No tax	77680
.16	.30	2¢	77681
.31	.46	3¢	77682
.47	.61	4¢	77683
.62	.76	5¢	77684
.77	.92	6¢	77685
.93	1.07	7¢	77686
1.08	1.23	8¢	77687
1.24	1.38	9¢	77688
1.39	1.53	10¢	77689
1.54	1.69	11¢	77690
1.70	1.84	12¢	77691
1.85	2.00	13¢	77692

If the price exceeds two dollars, the tax is thirteen cents 77693
on each two dollars. If the price exceeds two dollars or a 77694
multiple thereof by not more than fifteen cents, the amount of tax 77695
is thirteen cents for each two dollars plus one cent. If the price 77696
exceeds two dollars or a multiple thereof by more than fifteen 77697
cents, the amount of tax is thirteen cents for each two dollars 77698
plus the amount of tax for prices sixteen cents through one dollar 77699
and ninety-nine cents in accordance with the schedule above. 77700

(3) When the combined rate of state and local tax is six and three-fourths per cent: 77701
77702

If the price		The amount of	
is at least	But not more than	the tax is	
\$.01	\$.15	No tax	77705
.16	.29	2¢	77706

.30	.44	3¢	77707
.45	.59	4¢	77708
.60	.74	5¢	77709
.75	.88	6¢	77710
.89	1.03	7¢	77711
1.04	1.18	8¢	77712
1.19	1.33	9¢	77713
1.34	1.48	10¢	77714
1.49	1.62	11¢	77715
1.63	1.77	12¢	77716
1.78	1.92	13¢	77717
1.93	2.07	14¢	77718
2.08	2.22	15¢	77719
2.23	2.37	16¢	77720
2.38	2.51	17¢	77721
2.52	2.66	18¢	77722
2.67	2.81	19¢	77723
2.82	2.96	20¢	77724
2.97	3.11	21¢	77725
3.12	3.25	22¢	77726
3.26	3.40	23¢	77727
3.41	3.55	24¢	77728
3.56	3.70	25¢	77729
3.71	3.85	26¢	77730
3.86	4.00	27¢	77731

If the price exceeds four dollars, the tax is twenty-seven cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than fourteen cents, the amount of tax is twenty-seven cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than fourteen but by not more than twenty-nine cents, the amount of tax is twenty-seven cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than

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twenty-nine cents the amount of tax is twenty-seven cents for each 77740
four dollars plus the amount of tax for prices thirty cents 77741
through three dollars and ninety-nine cents in accordance with the 77742
schedule above. 77743

(4) When the combined rate of state and local tax is seven 77744
per cent: 77745

If the price		The amount of	
is at least	But not more than	the tax is	
\$.01	\$.15	No tax	77746
.16	.28	2¢	77747
.29	.42	3¢	77748
.43	.57	4¢	77749
.58	.71	5¢	77750
.72	.85	6¢	77751
.86	1.00	7¢	77752

If the price exceeds one dollar, the tax is seven cents on 77753
each one dollar. If the price exceeds one dollar or a multiple 77754
thereof by not more than fifteen cents, the amount of tax is seven 77755
cents for each one dollar plus one cent. If the price exceeds one 77756
dollar or a multiple thereof by more than fifteen cents, the 77757
amount of tax is seven cents for each one dollar plus the amount 77758
of tax for prices sixteen cents through ninety-nine cents in 77759
accordance with the schedule above. 77760
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(5) When the combined rate of state and local tax is seven 77763
and one-fourth per cent: 77764

If the price		The amount of	
is at least	But not more than	the tax is	
\$.01	\$.15	No tax	77765
.16	.27	2¢	77766
.28	.41	3¢	77767
.42	.55	4¢	77768
.56	.68	5¢	77769

.69	.82	6¢	77772
.83	.96	7¢	77773
.97	1.10	8¢	77774
1.11	1.24	9¢	77775
1.25	1.37	10¢	77776
1.38	1.51	11¢	77777
1.52	1.65	12¢	77778
1.66	1.79	13¢	77779
1.80	1.93	14¢	77780
1.94	2.06	15¢	77781
2.07	2.20	16¢	77782
2.21	2.34	17¢	77783
2.35	2.48	18¢	77784
2.49	2.62	19¢	77785
2.63	2.75	20¢	77786
2.76	2.89	21¢	77787
2.90	3.03	22¢	77788
3.04	3.17	23¢	77789
3.18	3.31	24¢	77790
3.32	3.44	25¢	77791
3.45	3.58	26¢	77792
3.59	3.72	27¢	77793
3.73	3.86	28¢	77794
3.87	4.00	29¢	77795

If the price exceeds four dollars, the tax is twenty-nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty-nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-seven cents, the amount of tax is twenty-nine cents

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for each four dollars plus the amount of tax for prices 77805
twenty-eight cents through three dollars and ninety-nine cents in 77806
accordance with the schedule above. 77807

(6) When the combined rate of state and local tax is seven 77808
and one-half per cent: 77809

If the price	The amount of	77810
is at least	the tax is	77811
But not more than		
\$.01	No tax	77812
.16	2¢	77813
.27	3¢	77814
.41	4¢	77815
.54	5¢	77816
.66	6¢	77817
.81	7¢	77818
.94	8¢	77819
1.07	9¢	77820
1.21	10¢	77821
1.34	11¢	77822
1.47	12¢	77823
1.61	13¢	77824
1.74	14¢	77825
1.87	15¢	77826

If the price exceeds two dollars, the tax is fifteen cents on 77827
each two dollars. If the price exceeds two dollars or a multiple 77828
thereof by not more than fifteen cents, the amount of tax is 77829
fifteen cents for each two dollars plus one cent. If the price 77830
exceeds two dollars or a multiple thereof by more than fifteen 77831
cents, the amount of tax is fifteen cents for each two dollars 77832
plus the amount of tax for prices sixteen cents through one dollar 77833
and ninety-nine cents in accordance with the schedule above. 77834

(7) When the combined rate of state and local tax is seven 77835
and three-fourths per cent: 77836

If the price is at least	But not more than	The amount of the tax is	
		No tax	77837
\$.01	\$.15		77838
.16	.25	2¢	77839
.26	.38	3¢	77840
.39	.51	4¢	77841
.52	.64	5¢	77842
.65	.77	6¢	77843
.78	.90	7¢	77844
.91	1.03	8¢	77845
1.04	1.16	9¢	77846
1.17	1.29	10¢	77847
1.30	1.41	11¢	77848
1.42	1.54	12¢	77849
1.55	1.67	13¢	77850
1.68	1.80	14¢	77851
1.81	1.93	15¢	77852
1.94	2.06	16¢	77853
2.07	2.19	17¢	77854
2.20	2.32	18¢	77855
2.33	2.45	19¢	77856
2.46	2.58	20¢	77857
2.59	2.70	21¢	77858
2.71	2.83	22¢	77859
2.84	2.96	23¢	77860
2.97	3.09	24¢	77861
3.10	3.22	25¢	77862
3.23	3.35	26¢	77863
3.36	3.48	27¢	77864
3.49	3.61	28¢	77865
3.62	3.74	29¢	77866
3.75	3.87	30¢	77867
3.88	4.00	31¢	77868

If the price exceeds four dollars, the tax is thirty-one cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than twelve cents, the amount of tax is thirty-one cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than twelve cents but by not more than twenty-five cents, the amount of tax is thirty-one cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-five cents, the amount of tax is thirty-one cents for each four dollars plus the amount of tax for prices twenty-six cents through three dollars and ninety-nine cents in accordance with the schedule above.

(8) When the combined rate of state and local tax is eight per cent:

If the price		The amount of	
is at least	But not more than	the tax is	
\$.01	\$.15	No tax	
.16	.25	2¢	
.26	.37	3¢	
.38	.50	4¢	
.51	.62	5¢	
.63	.75	6¢	
.76	.87	7¢	
.88	1.00	8¢	

If the price exceeds one dollar, the tax is eight cents on each one dollar. If the price exceeds one dollar or a multiple thereof by not more than twelve cents, the amount of tax is eight cents for each one dollar plus one cent. If the price exceeds one dollar or a multiple thereof by more than twelve cents but not more than twenty-five cents, the amount of tax is eight cents for each one dollar plus two cents. If the price exceeds one dollar or a multiple thereof by more than twenty-five cents, the amount of

tax is eight cents for each one dollar plus the amount of tax for 77902
prices twenty-six cents through ninety-nine cents in accordance 77903
with the schedule above. 77904

(9) When the combined rate of state and local tax is eight 77905
and one-fourth per cent: 77906

If the price		The amount of	
is at least	But not more than	the tax is	
\$.01	\$.15	No tax	77909
.16	.24	2¢	77910
.25	.36	3¢	77911
.37	.48	4¢	77912
.49	.60	5¢	77913
.61	.72	6¢	77914
.73	.84	7¢	77915
.85	.96	8¢	77916
.97	1.09	9¢	77917
1.10	1.21	10¢	77918
1.22	1.33	11¢	77919
1.34	1.45	12¢	77920
1.46	1.57	13¢	77921
1.58	1.69	14¢	77922
1.70	1.81	15¢	77923
1.82	1.93	16¢	77924
1.94	2.06	17¢	77925
2.07	2.18	18¢	77926
2.19	2.30	19¢	77927
2.31	2.42	20¢	77928
2.43	2.54	21¢	77929
2.55	2.66	22¢	77930
2.67	2.78	23¢	77931
2.79	2.90	24¢	77932
2.91	3.03	25¢	77933

3.04	3.15	26¢	77934
3.16	3.27	27¢	77935
3.28	3.39	28¢	77936
3.40	3.51	29¢	77937
3.52	3.63	30¢	77938
3.64	3.75	31¢	77939
3.76	3.87	32¢	77940
3.88	4.00	33¢	77941

If the price exceeds four dollars, the tax is thirty-three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty-three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than eleven cents but by not more than twenty-four cents, the amount of tax is thirty-three cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-four cents, the amount of tax is thirty-three cents for each four dollars plus the amount of tax for prices twenty-six cents through three dollars and ninety-nine cents in accordance with the schedule above.

(10) When the combined rate of state and local tax is eight and one-half per cent:

If the price is at least	But not more than	The amount of the tax is	
\$.01	\$.15	No tax	77958
.16	.23	2¢	77959
.24	.35	3¢	77960
.36	.47	4¢	77961
.48	.58	5¢	77962
.59	.70	6¢	77963
.71	.82	7¢	77964
.83	.94	8¢	77965

.95	1.05	9¢	77966
1.06	1.17	10¢	77967
1.18	1.29	11¢	77968
1.30	1.41	12¢	77969
1.42	1.52	13¢	77970
1.53	1.64	14¢	77971
1.65	1.76	15¢	77972
1.77	1.88	16¢	77973
1.89	2.00	17¢	77974

If the price exceeds two dollars, the tax is seventeen cents 77975
on each two dollars. If the price exceeds two dollars or a 77976
multiple thereof by not more than eleven cents, the amount of tax 77977
is seventeen cents for each two dollars plus one cent. If the 77978
price exceeds two dollars or a multiple thereof by more than 77979
eleven cents but by not more than twenty-three cents, the amount 77980
of tax is seventeen cents for each two dollars plus two cents. If 77981
the price exceeds two dollars or a multiple thereof by more than 77982
twenty-three cents, the amount of tax is seventeen cents for each 77983
two dollars plus the amount of tax for prices twenty-four cents 77984
through one dollar and ninety-nine cents in accordance with the 77985
schedule above. 77986

(11) When the combined rate of state and local tax is eight 77987
and three-fourths per cent: 77988

If the price		The amount of	77989
is at least	But not more than	the tax is	77990
\$.01	\$.15	No tax	77991
.16	.22	2¢	77992
.23	.34	3¢	77993
.35	.45	4¢	77994
.46	.57	5¢	77995
.58	.68	6¢	77996
.69	.80	7¢	77997

.81	.91	8¢	77998
.92	1.02	9¢	77999
1.03	1.14	10¢	78000
1.15	1.25	11¢	78001
1.26	1.37	12¢	78002
1.38	1.48	13¢	78003
1.49	1.60	14¢	78004
1.61	1.71	15¢	78005
1.72	1.82	16¢	78006
1.83	1.94	17¢	78007
1.95	2.05	18¢	78008
2.06	2.17	19¢	78009
2.18	2.28	20¢	78010
2.29	2.40	21¢	78011
2.41	2.51	22¢	78012
2.52	2.62	23¢	78013
2.63	2.74	24¢	78014
2.75	2.85	25¢	78015
2.86	2.97	26¢	78016
2.98	3.08	27¢	78017
3.09	3.20	28¢	78018
3.21	3.31	29¢	78019
3.32	3.42	30¢	78020
3.43	3.54	31¢	78021
	3.65	32¢	78022
3.66	3.77	33¢	78023
3.78	3.88	34¢	78024
3.89	4.00	35¢	78025

If the price exceeds four dollars, the tax is thirty-five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty-five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than

eleven cents but by not more than twenty-two cents, the amount of
tax is thirty-five cents for each four dollars plus two cents. If
the price exceeds four dollars or a multiple thereof by more than
twenty-two cents, the amount of tax is thirty-five cents for each
four dollars plus the amount of tax for prices twenty-three cents
through three dollars and ninety-nine cents in accordance with the
schedule above.

(12) When the combined rate of state and local tax is nine
per cent:

If the price is at least	But not more than	The amount of the tax is
\$.01	\$.15	No tax
.16	.22	2¢
.23	.33	3¢
.34	.44	4¢
.45	.55	5¢
.56	.66	6¢
.67	.77	7¢
.78	.88	8¢
.89	1.00	9¢

If the price exceeds one dollar, the tax is nine cents on
each one dollar. If the price exceeds one dollar or a multiple
thereof by not more than eleven cents, the amount of tax is nine
cents for each one dollar plus one cent. If the price exceeds one
dollar or a multiple thereof by more than eleven cents but by not
more than twenty-two cents, the amount of tax is nine cents for
each one dollar plus two cents. If the price exceeds one dollar or
a multiple thereof by more than twenty-two cents, the amount of
tax is nine cents for each one dollar plus the amount of tax for
prices twenty-three cents through ninety-nine cents in accordance
with the schedule above.

(C) On and after July 1, 2005, and on and before December 31,

2005, the combined taxes levied by sections 5739.02 and 5741.02 78063
and pursuant to sections 5739.021, 5739.023, 5739.026, 5741.021, 78064
5741.022, and 5741.023 of the Revised Code shall be collected in 78065
accordance with the following schedules: 78066

(1) When the total rate of local tax is one-fourth per cent: 78067

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	78070
.16	.19	1¢	78071
.20	.38	2¢	78072
.39	.57	3¢	78073
.58	.76	4¢	78074
.77	.95	5¢	78075
.96	1.14	6¢	78076
1.15	1.33	7¢	78077
1.34	1.52	8¢	78078
1.53	1.71	9¢	78079
1.72	1.90	10¢	78080
1.91	2.09	11¢	78081
2.10	2.28	12¢	78082
2.29	2.47	13¢	78083
2.48	2.66	14¢	78084
2.67	2.85	15¢	78085
2.86	3.04	16¢	78086
3.05	3.23	17¢	78087
3.24	3.42	18¢	78088
3.43	3.61	19¢	78089
3.62	3.80	20¢	78090
3.81	4.00	21¢	78091

~~If the price exceeds four dollars, the tax is twenty one~~ 78092
~~cents on each four dollars. If the price exceeds four dollars or a~~ 78093
~~multiple thereof by not more than nineteen cents, the amount of~~ 78094

~~tax is twenty one cents for each four dollars plus one cent. If
the price exceeds four dollars or a multiple thereof by more than
nineteen cents, the amount of tax is twenty one cents for each
four dollars plus the amount of tax for prices twenty cents
through three dollars and ninety nine cents in accordance with the
schedule above.~~

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~~(2) When the combined rate of local tax is one half per cent:~~

78101

If the price	But not	The amount
is at least	more than	of the tax is

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78103

\$.01	\$.15	No tax
.16	.18	1¢
.19	.36	2¢
.37	.54	3¢
.55	.72	4¢
.73	.90	5¢
.91	1.09	6¢
1.10	1.27	7¢
1.28	1.46	8¢
1.47	1.64	9¢
1.65	1.82	10¢
1.83	2.00	11¢

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~~If the price exceeds two dollars, the tax is eleven cents on
each two dollars. If the price exceeds two dollars or a multiple
thereof by not more than eighteen cents, the amount of tax is
eleven cents for each two dollars plus one cent. If the price
exceeds two dollars or a multiple thereof by more than eighteen
cents, the amount of tax is eleven cents for each two dollars plus
the amount of tax for prices nineteen cents through one dollar and
ninety nine cents in accordance with the schedule above.~~

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~~(3) When the combined rate of local tax is three fourths per
cent:~~

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78125

If the price	But not	The amount
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78126

is at least	more than	of the tax is	78127
\$.01	\$.15	No tax	78128
.16	.17	1¢	78129
.18	.34	2¢	78130
.35	.52	3¢	78131
.53	.69	4¢	78132
.70	.86	5¢	78133
.87	1.04	6¢	78134
1.05	1.21	7¢	78135
1.22	1.39	8¢	78136
1.40	1.56	9¢	78137
1.57	1.73	10¢	78138
1.74	1.91	11¢	78139
1.92	2.08	12¢	78140
2.09	2.26	13¢	78141
2.27	2.43	14¢	78142
2.44	2.60	15¢	78143
2.61	2.78	16¢	78144
2.79	2.95	17¢	78145
2.96	3.13	18¢	78146
3.14	3.30	19¢	78147
3.31	3.47	20¢	78148
3.48	3.65	21¢	78149
3.66	3.82	22¢	78150
3.83	4.00	23¢	78151

If the price exceeds four dollars, the tax is twenty-three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than seventeen cents, the amount of tax is twenty-three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than seventeen cents, the amount of tax is twenty-three cents for each four dollars plus the amount of tax for prices eighteen cents through three dollars and ninety-nine cents in accordance with the

schedule above. 78160

~~(4)~~(2) When the combined rate of local tax is ~~one~~ one-half 78161
per cent: 78162

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	78163
.16	.17	1¢	78164
.18	.34	2¢	78165
.35	.50	3¢	78166
.51	.67	4¢	78167
.68	.83	5¢	78168
.84	1.00	6¢	78169

If the price exceeds one dollar, the tax is six cents on each 78170
one dollar. If the price exceeds one dollar or a multiple thereof 78171
by not more than seventeen cents, the amount of tax is six cents 78172
for each one dollar plus one cent. If the price exceeds one dollar 78173
or a multiple thereof by more than seventeen cents, the amount of 78174
tax is six cents for each one dollar plus the amount of tax for 78175
prices eighteen cents through ninety-nine cents in accordance with 78176
the schedule above. 78177
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~~(5)~~(3) When the combined rate of local tax is ~~one and~~ 78180
~~one-fourth~~ three-fourths per cent: 78181

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	78182
.16	.16	1¢	78183
.17	.32	2¢	78184
.33	.48	3¢	78185
.49	.64	4¢	78186
.65	.80	5¢	78187
.81	.96	6¢	78188
.97	1.12	7¢	78189

1.13	1.28	8¢	78192
1.29	1.44	9¢	78193
1.45	1.60	10¢	78194
1.61	1.76	11¢	78195
1.77	1.92	12¢	78196
1.93	2.08	13¢	78197
2.09	2.24	14¢	78198
2.25	2.40	15¢	78199
2.41	2.56	16¢	78200
2.57	2.72	17¢	78201
2.73	2.88	18¢	78202
2.89	3.04	19¢	78203
3.05	3.20	20¢	78204
3.21	3.36	21¢	78205
3.37	3.52	22¢	78206
3.53	3.68	23¢	78207
3.69	3.84	24¢	78208
3.85	4.00	25¢	78209

If the price exceeds four dollars, the tax is twenty-five cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than sixteen cents, the amount of tax is twenty-five cents for each four dollars plus the amount of tax for prices seventeen cents through three dollars and ninety-nine cents in accordance with the schedule above.

~~(6)~~(4) When the combined rate of local tax is one ~~and~~ ~~one-half~~ per cent:

If the price	But not	The amount	78221
is at least	more than	of the tax is	78222
\$.01	\$.15	No tax	78223

.16	.30	2¢	78224
.31	.46	3¢	78225
.47	.61	4¢	78226
.62	.76	5¢	78227
.77	.92	6¢	78228
.93	1.07	7¢	78229
1.08	1.23	8¢	78230
1.24	1.38	9¢	78231
1.39	1.53	10¢	78232
1.54	1.69	11¢	78233
1.70	1.84	12¢	78234
1.85	2.00	13¢	78235

If the price exceeds two dollars, the tax is thirteen cents 78236
on each two dollars. If the price exceeds two dollars or a 78237
multiple thereof by not more than fifteen cents, the amount of tax 78238
is thirteen cents for each two dollars plus one cent. If the price 78239
exceeds two dollars or a multiple thereof by more than fifteen 78240
cents, the amount of tax is thirteen cents for each two dollars 78241
plus the amount of tax for prices sixteen cents through one dollar 78242
and ninety-nine cents in accordance with the schedule above. 78243

~~(7)(5)~~ When the combined rate of local tax is one and 78244
~~three-fourths~~ one-fourth per cent: 78245

If the price	But not	The amount	
is at least	more than	of the tax is	
\$.01	\$.15	No tax	78246
.16	.29	2¢	78247
.30	.44	3¢	78248
.45	.59	4¢	78249
.60	.74	5¢	78250
.75	.88	6¢	78251
.89	1.03	7¢	78252
1.04	1.18	8¢	78253

1.19	1.33	9¢	78256
1.34	1.48	10¢	78257
1.49	1.62	11¢	78258
1.63	1.77	12¢	78259
1.78	1.92	13¢	78260
1.93	2.07	14¢	78261
2.08	2.22	15¢	78262
2.23	2.37	16¢	78263
2.38	2.51	17¢	78264
2.52	2.66	18¢	78265
2.67	2.81	19¢	78266
2.82	2.96	20¢	78267
2.97	3.11	21¢	78268
3.12	3.25	22¢	78269
3.26	3.40	23¢	78270
3.41	3.55	24¢	78271
3.56	3.70	25¢	78272
3.71	3.85	26¢	78273
3.86	4.00	27¢	78274

If the price exceeds four dollars, the tax is twenty-seven cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than fourteen cents, the amount of tax is twenty-seven cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than fourteen but by not more than twenty-nine cents, the amount of tax is twenty-seven cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-nine cents the amount of tax is twenty-seven cents for each four dollars plus the amount of tax for prices thirty cents through three dollars and ninety-nine cents in accordance with the schedule above.

~~(8)~~(6) When the combined rate of local tax is ~~two~~ one and 78287

<u>one-half</u> per cent:			78288
If the price	But not	The amount	78289
is at least	more than	of the tax is	78290
\$.01	\$.15	No tax	78291
.16	.28	2¢	78292
.29	.42	3¢	78293
.43	.57	4¢	78294
.58	.71	5¢	78295
.72	.85	6¢	78296
.86	1.00	7¢	78297

 If the price exceeds one dollar, the tax is seven cents on 78298
each one dollar. If the price exceeds one dollar or a multiple 78299
thereof by not more than fifteen cents, the amount of tax is seven 78300
cents for each one dollar plus one cent. If the price exceeds one 78301
dollar or a multiple thereof by more than fifteen cents, the 78302
amount of tax is seven cents for each one dollar plus the amount 78303
of tax for prices sixteen cents through ninety-nine cents in 78304
accordance with the schedule above. 78305

~~(9)(7)~~ When the combined rate of local tax is ~~two~~ one and 78306
~~one-fourth~~ three-fourths per cent: 78307

If the price	But not	The amount	78308
is at least	more than	of the tax is	78309
\$.01	\$.15	No tax	78310
.16	.27	2¢	78311
.28	.41	3¢	78312
.42	.55	4¢	78313
.56	.68	5¢	78314
.69	.82	6¢	78315
.83	.96	7¢	78316
.97	1.10	8¢	78317
1.11	1.24	9¢	78318
1.25	1.37	10¢	78319

1.38	1.51	11¢	78320
1.52	1.65	12¢	78321
1.66	1.79	13¢	78322
1.80	1.93	14¢	78323
1.94	2.06	15¢	78324
2.07	2.20	16¢	78325
2.21	2.34	17¢	78326
2.35	2.48	18¢	78327
2.49	2.62	19¢	78328
2.63	2.75	20¢	78329
2.76	2.89	21¢	78330
2.90	3.03	22¢	78331
3.04	3.17	23¢	78332
3.18	3.31	24¢	78333
3.32	3.44	25¢	78334
3.45	3.58	26¢	78335
3.59	3.72	27¢	78336
3.73	3.86	28¢	78337
3.87	4.00	29¢	78338

If the price exceeds four dollars, the tax is twenty-nine cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than thirteen cents, the amount of tax is twenty-nine cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than thirteen cents but by not more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-seven cents, the amount of tax is twenty-nine cents for each four dollars plus the amount of tax for prices twenty-eight cents through three dollars and ninety-nine cents in accordance with the schedule above.

~~(10)~~(8) When the combined rate of local tax is two ~~and~~ 78351

one-half per cent:			78352
If the price	But not	The amount	78353
is at least	more than	of the tax is	78354
\$.01	\$.15	No tax	78355
.16	.26	2¢	78356
.27	.40	3¢	78357
.41	.53	4¢	78358
.54	.65	5¢	78359
.66	.80	6¢	78360
.81	.93	7¢	78361
.94	1.06	8¢	78362
1.07	1.20	9¢	78363
1.21	1.33	10¢	78364
1.34	1.46	11¢	78365
1.47	1.60	12¢	78366
1.61	1.73	13¢	78367
1.74	1.86	14¢	78368
1.87	2.00	15¢	78369

 If the price exceeds two dollars, the tax is fifteen cents on 78370
 each two dollars. If the price exceeds two dollars or a multiple 78371
 thereof by not more than fifteen cents, the amount of tax is 78372
 fifteen cents for each two dollars plus one cent. If the price 78373
 exceeds two dollars or a multiple thereof by more than fifteen 78374
 cents, the amount of tax is fifteen cents for each two dollars 78375
 plus the amount of tax for prices sixteen cents through one dollar 78376
 and ninety-nine cents in accordance with the schedule above. 78377

~~(11)~~(9) When the combined rate of local tax is two and 78378
~~three-fourths~~ one-fourth per cent: 78379

If the price	But not	The amount	78380
is at least	more than	of the tax is	78381
\$.01	\$.15	No tax	78382
.16	.25	2¢	78383

.26	.38	3¢	78384
.39	.51	4¢	78385
.52	.64	5¢	78386
.65	.77	6¢	78387
.78	.90	7¢	78388
.91	1.03	8¢	78389
1.04	1.16	9¢	78390
1.17	1.29	10¢	78391
1.30	1.41	11¢	78392
1.42	1.54	12¢	78393
1.55	1.67	13¢	78394
1.68	1.80	14¢	78395
1.81	1.93	15¢	78396
1.94	2.06	16¢	78397
2.07	2.19	17¢	78398
2.20	2.32	18¢	78399
2.33	2.45	19¢	78400
2.46	2.58	20¢	78401
2.59	2.70	21¢	78402
2.71	2.83	22¢	78403
2.84	2.96	23¢	78404
2.97	3.09	24¢	78405
3.10	3.22	25¢	78406
3.23	3.35	26¢	78407
3.36	3.48	27¢	78408
3.49	3.61	28¢	78409
3.62	3.74	29¢	78410
3.75	3.87	30¢	78411
3.88	4.00	31¢	78412

If the price exceeds four dollars, the tax is thirty-one cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than twelve cents, the amount of tax is thirty-one cents for each four dollars plus one cent. If the

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price exceeds four dollars or a multiple thereof by more than
twelve cents but not more than twenty-five cents, the amount of
tax is thirty-one cents for each four dollars plus two cents. If
the price exceeds four dollars or a multiple thereof by more than
twenty-five cents, the amount of tax is thirty-one cents for each
four dollars plus the amount of tax for prices twenty-six cents
through three dollars and ninety-nine cents in accordance with the
schedule above.

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~~(12)~~(10) When the combined rate of local tax is ~~three two and~~
one-half per cent:

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If the price is at least	But not more than	The amount of the tax is
\$.01	\$.15	No tax
.16	.25	2¢
.26	.37	3¢
.38	.50	4¢
.51	.62	5¢
.63	.75	6¢
.76	.87	7¢
.88	1.00	8¢

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If the price exceeds one dollar, the tax is eight cents on
each one dollar. If the price exceeds one dollar or a multiple
thereof by not more than twelve cents, the amount of tax is eight
cents for each one dollar plus one cent. If the price exceeds one
dollar or a multiple thereof by more than twelve cents but not
more than twenty-five cents, the amount of tax is eight cents for
each one dollar plus two cents. If the price exceeds one dollar or
a multiple thereof by more than twenty-five cents, the amount of
tax is eight cents for each one dollar plus the amount of tax for
prices twenty-six cents through ninety-nine cents in accordance
with the schedule above.

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(11) When the combined rate of local tax is two and

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<u>three-fourths per cent:</u>			78449
<u>If the price</u>	<u>But not</u>	<u>The amount</u>	78450
<u>is at least</u>	<u>more than</u>	<u>of the tax is</u>	78451
<u>\$.01</u>	<u>\$.15</u>	<u>No tax</u>	78452
<u>.16</u>	<u>.24</u>	<u>2¢</u>	78453
<u>.25</u>	<u>.36</u>	<u>3¢</u>	78454
<u>.37</u>	<u>.48</u>	<u>4¢</u>	78455
<u>.49</u>	<u>.60</u>	<u>5¢</u>	78456
<u>.61</u>	<u>.72</u>	<u>6¢</u>	78457
<u>.73</u>	<u>.84</u>	<u>7¢</u>	78458
<u>.85</u>	<u>.96</u>	<u>8¢</u>	78459
<u>.97</u>	<u>1.09</u>	<u>9¢</u>	78460
<u>1.10</u>	<u>1.21</u>	<u>10¢</u>	78461
<u>1.22</u>	<u>1.33</u>	<u>11¢</u>	78462
<u>1.34</u>	<u>1.45</u>	<u>12¢</u>	78463
<u>1.46</u>	<u>1.57</u>	<u>13¢</u>	78464
<u>1.58</u>	<u>1.69</u>	<u>14¢</u>	78465
<u>1.70</u>	<u>1.81</u>	<u>15¢</u>	78466
<u>1.82</u>	<u>1.93</u>	<u>16¢</u>	78467
<u>1.94</u>	<u>2.06</u>	<u>17¢</u>	78468
<u>2.07</u>	<u>2.18</u>	<u>18¢</u>	78469
<u>2.19</u>	<u>2.30</u>	<u>19¢</u>	78470
<u>2.31</u>	<u>2.42</u>	<u>20¢</u>	78471
<u>2.43</u>	<u>2.54</u>	<u>21¢</u>	78472
<u>2.55</u>	<u>2.66</u>	<u>22¢</u>	78473
<u>2.67</u>	<u>2.78</u>	<u>23¢</u>	78474
<u>2.79</u>	<u>2.90</u>	<u>24¢</u>	78475
<u>2.91</u>	<u>3.03</u>	<u>25¢</u>	78476
<u>3.04</u>	<u>3.15</u>	<u>26¢</u>	78477
<u>3.16</u>	<u>3.27</u>	<u>27¢</u>	78478
<u>3.28</u>	<u>3.39</u>	<u>28¢</u>	78479
<u>3.40</u>	<u>3.51</u>	<u>29¢</u>	78480
<u>3.52</u>	<u>3.63</u>	<u>30¢</u>	78481

<u>3.64</u>	<u>3.75</u>	<u>31¢</u>	78482
<u>3.76</u>	<u>3.87</u>	<u>32¢</u>	78483
<u>3.88</u>	<u>4.00</u>	<u>33¢</u>	78484

If the price exceeds four dollars, the tax is thirty-three cents on each four dollars. If the price exceeds four dollars or a multiple thereof by not more than eleven cents, the amount of tax is thirty-three cents for each four dollars plus one cent. If the price exceeds four dollars or a multiple thereof by more than eleven cents but not more than twenty-four cents, the amount of tax is thirty-three cents for each four dollars plus two cents. If the price exceeds four dollars or a multiple thereof by more than twenty-four cents, the amount of tax is thirty-three cents for each four dollars plus the amount of tax for prices twenty-six cents through three dollars and ninety-nine cents in accordance with the schedule above.

(12) When the combined rate of local tax is three per cent:

<u>If the price</u>	<u>But not</u>	<u>The amount</u>	
<u>is at least</u>	<u>more than</u>	<u>of the tax is</u>	
<u>\$.01</u>	<u>\$.15</u>	<u>No tax</u>	78498
<u>.16</u>	<u>.23</u>	<u>2¢</u>	78499
<u>.24</u>	<u>.35</u>	<u>3¢</u>	78500
<u>.36</u>	<u>.47</u>	<u>4¢</u>	78501
<u>.48</u>	<u>.58</u>	<u>5¢</u>	78502
<u>.59</u>	<u>.70</u>	<u>6¢</u>	78503
<u>.71</u>	<u>.82</u>	<u>7¢</u>	78504
<u>.83</u>	<u>.94</u>	<u>8¢</u>	78505
<u>.95</u>	<u>1.05</u>	<u>9¢</u>	78506
<u>1.06</u>	<u>1.17</u>	<u>10¢</u>	78507
<u>1.18</u>	<u>1.29</u>	<u>11¢</u>	78508
<u>1.30</u>	<u>1.41</u>	<u>12¢</u>	78509
<u>1.42</u>	<u>1.52</u>	<u>13¢</u>	78510
<u>1.53</u>	<u>1.64</u>	<u>14¢</u>	78511

<u>1.65</u>	<u>1.76</u>	<u>15¢</u>	78514
<u>1.77</u>	<u>1.88</u>	<u>16¢</u>	78515
<u>1.89</u>	<u>2.00</u>	<u>17¢</u>	78516

If the price exceeds two dollars, the tax is seventeen cents 78517
on each two dollars. If the price exceeds two dollars or a 78518
multiple thereof by not more than eleven cents, the amount of tax 78519
is seventeen cents for each two dollars plus one cent. If the 78520
price exceeds two dollars or a multiple thereof by more than 78521
eleven cents but not more than twenty-three cents, the amount of 78522
tax is seventeen cents for each two dollars plus two cents. If the 78523
price exceeds two dollars or a multiple thereof by more than 78524
twenty-three cents, the amount of tax is seventeen cents for each 78525
two dollars plus the amount of tax for prices twenty-four cents 78526
through one dollar and ninety-nine cents in accordance with the 78527
schedule above. 78528

(D) In lieu of collecting the tax pursuant to the schedules 78529
set forth in divisions (A), (B), and (C) of this section, a vendor 78530
may compute the tax on each sale as follows: 78531

(1) On sales of fifteen cents or less, no tax shall apply. 78532

(2) On sales in excess of fifteen cents, multiply the price 78533
by the aggregate rate of taxes in effect under sections 5739.02 78534
and 5741.02 and sections 5739.021, 5739.023, 5739.026, 5741.021, 78535
5741.022, and 5741.023 of the Revised Code. The computation shall 78536
be carried out to six decimal places. If the result is a 78537
fractional amount of a cent, the calculated tax shall be increased 78538
to the next highest cent and that amount shall be collected by the 78539
vendor. 78540

(E) On and after January 1, 2006, a vendor shall compute the 78541
tax on each sale by multiplying the price by the aggregate rate of 78542
taxes in effect under sections 5739.02 and 5741.02, and sections 78543
5739.021, 5739.023, 5739.026, 5741.021, 5741.022, and 5741.023 of 78544

the Revised Code. The computation shall be carried out to three
decimal places. If the result is a fractional amount of a cent,
the calculated tax shall be rounded to a whole cent using a method
that rounds up to the next cent whenever the third decimal place
is greater than four. A vendor may elect to compute the tax due on
a transaction on an item or an invoice basis.

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(F) In auditing a vendor, the tax commissioner shall consider
the method prescribed by this section that was used by the vendor
in determining and collecting the tax due under this chapter on
taxable transactions. If the vendor correctly collects and remits
the tax due under this chapter in accordance with the schedules in
divisions (A), (B), and (C) of this section or in accordance with
the computation prescribed in division (D) or (E) of this section,
the commissioner shall not assess any additional tax on those
transactions.

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(G)(1) With respect to a sale of a fractional ownership
program aircraft used primarily in a fractional aircraft ownership
program, including all accessories attached to such aircraft, the
tax shall be calculated pursuant to divisions (A) to (E) of this
section, provided that the tax commissioner shall modify those
calculations so that the maximum tax on each program aircraft is
eight hundred dollars. In the case of a sale of a fractional
interest that is less than one hundred per cent of the program
aircraft, the tax charged on the transaction shall be eight
hundred dollars multiplied by a fraction, the numerator of which
is the percentage of ownership or possession in the aircraft being
purchased in the transaction, and the denominator of which is one
hundred per cent.

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(2) Notwithstanding any other provision of law to the
contrary, the tax calculated under division (G)(1) of this section
and paid with respect to the sale of a fractional ownership
program aircraft used primarily in a fractional aircraft ownership

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program shall be credited to the general revenue fund. 78577

Sec. 5739.026. (A) A board of county commissioners may levy a 78578
tax of one-fourth or one-half of one per cent on every retail sale 78579
in the county, except sales of watercraft and outboard motors 78580
required to be titled pursuant to Chapter 1548. of the Revised 78581
Code and sales of motor vehicles, and may increase an existing 78582
rate of one-fourth of one per cent to one-half of one per cent, to 78583
pay the expenses of administering the tax and, except as provided 78584
in division (A)(6) of this section, for any one or more of the 78585
following purposes provided that the aggregate levy for all such 78586
purposes does not exceed one-half of one per cent: 78587

(1) To provide additional revenues for the payment of bonds 78588
or notes issued in anticipation of bonds issued by a convention 78589
facilities authority established by the board of county 78590
commissioners under Chapter 351. of the Revised Code and to 78591
provide additional operating revenues for the convention 78592
facilities authority; 78593

(2) To provide additional revenues for a transit authority 78594
operating in the county; 78595

(3) To provide additional revenue for the county's general 78596
fund; 78597

(4) To provide additional revenue for permanent improvements 78598
within the county to be distributed by the community improvements 78599
board in accordance with section 307.283 and to pay principal, 78600
interest, and premium on bonds issued under section 307.284 of the 78601
Revised Code; 78602

(5) To provide additional revenue for the acquisition, 78603
construction, equipping, or repair of any specific permanent 78604
improvement or any class or group of permanent improvements, which 78605
improvement or class or group of improvements shall be enumerated 78606

in the resolution required by division (D) of this section, and to 78607
pay principal, interest, premium, and other costs associated with 78608
the issuance of bonds or notes in anticipation of bonds issued 78609
pursuant to Chapter 133. of the Revised Code for the acquisition, 78610
construction, equipping, or repair of the specific permanent 78611
improvement or class or group of permanent improvements; 78612

(6) To provide revenue for the implementation and operation 78613
of a 9-1-1 system in the county. If the tax is levied or the rate 78614
increased exclusively for such purpose, the tax shall not be 78615
levied or the rate increased for more than five years. At the end 78616
of the last year the tax is levied or the rate increased, any 78617
balance remaining in the special fund established for such purpose 78618
shall remain in that fund and be used exclusively for such purpose 78619
until the fund is completely expended, and, notwithstanding 78620
section 5705.16 of the Revised Code, the board of county 78621
commissioners shall not petition for the transfer of money from 78622
such special fund, and the tax commissioner shall not approve such 78623
a petition. 78624

If the tax is levied or the rate increased for such purpose 78625
for more than five years, the board of county commissioners also 78626
shall levy the tax or increase the rate of the tax for one or more 78627
of the purposes described in divisions (A)(1) to (5) of this 78628
section and shall prescribe the method for allocating the revenues 78629
from the tax each year in the manner required by division (C) of 78630
this section. 78631

(7) To provide additional revenue for the operation or 78632
maintenance of a detention facility, as that term is defined under 78633
division (F) of section 2921.01 of the Revised Code; 78634

(8) To provide revenue to finance the construction or 78635
renovation of a sports facility, but only if the tax is levied for 78636
that purpose in the manner prescribed by section 5739.028 of the 78637

Revised Code. 78638

As used in division (A)(8) of this section: 78639

(a) "Sports facility" means a facility intended to house 78640
major league professional athletic teams. 78641

(b) "Constructing" or "construction" includes providing 78642
fixtures, furnishings, and equipment. 78643

(9) To provide additional revenue for the acquisition of 78644
agricultural easements, as defined in section 5301.67 of the 78645
Revised Code; to pay principal, interest, and premium on bonds 78646
issued under section 133.60 of the Revised Code; and for the 78647
supervision and enforcement of agricultural easements held by the 78648
county; 78649

(10) To provide revenue for the provision of ambulance, 78650
paramedic, or other emergency medical services. 78651

Pursuant to section 755.171 of the Revised Code, a board of 78652
county commissioners may pledge and contribute revenue from a tax 78653
levied for the purpose of division (A)(5) of this section to the 78654
payment of debt charges on bonds issued under section 755.17 of 78655
the Revised Code. 78656

The rate of tax shall be a multiple of one-fourth of one per 78657
cent, unless a portion of the rate of an existing tax levied under 78658
section 5739.023 of the Revised Code has been reduced, and the 78659
rate of tax levied under this section has been increased, pursuant 78660
to section 5739.028 of the Revised Code, in which case the 78661
aggregate of the rates of tax levied under this section and 78662
section 5739.023 of the Revised Code shall be a multiple of 78663
one-fourth of one per cent. The tax shall be levied and the rate 78664
increased pursuant to a resolution adopted by a majority of the 78665
members of the board. The board shall deliver a certified copy of 78666
the resolution to the tax commissioner, not later than the 78667

sixty-fifth day prior to the date on which the tax is to become 78668
effective, which shall be the first day of a calendar quarter. 78669

Prior to the adoption of any resolution to levy the tax or to 78670
increase the rate of tax exclusively for the purpose set forth in 78671
division (A)(3) of this section, the board of county commissioners 78672
shall conduct two public hearings on the resolution, the second 78673
hearing to be no fewer than three nor more than ten days after the 78674
first. Notice of the date, time, and place of the hearings shall 78675
be given by publication in a newspaper of general circulation in 78676
the county once a week on the same day of the week for two 78677
consecutive weeks, the second publication being no fewer than ten 78678
nor more than thirty days prior to the first hearing. Except as 78679
provided in division (E) of this section, the resolution shall be 78680
subject to a referendum as provided in sections 305.31 to 305.41 78681
of the Revised Code. Unless the resolution is adopted as an 78682
emergency measure, or is to be submitted to the electors of the 78683
county under division (D)(2)(a) of this section, the resolution 78684
shall be adopted at least one hundred twenty days prior to the 78685
date on which the tax or the increased rate of tax is to go into 78686
effect. If the resolution is adopted as an emergency measure 78687
necessary for the immediate preservation of the public peace, 78688
health, or safety, it must receive an affirmative vote of all of 78689
the members of the board of county commissioners and shall state 78690
the reasons for the necessity. 78691

If the tax is for more than one of the purposes set forth in 78692
divisions (A)(1) to (7), (9), and (10) of this section, or is 78693
exclusively for one of the purposes set forth in division (A)(1), 78694
(2), (4), (5), (6), (7), (9), or (10) of this section, the 78695
resolution shall not go into effect unless it is approved by a 78696
majority of the electors voting on the question of the tax. 78697

(B) The board of county commissioners shall adopt a 78698
resolution under section 351.02 of the Revised Code creating the 78699

convention facilities authority, or under section 307.283 of the Revised Code creating the community improvements board, before adopting a resolution levying a tax for the purpose of a convention facilities authority under division (A)(1) of this section or for the purpose of a community improvements board under division (A)(4) of this section.

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(C)(1) If the tax is to be used for more than one of the purposes set forth in divisions (A)(1) to (7), (9), and (10) of this section, the board of county commissioners shall establish the method that will be used to determine the amount or proportion of the tax revenue received by the county during each year that will be distributed for each of those purposes, including, if applicable, provisions governing the reallocation of a convention facilities authority's allocation if the authority is dissolved while the tax is in effect. The allocation method may provide that different proportions or amounts of the tax shall be distributed among the purposes in different years, but it shall clearly describe the method that will be used for each year. Except as otherwise provided in division (C)(2) of this section, the allocation method established by the board is not subject to amendment during the life of the tax.

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(2) Subsequent to holding a public hearing on the proposed amendment, the board of county commissioners may amend the allocation method established under division (C)(1) of this section for any year, if the amendment is approved by the governing board of each entity whose allocation for the year would be reduced by the proposed amendment. In the case of a tax that is levied for a continuing period of time, the board may not so amend the allocation method for any year before the sixth year that the tax is in effect.

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(a) If the additional revenues provided to the convention facilities authority are pledged by the authority for the payment

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of convention facilities authority revenue bonds for as long as 78732
such bonds are outstanding, no reduction of the authority's 78733
allocation of the tax shall be made for any year except to the 78734
extent that the reduced authority allocation, when combined with 78735
the authority's other revenues pledged for that purpose, is 78736
sufficient to meet the debt service requirements for that year on 78737
such bonds. 78738

(b) If the additional revenues provided to the county are 78739
pledged by the county for the payment of bonds or notes described 78740
in division (A)(4) or (5) of this section, for as long as such 78741
bonds or notes are outstanding, no reduction of the county's or 78742
the community improvements board's allocation of the tax shall be 78743
made for any year, except to the extent that the reduced county or 78744
community improvements board allocation is sufficient to meet the 78745
debt service requirements for that year on such bonds or notes. 78746

(c) If the additional revenues provided to the transit 78747
authority are pledged by the authority for the payment of revenue 78748
bonds issued under section 306.37 of the Revised Code, for as long 78749
as such bonds are outstanding, no reduction of the authority's 78750
allocation of tax shall be made for any year, except to the extent 78751
that the authority's reduced allocation, when combined with the 78752
authority's other revenues pledged for that purpose, is sufficient 78753
to meet the debt service requirements for that year on such bonds. 78754

(d) If the additional revenues provided to the county are 78755
pledged by the county for the payment of bonds or notes issued 78756
under section 133.60 of the Revised Code, for so long as the bonds 78757
or notes are outstanding, no reduction of the county's allocation 78758
of the tax shall be made for any year, except to the extent that 78759
the reduced county allocation is sufficient to meet the debt 78760
service requirements for that year on the bonds or notes. 78761

(D)(1) The resolution levying the tax or increasing the rate 78762

of tax shall state the rate of the tax or the rate of the
increase; the purpose or purposes for which it is to be levied;
the number of years for which it is to be levied or that it is for
a continuing period of time; the allocation method required by
division (C) of this section; and if required to be submitted to
the electors of the county under division (A) of this section, the
date of the election at which the proposal shall be submitted to
the electors of the county, which shall be not less than
seventy-five days after the certification of a copy of the
resolution to the board of elections and, if the tax is to be
levied exclusively for the purpose set forth in division (A)(3) of
this section, shall not occur in February or August of any year.
Upon certification of the resolution to the board of elections,
the board of county commissioners shall notify the tax
commissioner in writing of the levy question to be submitted to
the electors. If approved by a majority of the electors, the tax
shall become effective on the first day of a calendar quarter next
following the sixty-fifth day following the date the board of
county commissioners and tax commissioner receive from the board
of elections the certification of the results of the election,
except as provided in division (E) of this section.

(2)(a) A resolution specifying that the tax is to be used
exclusively for the purpose set forth in division (A)(3) of this
section that is not adopted as an emergency measure may direct the
board of elections to submit the question of levying the tax or
increasing the rate of the tax to the electors of the county at a
special election held on the date specified by the board of county
commissioners in the resolution, provided that the election occurs
not less than seventy-five days after the resolution is certified
to the board of elections and the election is not held in February
or August of any year. Upon certification of the resolution to the
board of elections, the board of county commissioners shall notify

the tax commissioner in writing of the levy question to be
submitted to the electors. No resolution adopted under division
(D)(2)(a) of this section shall go into effect unless approved by
a majority of those voting upon it and, except as provided in
division (E) of this section, not until the first day of a
calendar quarter following the expiration of sixty-five days from
the date the tax commissioner receives notice from the board of
elections of the affirmative vote.

(b) A resolution specifying that the tax is to be used
exclusively for the purpose set forth in division (A)(3) of this
section that is adopted as an emergency measure shall become
effective as provided in division (A) of this section, but may
direct the board of elections to submit the question of repealing
the tax or increase in the rate of the tax to the electors of the
county at the next general election in the county occurring not
less than seventy-five days after the resolution is certified to
the board of elections. Upon certification of the resolution to
the board of elections, the board of county commissioners shall
notify the tax commissioner in writing of the levy question to be
submitted to the electors. The ballot question shall be the same
as that prescribed in section 5739.022 of the Revised Code. The
board of elections shall notify the board of county commissioners
and the tax commissioner of the result of the election immediately
after the result has been declared. If a majority of the qualified
electors voting on the question of repealing the tax or increase
in the rate of the tax vote for repeal of the tax or repeal of the
increase, the board of county commissioners, on the first day of a
calendar quarter following the expiration of sixty-five days after
the date the board and tax commissioner received notice of the
result of the election, shall, in the case of a repeal of the tax,
cease to levy the tax, or, in the case of a repeal of an increase
in the rate of the tax, cease to levy the increased rate and levy

the tax at the rate at which it was imposed immediately prior to 78827
the increase in rate. 78828

(c) A board of county commissioners, by resolution, may 78829
reduce the rate of a tax levied exclusively for the purpose set 78830
forth in division (A)(3) of this section to a lower rate 78831
authorized by this section. Any such reduction shall be made 78832
effective on the first day of the calendar quarter next following 78833
the sixty-fifth day after the tax commissioner receives a 78834
certified copy of the resolution from the board. 78835

(E) If a vendor that is registered with the central 78836
electronic registration system provided for in section 5740.05 of 78837
the Revised Code makes a sale in this state by printed catalog and 78838
the consumer computed the tax on the sale based on local rates 78839
published in the catalog, any tax levied or repealed or rate 78840
changed under this section shall not apply to such a sale until 78841
the first day of a calendar quarter following the expiration of 78842
one hundred twenty days from the date of notice by the tax 78843
commissioner pursuant to division (G) of this section. 78844

(F) The tax levied pursuant to this section shall be in 78845
addition to the tax levied by section 5739.02 of the Revised Code 78846
and any tax levied pursuant to section 5739.021 or 5739.023 of the 78847
Revised Code. 78848

A county that levies a tax pursuant to this section shall 78849
levy a tax at the same rate pursuant to section 5741.023 of the 78850
Revised Code. 78851

The additional tax levied by the county shall be collected 78852
pursuant to section 5739.025 of the Revised Code. 78853

Any tax levied pursuant to this section is subject to the 78854
exemptions provided in section 5739.02 of the Revised Code and in 78855
addition shall not be applicable to sales not within the taxing 78856
power of a county under the Constitution of the United States or 78857

the Ohio Constitution. 78858

(G) Upon receipt from a board of county commissioners of a 78859
certified copy of a resolution required by division (A) of this 78860
section, or from the board of elections a notice of the results of 78861
an election required by division (D)(1), (2)(a), (b), or (c) of 78862
this section, the tax commissioner shall provide notice of a tax 78863
rate change in a manner that is reasonably accessible to all 78864
affected vendors. The commissioner shall provide this notice at 78865
least sixty days prior to the effective date of the rate change. 78866
The commissioner, by rule, may establish the method by which 78867
notice will be provided. 78868

Sec. 5739.03. (A) Except as provided in section 5739.05 of 78869
the Revised Code, the tax imposed by or pursuant to section 78870
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code shall 78871
be paid by the consumer to the vendor, and each vendor shall 78872
collect from the consumer, as a trustee for the state of Ohio, the 78873
full and exact amount of the tax payable on each taxable sale, in 78874
the manner and at the times provided as follows: 78875

(1) If the price is, at or prior to the provision of the 78876
service or the delivery of possession of the thing sold to the 78877
consumer, paid in currency passed from hand to hand by the 78878
consumer or the consumer's agent to the vendor or the vendor's 78879
agent, the vendor or the vendor's agent shall collect the tax with 78880
and at the same time as the price; 78881

(2) If the price is otherwise paid or to be paid, the vendor 78882
or the vendor's agent shall, at or prior to the provision of the 78883
service or the delivery of possession of the thing sold to the 78884
consumer, charge the tax imposed by or pursuant to section 78885
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code to 78886
the account of the consumer, which amount shall be collected by 78887
the vendor from the consumer in addition to the price. Such sale 78888

shall be reported on and the amount of the tax applicable thereto 78889
shall be remitted with the return for the period in which the sale 78890
is made, and the amount of the tax shall become a legal charge in 78891
favor of the vendor and against the consumer. 78892

(B)(1)(a) If any sale is claimed to be exempt under division 78893
(E) of section 5739.01 of the Revised Code or under section 78894
5739.02 of the Revised Code, with the exception of divisions 78895
(B)(1) to (11) or (28) of section 5739.02 of the Revised Code, the 78896
consumer must provide to the vendor, and the vendor must obtain 78897
from the consumer, a certificate specifying the reason that the 78898
sale is not legally subject to the tax. The certificate shall be 78899
in such form, and shall be provided either in a hard copy form or 78900
electronic form, as ~~prescribed by the tax commissioner~~ prescribes. 78901
~~If the transaction is claimed to be exempt under division (B)(13)~~ 78902
~~of section 5739.02 of the Revised Code, the exemption certificate~~ 78903
~~shall be provided by both the contractor and the contractee. Such~~ 78904
~~contractee shall be deemed to be the consumer of all items~~ 78905
~~purchased under such claim of exemption, if it is subsequently~~ 78906
~~determined that the exemption is not properly claimed. The~~ 78907
~~certificate shall be in such form as the tax commissioner by~~ 78908
~~regulation prescribes.~~ 78909

(b) A vendor that obtains a fully completed exemption 78910
certificate from a consumer is relieved of liability for 78911
collecting and remitting tax on any sale covered by that 78912
certificate. If it is determined the exemption was improperly 78913
claimed, the consumer shall be liable for any tax due on that sale 78914
under section 5739.02, 5739.021, 5739.023, or 5739.026 or Chapter 78915
5741. of the Revised Code. Relief under this division from 78916
liability does not apply to any of the following: 78917

(i) A vendor that fraudulently fails to collect tax; 78918

(ii) A vendor that solicits consumers to participate in the 78919

unlawful claim of an exemption; 78920

(iii) A vendor that accepts an exemption certificate from a consumer that claims an exemption based on who purchases or who sells property or a service, when the subject of the transaction sought to be covered by the exemption certificate is actually received by the consumer at a location operated by the vendor in this state, and this state has posted to its web site an exemption certificate form that clearly and affirmatively indicates that the claimed exemption is not available in this state; 78921
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(iv) A vendor that accepts an exemption certificate from a consumer who claims a multiple points of use exemption under division (B) of section 5739.033 of the Revised Code, if the item purchased is tangible personal property, other than prewritten computer software. 78929
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(2) The vendor shall maintain records, including exemption certificates, of all sales on which a consumer has claimed an exemption, and provide them to the tax commissioner on request. 78934
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(3) The tax commissioner may establish an identification system whereby the commissioner issues an identification number to a consumer that is exempt from payment of the tax. The consumer must present the number to the vendor, if any sale is claimed to be exempt as provided in this section. 78937
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(4) If no certificate is provided or obtained within ~~the period for filing the return for the period in~~ ninety days after the date on which such sale is consummated, it shall be presumed that the tax applies. Failure to have so provided or obtained a certificate shall not ~~prevent~~ preclude a vendor ~~or consumer,~~ within one hundred twenty days after the tax commissioner gives written notice of intent to levy an assessment, from either establishing that the sale is not subject to the tax ~~within one hundred twenty days of the giving of notice by the commissioner of~~ 78942
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~~intention to levy an assessment, in which event the tax shall not
apply, or obtaining, in good faith, a fully completed exemption
certificate.~~ 78951
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(5) Certificates need not be obtained nor provided where the 78954
identity of the consumer is such that the transaction is never 78955
subject to the tax imposed or where the item of tangible personal 78956
property sold or the service provided is never subject to the tax 78957
imposed, regardless of use, or when the sale is in interstate 78958
commerce. 78959

(6) If a transaction is claimed to be exempt under division 78960
(B)(13) of section 5739.02 of the Revised Code, the contractor 78961
shall obtain certification of the claimed exemption from the 78962
contractee. This certification shall be in addition to an 78963
exemption certificate provided by the contractor to the vendor. A 78964
contractee that provides a certification under this division shall 78965
be deemed to be the consumer of all items purchased by the 78966
contractor under the claim of exemption, if it is subsequently 78967
determined that the exemption is not properly claimed. The 78968
certification shall be in such form as the tax commissioner 78969
prescribes. 78970

(C) As used in this division, "contractee" means a person who 78971
seeks to enter or enters into a contract or agreement with a 78972
contractor or vendor for the construction of real property or for 78973
the sale and installation onto real property of tangible personal 78974
property. 78975

Any contractor or vendor may request from any contractee a 78976
certification of what portion of the property to be transferred 78977
under such contract or agreement is to be incorporated into the 78978
realty and what portion will retain its status as tangible 78979
personal property after installation is completed. The contractor 78980
or vendor shall request the certification by certified mail 78981
delivered to the contractee, return receipt requested. Upon 78982

receipt of such request and prior to entering into the contract or 78983
agreement, the contractee shall provide to the contractor or 78984
vendor a certification sufficiently detailed to enable the 78985
contractor or vendor to ascertain the resulting classification of 78986
all materials purchased or fabricated by the contractor or vendor 78987
and transferred to the contractee. This requirement applies to a 78988
contractee regardless of whether the contractee holds a direct 78989
payment permit under section 5739.031 of the Revised Code or 78990
provides to the contractor or vendor an exemption certificate as 78991
provided under this section. 78992

For the purposes of the taxes levied by this chapter and 78993
Chapter 5741. of the Revised Code, the contractor or vendor may in 78994
good faith rely on the contractee's certification. Notwithstanding 78995
division (B) of section 5739.01 of the Revised Code, if the tax 78996
commissioner determines that certain property certified by the 78997
contractee as tangible personal property pursuant to this division 78998
is, in fact, real property, the contractee shall be considered to 78999
be the consumer of all materials so incorporated into that real 79000
property and shall be liable for the applicable tax, and the 79001
contractor or vendor shall be excused from any liability on those 79002
materials. 79003

If a contractee fails to provide such certification upon the 79004
request of the contractor or vendor, the contractor or vendor 79005
shall comply with the provisions of this chapter and Chapter 5741. 79006
of the Revised Code without the certification. If the tax 79007
commissioner determines that such compliance has been performed in 79008
good faith and that certain property treated as tangible personal 79009
property by the contractor or vendor is, in fact, real property, 79010
the contractee shall be considered to be the consumer of all 79011
materials so incorporated into that real property and shall be 79012
liable for the applicable tax, and the construction contractor or 79013
vendor shall be excused from any liability on those materials. 79014

This division does not apply to any contract or agreement 79015
where the tax commissioner determines as a fact that a 79016
certification under this division was made solely on the decision 79017
or advice of the contractor or vendor. 79018

(D) Notwithstanding division (B) of section 5739.01 of the 79019
Revised Code, whenever the total rate of tax imposed under this 79020
chapter is increased after the date after a construction contract 79021
is entered into, the contractee shall reimburse the construction 79022
contractor for any additional tax paid on tangible property 79023
consumed or services received pursuant to the contract. 79024

(E) A vendor who files a petition for reassessment contesting 79025
the assessment of tax on sales for which the vendor obtained no 79026
valid exemption certificates and for which the vendor failed to 79027
establish that the sales were properly not subject to the tax 79028
during the one-hundred-twenty-day period allowed under division 79029
(B) of this section, may present to the tax commissioner 79030
additional evidence to prove that the sales were properly subject 79031
to a claim of exception or exemption. The vendor shall file such 79032
evidence within ninety days of the receipt by the vendor of the 79033
notice of assessment, except that, upon application and for 79034
reasonable cause, the period for submitting such evidence shall be 79035
extended thirty days. 79036

The commissioner shall consider such additional evidence in 79037
reaching the final determination on the assessment and petition 79038
for reassessment. 79039

(F) Whenever a vendor refunds to the consumer the full price 79040
of an item of tangible personal property on which the tax imposed 79041
under this chapter has been paid, the vendor shall also refund the 79042
full amount of the tax paid. 79043

Sec. 5739.033. This section applies to sales made on and 79044

after July 1, 2005. Sales made before July 1, 2005, are subject to 79045
section 5739.035 of the Revised Code. On and after January 1, 79046
2005, any vendor may irrevocably elect to comply with this section 79047
for all of the vendor's sales and places of business in this 79048
state. 79049

The amount of tax due pursuant to sections 5739.02, 5739.021, 79050
5739.023, and 5739.026 of the Revised Code is the sum of the taxes 79051
imposed pursuant to those sections at the sourcing location of the 79052
sale as determined under this section or, if applicable, under 79053
division (C) of section 5739.031 or section 5739.034 or 5739.035 79054
of the Revised Code. This section applies only to a vendor's or 79055
seller's obligation to collect and remit sales taxes under section 79056
5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code or 79057
use taxes under section 5741.02, 5741.021, 5741.022, or 5741.023 79058
of the Revised Code. This section does not affect the obligation 79059
of a consumer to remit use taxes on the storage, use, or other 79060
consumption of tangible personal property or on the benefit 79061
realized of any service provided, to the jurisdiction of that 79062
storage, use, or consumption, or benefit realized. 79063

(A) Except for sales, other than leases, of titled motor 79064
vehicles, titled watercraft, or titled outboard motors as provided 79065
in section 5741.05 of the Revised Code, or as otherwise provided 79066
in this section and section 5739.034 or 5740.10 of the Revised 79067
Code, all sales shall be sourced as follows: 79068

(1) If the consumer or a donee designated by the consumer 79069
receives tangible personal property or a service at a vendor's 79070
place of business, the sale shall be sourced to that place of 79071
business. 79072

(2) When the tangible personal property or service is not 79073
received at a vendor's place of business, the sale shall be 79074
sourced to the location known to the vendor where the consumer or 79075
the donee designated by the consumer receives the tangible 79076

personal property or service, including the location indicated by 79077
instructions for delivery to the consumer or the consumer's donee. 79078

(3) If divisions (A)(1) and (2) of this section do not apply, 79079
the sale shall be sourced to the location indicated by an address 79080
for the consumer that is available from the vendor's business 79081
records that are maintained in the ordinary course of the vendor's 79082
business, when use of that address does not constitute bad faith. 79083

(4) If divisions (A)(1), (2), and (3) of this section do not 79084
apply, the sale shall be sourced to the location indicated by an 79085
address for the consumer obtained during the consummation of the 79086
sale, including the address associated with the consumer's payment 79087
instrument, if no other address is available, when use of that 79088
address does not constitute bad faith. 79089

(5) If divisions (A)(1), (2), (3), and (4) of this section do 79090
not apply, including in the circumstance where the vendor is 79091
without sufficient information to apply any of those divisions, 79092
the sale shall be sourced to the address from which tangible 79093
personal property was shipped, or from which the service was 79094
provided, disregarding any location that merely provided the 79095
electronic transfer of the property sold or service provided. 79096

(6) As used in division (A) of this section, "receive" means 79097
taking possession of tangible personal property or making first 79098
use of a service. "Receive" does not include possession by a 79099
shipping company on behalf of a consumer. 79100

(B)(1)(a) Notwithstanding divisions (A)(1) to (5) of this 79101
section, a business consumer that is not a holder of a direct 79102
payment permit granted under section 5739.031 of the Revised Code, 79103
that purchases a digital good, computer software ~~delivered~~ 79104
electronically, except computer software received in person by a 79105
business consumer at a vendor's place of business, or a service 79106
~~for use in business~~, and that knows at the time of purchase that 79107

such digital good, software, or service will be concurrently 79108
available for use in more than one taxing jurisdiction shall 79109
deliver to the vendor in conjunction with its purchase a an 79110
exemption certificate claiming multiple points of use ~~exemption~~ 79111
~~form prescribed by the tax commissioner disclosing this fact, or~~ 79112
shall meet the requirements of division (B)(2) of this section. On 79113
receipt of the exemption certificate claiming multiple points of 79114
use ~~exemption form~~, the vendor is relieved of its obligation to 79115
collect, pay, or remit the tax due, and the business consumer must 79116
pay the tax directly to the state. 79117

~~(2)(b)~~ A business consumer that delivers ~~such form the~~ the 79118
exemption certificate claiming multiple points of use to a vendor 79119
may use any reasonable, consistent, and uniform method of 79120
apportioning the tax due on the digital good, computer software 79121
~~delivered electronically, or service for use in business~~ that is 79122
supported by the consumer's business records as they existed at 79123
the time of the sale. The business consumer shall report and pay 79124
the appropriate tax to each jurisdiction where concurrent use 79125
occurs. The tax due shall be calculated as if the apportioned 79126
amount of the digital good, computer software, or service had been 79127
delivered to each jurisdiction to which the sale is apportioned 79128
under this division. 79129

~~(3)(c)~~ The exemption certificate claiming multiple points of 79130
use ~~exemption form~~ shall remain in effect for all future sales by 79131
the vendor to the business consumer until it is revoked in writing 79132
by the business consumer, except as to the business consumer's 79133
specific apportionment of a subsequent sale under division 79134
(B)~~(2)(1)(b)~~ of this section and the facts existing at the time of 79135
the sale. 79136

(2) When the vendor knows that a digital good, computer 79137
software, or service sold will be concurrently available for use 79138
by the business consumer in more than one jurisdiction, but the 79139

business consumer does not provide an exemption certificate 79140
claiming multiple points of use as required by division (B)(1) of 79141
this section, the vendor may work with the business consumer to 79142
produce the correct apportionment. Governed by the principles of 79143
division (B)(1)(b) of this section, the vendor and business 79144
consumer may use any reasonable, but consistent and uniform, 79145
method of apportionment that is supported by the vendor's and 79146
business consumer's books and records as they exist at the time 79147
the sale is reported for purposes of the taxes levied under this 79148
chapter. If the business consumer certifies to the accuracy of the 79149
apportionment and the vendor accepts the certification, the vendor 79150
shall collect and remit the tax accordingly. In the absence of bad 79151
faith, the vendor is relieved of any further obligation to collect 79152
tax on any transaction where the vendor has collected tax pursuant 79153
to the information certified by the business consumer. 79154

(3) When the vendor knows that the digital good, computer 79155
software, or service will be concurrently available for use in 79156
more than one jurisdiction, and the business consumer does not 79157
have a direct pay permit and does not provide to the vendor an 79158
exemption certificate claiming multiple points of use as required 79159
in division (B)(1) of this section, or certification pursuant to 79160
division (B)(2) of this section, the vendor shall collect and 79161
remit the tax based on division (A) of this section. 79162

(4) Nothing in this section shall limit a person's obligation 79163
for sales or use tax to any state in which a digital good, 79164
computer software, or service is concurrently available for use, 79165
nor limit a person's ability under local, state, or federal law, 79166
to claim a credit for sales or use taxes legally due and paid to 79167
other jurisdictions. 79168

(C) A person who holds a direct payment permit issued under 79169
section 5739.031 of the Revised Code is not required to deliver a 79170
an exemption certificate claiming multiple points of use exemption 79171

~~form~~ to a vendor. But such permit holder shall comply with 79172
division (B)~~(2)~~(1)(b) of this section in apportioning the tax due 79173
on a digital good, computer software ~~delivered electronically~~, or 79174
a service used for use in business that will be concurrently 79175
available for use in more than one taxing jurisdiction. 79176

(D)(1) Notwithstanding divisions (A)(1) to (5) of this 79177
section, the ~~purchaser~~ consumer of direct mail that is not a 79178
holder of a direct payment permit shall provide to the vendor in 79179
conjunction with the ~~purchase~~ sale either ~~a~~ an exemption 79180
certificate claiming direct mail ~~form~~ prescribed by the tax 79181
commissioner, or information to show the jurisdictions to which 79182
the direct mail is delivered to recipients. 79183

(2) Upon receipt of ~~a direct mail form~~ such exemption 79184
certificate, the vendor is relieved of all obligations to collect, 79185
pay, or remit the applicable tax and the ~~purchaser~~ consumer is 79186
obligated to pay that tax on a direct pay basis. ~~A~~ An exemption 79187
certificate claiming direct mail ~~form~~ shall remain in effect for 79188
all future sales of direct mail by the vendor to the ~~purchaser~~ 79189
consumer until it is revoked in writing. 79190

(3) Upon receipt of information from the ~~purchaser~~ consumer 79191
showing the jurisdictions to which the direct mail is delivered to 79192
recipients, the vendor shall collect the tax according to the 79193
delivery information provided by the ~~purchaser~~ consumer. In the 79194
absence of bad faith, the vendor is relieved of any further 79195
obligation to collect tax on any transaction where the vendor has 79196
collected tax pursuant to the delivery information provided by the 79197
~~purchaser~~ consumer. 79198

(4) If the ~~purchaser~~ consumer of direct mail does not have a 79199
direct payment permit and does not provide the vendor with either 79200
~~a~~ an exemption certificate claiming direct mail ~~form~~ or delivery 79201
information as required by division (D)(1) of this section, the 79202
vendor shall collect the tax according to division (A)(5) of this 79203

section. Nothing in division (D)(4) of this section shall limit a purchaser's consumer's obligation to pay sales or use tax to any state to which the direct mail is delivered.

(5) If a ~~purchaser~~ consumer of direct mail provides the vendor with documentation of direct payment authority, the ~~purchaser~~ consumer shall not be required to provide a an exemption certificate claiming direct mail ~~form~~ or delivery information to the vendor.

(E) If the vendor provides lodging to transient guests as specified in division (B)(2) of section 5739.01 of the Revised Code, the sale shall be sourced to the location where the lodging is located.

(F)(1) As used in this division and division (G) of this section, "transportation equipment" means any of the following:

(a) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce.

(b) Trucks and truck-tractors with a gross vehicle weight rating of greater than ten thousand pounds, trailers, semi-trailers, or passenger buses that are registered through the international registration plan and are operated under authority of a carrier authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate commerce.

(c) Aircraft that are operated by air carriers authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate or foreign commerce.

(d) Containers designed for use on and component parts attached to or secured on the items set forth in division (F)(1)(a), (b), or (c) of this section.

(2) A sale, lease, or rental of transportation equipment shall be sourced pursuant to division (A) of this section. 79235
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(G)(1) A lease or rental of tangible personal property that does not require recurring periodic payments shall be sourced pursuant to division (A) of this section. 79237
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(2) A lease or rental of tangible personal property that requires recurring periodic payments shall be sourced as follows: 79240
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(a) In the case of a motor vehicle, other than a motor vehicle that is transportation equipment, or an aircraft, other than an aircraft that is transportation equipment, such lease or rental shall be sourced ~~to the primary property location~~ as follows: 79242
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(i) ~~For~~ An accelerated tax payment on a lease or rental taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code, shall be sourced to the primary property location ~~is the address of the lessee or renter used for titling the motor vehicle pursuant to section 4505.06 of the Revised Code at the time the lease or rental is consummated.~~ Any subsequent taxable charges on the lease or rental shall be sourced to the primary property location for the period in which the charges are incurred. 79247
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(ii) For a lease or rental taxed pursuant to division (A)(3) of section 5739.02 of the Revised Code, ~~the primary property location for each lease or rental installment is~~ shall be sourced to the primary property location for the period covered by the installment. 79255
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~~(b) In the case of an aircraft, other than an aircraft that is transportation equipment, such lease or rental shall be sourced to the primary property location as follows:~~ 79260
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~~(i) For a lease or rental taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code, the primary property~~ 79263
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~~location is the primary property location at the time the lease or rental is consummated.~~ 79265
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~~(ii) For a lease or rental taxed pursuant to division (A)(3) of section 5739.02 of the Revised Code, the primary property location for each lease or rental installment is the primary property location for the period covered by the installment.~~ 79267
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~~(c) In the case of a watercraft or an outboard motor required to be titled in this state pursuant to Chapter 1548. of the Revised Code, such lease or rental shall be sourced to the primary property location as follows:~~ 79271
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~~(i) For a lease or rental taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code, the primary property location is the address of the lessee or renter shown on the title.~~ 79275
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~~(ii) For a lease or rental taxed pursuant to division (A)(3) of section 5739.02 of the Revised Code, the primary property location for the initial lease or rental installment is the address of the lessee or renter shown on the title. For each subsequent installment, the primary property location is the primary property location for the period covered by the installment.~~ 79279
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~~(d)(b) In the case of a lease or rental of all other tangible personal property, other than transportation equipment, such lease or rental shall be sourced as follows:~~ 79286
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~~(i) For An accelerated tax payment on a lease or rental that is taxed pursuant to division (A)(2) of section 5739.02 of the Revised Code, the lease or rental shall be sourced pursuant to division (A) of this section at the time the lease or rental is consummated. Any subsequent taxable charges on the lease or rental shall be sourced to the primary property location for the period in which the charges are incurred.~~ 79289
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(ii) For a lease or rental that is taxed pursuant to division (A)(3) of section 5739.02 of the Revised Code, the initial lease or rental installment shall be sourced pursuant to division (A) of this section. Each subsequent installment shall be sourced to the primary property location for the period covered by the installment.

(3) As used in division (G) of this section, "primary property location" means an address for tangible personal property provided by the lessee or renter that is available to the lessor or owner from its records maintained in the ordinary course of business, when use of that address does not constitute bad faith.

Sec. 5739.034. (A) As used in this section:

(1) "Air-to-ground radiotelephone service" means a radio service, as defined in 47 C.F.R. 22.99, in which common carriers are authorized to offer and provide radio telecommunications service for hire to subscribers in aircraft.

(2) "Call-by-call basis" means any method of charging for telecommunications services where the price is measured by individual calls.

(3) "Customer" means the person or entity that contracts with a seller of telecommunications service. If the end user of telecommunications service is not the contracting party, the end user of the telecommunications service is the customer of the telecommunications service. "Customer" does not include a reseller of telecommunications service or of mobile telecommunications service of a serving carrier under an agreement to serve the customer outside the home service provider's licensed service area.

(4) "End user" means the person who utilizes the telecommunications service. In the case of a person other than an

individual, "end user" means the individual who utilizes the service on behalf of the person. 79326
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(5) "Home service provider" has the same meaning as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C. 124(5), as amended. 79328
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(6) "Place of primary use" means the street address representative of where the customer's use of the telecommunications service primarily occurs, which must be the residential street address or the primary business street address of the customer. In the case of mobile telecommunications services, "place of primary use" must be within the licensed service area of the home service provider. 79331
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(7) "Post-paid calling service" means the telecommunications service obtained by making a payment on a call-by-call basis either through the use of a credit card or payment mechanism such as a bank card, travel card, credit card, or debit card, or by charge made to a telephone number that is not associated with the origination or termination of the telecommunications service. "Post-paid calling service" includes a telecommunications service, except a prepaid wireless calling service, that would be a prepaid calling service, but for the fact that it is not exclusively a telecommunications service. 79338
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(8) "~~Prepaid calling service" means the right to access exclusively a telecommunications service that must be paid for in advance, that enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount and "prepaid wireless calling service" have the same meanings as in section 5739.01 of the Revised Code.~~" 79348
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(9) "Service address" means: 79356

(a) The location of the telecommunications equipment to which a customer's call is charged and from which the call originates or terminates, regardless of where the call is billed or paid.

(b) If the location in division (A)(9)(a) of this section is not known, "service address" means the origination point of the signal of the telecommunications service first identified by either the seller's telecommunications system or in information received by the seller from its service provider, where the system used to transport such signals is not that of the seller.

(c) If the locations in divisions (A)(9)(a) and (b) of this section are not known, "service address" means the location of the customer's place of primary use.

(10) "Private communication service" means a telecommunications service that entitles a customer to exclusive or priority use of a communications channel or group of channels between or among termination points, regardless of the manner in which the channel or channels are connected, and includes switching capacity, extension lines, stations, and any other associated services that are provided in connection with the use of such channel or channels.

(B) The amount of tax due pursuant to sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code on sales of telecommunications service, information service, or mobile telecommunications service, is the sum of the taxes imposed pursuant to those sections at the sourcing location of the sale as determined under this section.

(C) Except for the telecommunications services described in division (E) of this section, the sale of telecommunications service sold on a call-by-call basis shall be sourced to each level of taxing jurisdiction where the call originates and terminates in that jurisdiction, or each level of taxing

jurisdiction where the call either originates or terminates and in which the service address also is located. 79388
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(D) Except for the telecommunications services described in division (E) of this section, a sale of telecommunications services sold on a basis other than a call-by-call basis shall be sourced to the customer's place of primary use. 79390
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(E) The sale of the following telecommunications services shall be sourced to each level of taxing jurisdiction, as follows: 79394
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(1) A sale of mobile telecommunications service, other than air-to-ground radiotelephone service and prepaid calling service, shall be sourced to the customer's place of primary use as required by the Mobile Telecommunications Sourcing Act. 79396
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(2) A sale of post-paid calling service shall be sourced to the origination point of the telecommunications signal as first identified by the service provider's telecommunications system, or information received by the seller from its service provider, where the system used to transport such signals is not that of the seller. 79400
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(3) A sale of ~~mobile telecommunications service that is a~~ prepaid ~~telecommunications~~ calling service or prepaid wireless calling service shall be sourced under division (A) of section 5739.033 of the Revised Code, ~~but~~. But in the case of prepaid wireless calling service, in lieu of sourcing the sale of the service under division (A)(5) of ~~that~~ section 5739.033 of the Revised Code, ~~it may be sourced~~ the service provider may elect to source the sale to the location associated with the mobile telephone number. 79406
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(4) A sale of a private communication service shall be sourced as follows: 79415
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(a) Service for a separate charge related to a customer 79417

channel termination point shall be sourced to each level of 79418
jurisdiction in which the customer channel termination point is 79419
located; 79420

(b) Service where all customer channel termination points are 79421
located entirely within one jurisdiction or level of jurisdiction 79422
shall be sourced in the jurisdiction in which the customer channel 79423
termination points are located; 79424

(c) Service for segments of a channel between two customer 79425
channel termination points located in different jurisdictions and 79426
which segments of a channel are separately charged shall be 79427
sourced fifty per cent in each level of jurisdiction in which the 79428
customer channel termination points are located; 79429

(d) Service for segments of a channel located in more than 79430
one jurisdiction or level of jurisdiction and which segments are 79431
not separately billed shall be sourced in each jurisdiction based 79432
on the percentage determined by dividing the number of customer 79433
channel termination points in the jurisdiction by the total number 79434
of customer channel termination points. 79435

Sec. 5739.035. This section only applies to sales that are 79436
required to be sitused under this section pursuant to section 79437
5739.033 of the Revised Code. 79438

(A) Except as otherwise provided in this section, the situs 79439
of all sales is the vendor's place of business. 79440

(1) If the consumer or the consumer's agent takes possession 79441
of the tangible personal property at a place of business of the 79442
vendor where the purchase contract or agreement was made, the 79443
situs of the sale is that place of business. 79444

(2) If the consumer or the consumer's agent takes possession 79445
of the tangible personal property other than at a place of 79446
business of the vendor, or takes possession at a warehouse or 79447

similar facility of the vendor, the situs of the sale is the 79448
vendor's place of business where the purchase contract or 79449
agreement was made or the purchase order was received. 79450

(3) If the vendor provides a service specified in division 79451
(B)(3)(a), (b), (c), (d), (n), (o), (g), (r), or (s), ~~or (t)~~ of 79452
section 5739.01 or makes a sale specified in division (B)(8) of 79453
section 5739.01 of the Revised Code, the situs of the sale is the 79454
vendor's place of business where the service is performed or the 79455
contract or agreement for the service was made or the purchase 79456
order was received. 79457

(B) If the vendor is a transient vendor as specified in 79458
division (B) of section 5739.17 of the Revised Code, the situs of 79459
the sale is the vendor's temporary place of business or, if the 79460
transient vendor is the lessor of titled motor vehicles, titled 79461
watercraft, or titled outboard motors, at the location where the 79462
lessee keeps the leased property. 79463

(C) If the vendor makes sales of tangible personal property 79464
from a stock of goods carried in a motor vehicle, from which the 79465
purchaser makes selection and takes possession, or from which the 79466
vendor sells tangible personal property the quantity of which has 79467
not been determined prior to the time the purchaser takes 79468
possession, the situs of the sale is the location of the motor 79469
vehicle when the sale is made. 79470

(D) If the vendor is a delivery vendor as specified in 79471
division (D) of section 5739.17 of the Revised Code, the situs of 79472
the sale is the place where the tangible personal property is 79473
delivered, where the leased property is used, or where the service 79474
is performed or received. 79475

(E) If the vendor provides a service specified in division 79476
(B)(3)(e), (g), (h), (j), (k), (l), (m), ~~(q)~~(p), or ~~(u)~~(t) of 79477
section 5739.01 of the Revised Code, the situs of the sale is the 79478

location of the consumer where the service is performed or 79479
received. 79480

(F) If the vendor provides lodging to transient guests as 79481
specified in division (B)(2) of section 5739.01 of the Revised 79482
Code, the situs of the sale is the location where the lodging is 79483
located. 79484

(G) If the vendor sells a warranty, maintenance or service 79485
contract, or similar agreement as specified in division (B)(7) of 79486
section 5739.01 of the Revised Code and the vendor is a delivery 79487
vendor, the situs of the sale is the location of the consumer. If 79488
the vendor is not a delivery vendor, the situs of the sale is the 79489
vendor's place of business where the contract or agreement was 79490
made, unless the warranty or contract is a component of the sale 79491
of a titled motor vehicle, titled watercraft, or titled outboard 79492
motor, in which case the situs of the sale is the county of 79493
titling. 79494

(H) Except as otherwise provided in this division, if the 79495
vendor sells a prepaid authorization number or a prepaid telephone 79496
calling card, the situs of the sale is the vendor's place of 79497
business and shall be taxed at the time of sale. If the vendor 79498
sells a prepaid authorization number or prepaid telephone calling 79499
card through a telephone call, electronic commerce, or any other 79500
form of remote commerce, the situs of the sale is the consumer's 79501
shipping address, or, if there is no item shipped, at the 79502
consumer's billing address. 79503

Sec. 5739.08. The levy of an excise tax on transactions by 79504
which lodging by a hotel is or is to be furnished to transient 79505
guests pursuant to section 5739.02 and division (B) of section 79506
5739.01 of the Revised Code does not prevent any of the following: 79507

(A) A municipal corporation or township from levying an 79508
excise tax for any lawful purpose not to exceed three per cent on 79509

transactions by which lodging by a hotel is or is to be furnished 79510
to transient guests in addition to the tax levied by section 79511
5739.02 of the Revised Code. If a municipal corporation or 79512
township repeals a tax imposed under division (A) of this section, 79513
and a county in which the municipal corporation or township has 79514
territory has a tax imposed under division (C) of section 5739.09 79515
of the Revised Code in effect, the municipal corporation or 79516
township may not reimpose its tax as long as that county tax 79517
remains in effect. A municipal corporation or township in which a 79518
tax is levied under division (B)(2) of section 351.021 of the 79519
Revised Code may not increase the rate of its tax levied under 79520
division (A) of this section to any rate that would cause the 79521
total taxes levied under both of those divisions to exceed three 79522
per cent on any lodging transaction within the municipal 79523
corporation or township. 79524

(B) A municipal corporation or a township from levying an 79525
additional excise tax not to exceed three per cent on such 79526
transactions pursuant to division (B) of section 5739.09 of the 79527
Revised Code. Such tax is in addition to any tax imposed under 79528
division (A) of this section. 79529

(C) A county from levying an excise tax pursuant to division 79530
(A) of section 5739.09 of the Revised Code; 79531

(D) A county from levying an excise tax not to exceed three 79532
per cent of such transactions pursuant to division (C) of section 79533
5739.09 of the Revised Code. Such a tax is in addition to any tax 79534
imposed under division (C) of this section. 79535

(E) A convention facilities authority, as defined in division 79536
(A) of section 351.01 of the Revised Code, from levying the excise 79537
taxes provided for in ~~division~~ divisions (B) and (C) of section 79538
351.021 of the Revised Code; 79539

(F) A county from levying an excise tax not to exceed one and 79540

one-half per cent of such transactions pursuant to division (D) of 79541
section 5739.09 of the Revised Code. Such tax is in addition to 79542
any tax imposed under division (C) or (D) of this section. 79543

(G) A county from levying an excise tax not to exceed one and 79544
one-half per cent of such transactions pursuant to division (E) of 79545
section 5739.09 of the Revised Code. Such a tax is in addition to 79546
any tax imposed under division (C), (D), or (F) of this section. 79547

Sec. 5739.09. (A)(1) A board of county commissioners may, by 79548
resolution adopted by a majority of the members of the board, levy 79549
an excise tax not to exceed three per cent on transactions by 79550
which lodging by a hotel is or is to be furnished to transient 79551
guests. The board shall establish all regulations necessary to 79552
provide for the administration and allocation of the tax. The 79553
regulations may prescribe the time for payment of the tax, and may 79554
provide for the imposition of a penalty or interest, or both, for 79555
late payments, provided that the penalty does not exceed ten per 79556
cent of the amount of tax due, and the rate at which interest 79557
accrues does not exceed the rate per annum prescribed pursuant to 79558
section 5703.47 of the Revised Code. Except as provided in 79559
divisions (A)(2), (3), (4), and (5) of this section, the 79560
regulations shall provide, after deducting the real and actual 79561
costs of administering the tax, for the return to each municipal 79562
corporation or township that does not levy an excise tax on the 79563
transactions, a uniform percentage of the tax collected in the 79564
municipal corporation or in the unincorporated portion of the 79565
township from each transaction, not to exceed thirty-three and 79566
one-third per cent. The remainder of the revenue arising from the 79567
tax shall be deposited in a separate fund and shall be spent 79568
solely to make contributions to the convention and visitors' 79569
bureau operating within the county, including a pledge and 79570
contribution of any portion of the remainder pursuant to an 79571

agreement authorized by section 307.695 of the Revised Code. 79572
Except as provided in division (A)(2), (3), (4), or (5) or (H) of 79573
this section, on and after May 10, 1994, a board of county 79574
commissioners may not levy an excise tax pursuant to this division 79575
in any municipal corporation or township located wholly or partly 79576
within the county that has in effect an ordinance or resolution 79577
levying an excise tax pursuant to division (B) of this section. 79578
The board of a county that has levied a tax under division (C) of 79579
this section may, by resolution adopted within ninety days after 79580
July 15, 1985, by a majority of the members of the board, amend 79581
the resolution levying a tax under this division to provide for a 79582
portion of that tax to be pledged and contributed in accordance 79583
with an agreement entered into under section 307.695 of the 79584
Revised Code. A tax, any revenue from which is pledged pursuant to 79585
such an agreement, shall remain in effect at the rate at which it 79586
is imposed for the duration of the period for which the revenue 79587
from the tax has been so pledged. 79588

(2) A board of county commissioners that levies an excise tax 79589
under division (A)(1) of this section on June 30, 1997, at a rate 79590
of three per cent, and that has pledged revenue from the tax to an 79591
agreement entered into under section 307.695 of the Revised Code, 79592
may amend the resolution levying that tax to provide for an 79593
increase in the rate of the tax up to five per cent on each 79594
transaction; to provide that revenue from the increase in the rate 79595
shall be spent solely to make contributions to the convention and 79596
visitors' bureau operating within the county to be used 79597
specifically for promotion, advertising, and marketing of the 79598
region in which the county is located; to provide that the rate in 79599
excess of the three per cent levied under division (A)(1) of this 79600
section shall remain in effect at the rate at which it is imposed 79601
for the duration of the period during which any agreement is in 79602
effect that was entered into under section 307.695 of the Revised 79603

Code by the board of county commissioners levying a tax under 79604
division (A)(1) of this section; and to provide that no portion of 79605
that revenue need be returned to townships or municipal 79606
corporations as would otherwise be required under division (A)(1) 79607
of this section. 79608

(3) A board of county commissioners that levies a tax under 79609
division (A)(1) of this section on March 18, 1999, at a rate of 79610
three per cent may, by resolution adopted not later than 79611
forty-five days after March 18, 1999, amend the resolution levying 79612
the tax to provide for all of the following: 79613

(a) That the rate of the tax shall be increased by not more 79614
than an additional four per cent on each transaction; 79615

(b) That all of the revenue from the increase in the rate 79616
shall be pledged and contributed to a convention facilities 79617
authority established by the board of county commissioners under 79618
Chapter 351. of the Revised Code on or before November 15, 1998, 79619
and used to pay costs of constructing, maintaining, operating, and 79620
promoting a facility in the county, including paying bonds, or 79621
notes issued in anticipation of bonds, as provided by that 79622
chapter; 79623

(c) That no portion of the revenue arising from the increase 79624
in rate need be returned to municipal corporations or townships as 79625
otherwise required under division (A)(1) of this section; 79626

(d) That the increase in rate shall not be subject to 79627
diminution by initiative or referendum or by law while any bonds, 79628
or notes in anticipation of bonds, issued by the authority under 79629
Chapter 351. of the Revised Code to which the revenue is pledged, 79630
remain outstanding in accordance with their terms, unless 79631
provision is made by law or by the board of county commissioners 79632
for an adequate substitute therefor that is satisfactory to the 79633
trustee if a trust agreement secures the bonds. 79634

Division (A)(3) of this section does not apply to the board 79635
of county commissioners of any county in which a convention center 79636
or facility exists or is being constructed on November 15, 1998, 79637
or of any county in which a convention facilities authority levies 79638
a tax pursuant to section 351.021 of the Revised Code on that 79639
date. 79640

As used in division (A)(3) of this section, "cost" and 79641
"facility" have the same meanings as in section 351.01 of the 79642
Revised Code, and "convention center" has the same meaning as in 79643
section 307.695 of the Revised Code. 79644

(4) A board of county commissioners that levies a tax under 79645
division (A)(1) of this section on June 30, 2002, at a rate of 79646
three per cent may, by resolution adopted not later than September 79647
30, 2002, amend the resolution levying the tax to provide for all 79648
of the following: 79649

(a) That the rate of the tax shall be increased by not more 79650
than an additional three and one-half per cent on each 79651
transaction; 79652

(b) That all of the revenue from the increase in rate shall 79653
be pledged and contributed to a convention facilities authority 79654
established by the board of county commissioners under Chapter 79655
351. of the Revised Code on or before May 15, 2002, and be used to 79656
pay costs of constructing, expanding, maintaining, operating, or 79657
promoting a convention center in the county, including paying 79658
bonds, or notes issued in anticipation of bonds, as provided by 79659
that chapter; 79660

(c) That no portion of the revenue arising from the increase 79661
in rate need be returned to municipal corporations or townships as 79662
otherwise required under division (A)(1) of this section; 79663

(d) That the increase in rate shall not be subject to 79664
diminution by initiative or referendum or by law while any bonds, 79665

or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law or by the board of county commissioners for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

As used in division (A)(4) of this section, "cost" has the same meaning as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(5)(a) As used in division (A)(5) of this section:

(i) "Port authority" means a port authority created under Chapter 4582. of the Revised Code.

(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.

(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:

(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;

(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.

(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.

(B)(1) The legislative authority of a municipal corporation or the board of trustees of a township that is not wholly or partly located in a county that has in effect a resolution levying an excise tax pursuant to division (A)(1) of this section may, by ordinance or resolution, levy an excise tax not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The legislative authority of the municipal corporation or the board of trustees of the township shall deposit at least fifty per cent of the revenue from the tax levied pursuant to this division into a separate fund, which shall be spent solely to make contributions to convention and visitors' bureaus operating within the county in which the municipal corporation or township is wholly or partly located, and the balance of that revenue shall be deposited in the general fund. The municipal corporation or township shall establish all regulations necessary to provide for the administration and allocation of the tax. The regulations may prescribe the time for payment of the tax, and may provide for the imposition of a penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed pursuant to section 5703.47 of the Revised Code.

The levy of a tax under this division is in addition to any tax 79728
imposed on the same transaction by a municipal corporation or a 79729
township as authorized by division (A) of section 5739.08 of the 79730
Revised Code. 79731

(2) The legislative authority of the most populous municipal 79732
corporation located wholly or partly in a county in which the 79733
board of county commissioners has levied a tax under division 79734
(A)(4) of this section may amend, on or before September 30, 2002, 79735
that municipal corporation's ordinance or resolution that levies 79736
an excise tax on transactions by which lodging by a hotel is or is 79737
to be furnished to transient guests, to provide for all of the 79738
following: 79739

(a) That the rate of the tax shall be increased by not more 79740
than an additional one per cent on each transaction; 79741

(b) That all of the revenue from the increase in rate shall 79742
be pledged and contributed to a convention facilities authority 79743
established by the board of county commissioners under Chapter 79744
351. of the Revised Code on or before May 15, 2002, and be used to 79745
pay costs of constructing, expanding, maintaining, operating, or 79746
promoting a convention center in the county, including paying 79747
bonds, or notes issued in anticipation of bonds, as provided by 79748
that chapter; 79749

(c) That the increase in rate shall not be subject to 79750
diminution by initiative or referendum or by law while any bonds, 79751
or notes in anticipation of bonds, issued by the authority under 79752
Chapter 351. of the Revised Code to which the revenue is pledged, 79753
remain outstanding in accordance with their terms, unless 79754
provision is made by law, by the board of county commissioners, or 79755
by the legislative authority, for an adequate substitute therefor 79756
that is satisfactory to the trustee if a trust agreement secures 79757
the bonds. 79758

As used in division (B)(2) of this section, "cost" has the 79759
same meaning as in section 351.01 of the Revised Code, and 79760
"convention center" has the same meaning as in section 307.695 of 79761
the Revised Code. 79762

(C) For the purpose of making the payments authorized by 79763
section 307.695 of the Revised Code to construct and equip a 79764
convention center in the county and to cover the costs of 79765
administering the tax, a board of county commissioners of a county 79766
where a tax imposed under division (A)(1) of this section is in 79767
effect may, by resolution adopted within ninety days after July 79768
15, 1985, by a majority of the members of the board, levy an 79769
additional excise tax not to exceed three per cent on transactions 79770
by which lodging by a hotel is or is to be furnished to transient 79771
guests. The tax authorized by this division shall be in addition 79772
to any tax that is levied pursuant to division (A) of this 79773
section, but it shall not apply to transactions subject to a tax 79774
levied by a municipal corporation or township pursuant to the 79775
authorization granted by division (A) of section 5739.08 of the 79776
Revised Code. The board shall establish all regulations necessary 79777
to provide for the administration and allocation of the tax. The 79778
regulations may prescribe the time for payment of the tax, and may 79779
provide for the imposition of a penalty or interest, or both, for 79780
late payments, provided that the penalty does not exceed ten per 79781
cent of the amount of tax due, and the rate at which interest 79782
accrues does not exceed the rate per annum prescribed pursuant to 79783
section 5703.47 of the Revised Code. All revenues arising from the 79784
tax shall be expended in accordance with section 307.695 of the 79785
Revised Code. A tax imposed under this division shall remain in 79786
effect at the rate at which it is imposed for the duration of the 79787
period for which the revenue from the tax has been pledged 79788
pursuant to that section. 79789

(D) For the purpose of providing contributions under division 79790

(B)(1) of section 307.671 of the Revised Code to enable the
acquisition, construction, and equipping of a port authority
educational and cultural facility in the county and, to the extent
provided for in the cooperative agreement authorized by that
section, for the purpose of paying debt service charges on bonds,
or notes in anticipation of bonds, described in division (B)(1)(b)
of that section, a board of county commissioners, by resolution
adopted within ninety days after December 22, 1992, by a majority
of the members of the board, may levy an additional excise tax not
to exceed one and one-half per cent on transactions by which
lodging by a hotel is or is to be furnished to transient guests.
The excise tax authorized by this division shall be in addition to
any tax that is levied pursuant to divisions (A), (B), and (C) of
this section, to any excise tax levied pursuant to section 5739.08
of the Revised Code, and to any excise tax levied pursuant to
section 351.021 of the Revised Code. The board of county
commissioners shall establish all regulations necessary to provide
for the administration and allocation of the tax that are not
inconsistent with this section or section 307.671 of the Revised
Code. The regulations may prescribe the time for payment of the
tax, and may provide for the imposition of a penalty or interest,
or both, for late payments, provided that the penalty does not
exceed ten per cent of the amount of tax due, and the rate at
which interest accrues does not exceed the rate per annum
prescribed pursuant to section 5703.47 of the Revised Code. All
revenues arising from the tax shall be expended in accordance with
section 307.671 of the Revised Code and division (D) of this
section. The levy of a tax imposed under this division may not
commence prior to the first day of the month next following the
execution of the cooperative agreement authorized by section
307.671 of the Revised Code by all parties to that agreement. The
tax shall remain in effect at the rate at which it is imposed for
the period of time described in division (C) of section 307.671 of

the Revised Code for which the revenue from the tax has been 79824
pledged by the county to the corporation pursuant to that section, 79825
but, to any extent provided for in the cooperative agreement, for 79826
no lesser period than the period of time required for payment of 79827
the debt service charges on bonds, or notes in anticipation of 79828
bonds, described in division (B)(1)(b) of that section. 79829

(E) For the purpose of paying the costs of acquiring, 79830
constructing, equipping, and improving a municipal educational and 79831
cultural facility, including debt service charges on bonds 79832
provided for in division (B) of section 307.672 of the Revised 79833
Code, and for any additional purposes determined by the county in 79834
the resolution levying the tax or amendments to the resolution, 79835
including subsequent amendments providing for paying costs of 79836
acquiring, constructing, renovating, rehabilitating, equipping, 79837
and improving a port authority educational and cultural performing 79838
arts facility, as defined in section 307.674 of the Revised Code, 79839
and including debt service charges on bonds provided for in 79840
division (B) of section 307.674 of the Revised Code, the 79841
legislative authority of a county, by resolution adopted within 79842
ninety days after June 30, 1993, by a majority of the members of 79843
the legislative authority, may levy an additional excise tax not 79844
to exceed one and one-half per cent on transactions by which 79845
lodging by a hotel is or is to be furnished to transient guests. 79846
The excise tax authorized by this division shall be in addition to 79847
any tax that is levied pursuant to divisions (A), (B), (C), and 79848
(D) of this section, to any excise tax levied pursuant to section 79849
5739.08 of the Revised Code, and to any excise tax levied pursuant 79850
to section 351.021 of the Revised Code. The legislative authority 79851
of the county shall establish all regulations necessary to provide 79852
for the administration and allocation of the tax. The regulations 79853
may prescribe the time for payment of the tax, and may provide for 79854
the imposition of a penalty or interest, or both, for late 79855

payments, provided that the penalty does not exceed ten per cent 79856
of the amount of tax due, and the rate at which interest accrues 79857
does not exceed the rate per annum prescribed pursuant to section 79858
5703.47 of the Revised Code. All revenues arising from the tax 79859
shall be expended in accordance with section 307.672 of the 79860
Revised Code and this division. The levy of a tax imposed under 79861
this division shall not commence prior to the first day of the 79862
month next following the execution of the cooperative agreement 79863
authorized by section 307.672 of the Revised Code by all parties 79864
to that agreement. The tax shall remain in effect at the rate at 79865
which it is imposed for the period of time determined by the 79866
legislative authority of the county, but not to exceed fifteen 79867
years. 79868

(F) The legislative authority of a county that has levied a 79869
tax under division (E) of this section may, by resolution adopted 79870
within one hundred eighty days after January 4, 2001, by a 79871
majority of the members of the legislative authority, amend the 79872
resolution levying a tax under that division to provide for the 79873
use of the proceeds of that tax, to the extent that it is no 79874
longer needed for its original purpose as determined by the 79875
parties to a cooperative agreement amendment pursuant to division 79876
(D) of section 307.672 of the Revised Code, to pay costs of 79877
acquiring, constructing, renovating, rehabilitating, equipping, 79878
and improving a port authority educational and cultural performing 79879
arts facility, including debt service charges on bonds provided 79880
for in division (B) of section 307.674 of the Revised Code, and to 79881
pay all obligations under any guaranty agreements, reimbursement 79882
agreements, or other credit enhancement agreements described in 79883
division (C) of section 307.674 of the Revised Code. The 79884
resolution may also provide for the extension of the tax at the 79885
same rate for the longer of the period of time determined by the 79886
legislative authority of the county, but not to exceed an 79887

additional twenty-five years, or the period of time required to 79888
pay all debt service charges on bonds provided for in division (B) 79889
of section 307.672 of the Revised Code and on port authority 79890
revenue bonds provided for in division (B) of section 307.674 of 79891
the Revised Code. All revenues arising from the amendment and 79892
extension of the tax shall be expended in accordance with section 79893
307.674 of the Revised Code, this division, and division (E) of 79894
this section. 79895

(G) For purposes of a tax levied by a county, township, or 79896
municipal corporation under this section or section 5739.08 of the 79897
Revised Code, a board of county commissioners, board of township 79898
trustees, or the legislative authority of a municipal corporation 79899
may adopt a resolution or ordinance at any time specifying that 79900
"hotel," as otherwise defined in section 5739.01 of the Revised 79901
Code, includes establishments in which fewer than five rooms are 79902
used for the accommodation of guests. The resolution or ordinance 79903
may apply to a tax imposed pursuant to this section prior to the 79904
adoption of the resolution or ordinance if the resolution or 79905
ordinance so states, but the tax shall not apply to transactions 79906
by which lodging by such an establishment is provided to transient 79907
guests prior to the adoption of the resolution or ordinance. 79908

(H)(1) As used in this division: 79909

(a) "Convention facilities authority" has the same meaning as 79910
in section 351.01 of the Revised Code. 79911

(b) "Convention center" has the same meaning as in section 79912
307.695 of the Revised Code. 79913

(2) Notwithstanding any contrary provision of division (D) of 79914
this section, the legislative authority of a county with a 79915
population of one million or more according to the most recent 79916
federal decennial census that has levied a tax under division (D) 79917
of this section may, by resolution adopted by a majority of the 79918

members of the legislative authority, provide for the extension of 79919
such levy and may provide that the proceeds of that tax, to the 79920
extent that they are no longer needed for their original purpose 79921
as defined by a cooperative agreement entered into under section 79922
307.671 of the Revised Code, shall be deposited into the county 79923
general revenue fund. The resolution shall provide for the 79924
extension of the tax at a rate not to exceed the rate specified in 79925
division (D) of this section for a period of time determined by 79926
the legislative authority of the county, but not to exceed an 79927
additional forty years. 79928

(3) The legislative authority of a county with a population 79929
of one million or more that has levied a tax under division (A)(1) 79930
of this section may, by resolution adopted by a majority of the 79931
members of the legislative authority, increase the rate of the tax 79932
levied by such county under division (A)(1) of this section to a 79933
rate not to exceed five per cent on transactions by which lodging 79934
by a hotel is or is to be furnished to transient guests. 79935
Notwithstanding any contrary provision of division (A)(1) of this 79936
section, the resolution may provide that all collections resulting 79937
from the rate levied in excess of three per cent, after deducting 79938
the real and actual costs of administering the tax, shall be 79939
deposited in the county general fund. 79940

(4) The legislative authority of a county with a population 79941
of one million or more that has levied a tax under division (A)(1) 79942
of this section may, by resolution adopted on or before August 30, 79943
2004, by a majority of the members of the legislative authority, 79944
provide that all or a portion of the proceeds of the tax levied 79945
under division (A)(1) of this section, after deducting the real 79946
and actual costs of administering the tax and the amounts required 79947
to be returned to townships and municipal corporations with 79948
respect to the first three per cent levied under division (A)(1) 79949
of this section, shall be deposited in the county general fund, 79950

provided that such proceeds shall be used to satisfy any pledges 79951
made in connection with an agreement entered into under section 79952
307.695 of the Revised Code. 79953

(5) No amount collected from a tax levied, extended, or 79954
required to be deposited in the county general fund under division 79955
(H) of this section shall be contributed to a convention 79956
facilities authority, corporation, or other entity created after 79957
July 1, 2003, for the principal purpose of constructing, 79958
improving, expanding, equipping, financing, or operating a 79959
convention center unless the mayor of the municipal corporation in 79960
which the convention center is to be operated by that convention 79961
facilities authority, corporation, or other entity has consented 79962
to the creation of that convention facilities authority, 79963
corporation, or entity. Notwithstanding any contrary provision of 79964
section 351.04 of the Revised Code, if a tax is levied by a county 79965
under division (H) of this section, the board of county 79966
commissioners of that county may determine the manner of 79967
selection, the qualifications, the number, and terms of office of 79968
the members of the board of directors of any convention facilities 79969
authority, corporation, or other entity described in division 79970
(H)(5) of this section. 79971

(6)(a) No amount collected from a tax levied, extended, or 79972
required to be deposited in the county general fund under division 79973
(H) of this section may be used for any purpose other than paying 79974
the direct and indirect costs of constructing, improving, 79975
expanding, equipping, financing, or operating a convention center 79976
and for the real and actual costs of administering the tax, 79977
unless, prior to the adoption of the resolution of the legislative 79978
authority of the county authorizing the levy, extension, increase, 79979
or deposit, the county and the mayor of the most populous 79980
municipal corporation in that county have entered into an 79981
agreement as to the use of such amounts, provided that such 79982

agreement has been approved by a majority of the mayors of the
other municipal corporations in that county. The agreement shall
provide that the amounts to be used for purposes other than paying
the convention center or administrative costs described in
division (H)(6)(a) of this section be used only for the direct and
indirect costs of capital improvements, including the financing of
capital improvements.

(b) If the county in which the tax is levied has an
association of mayors and city managers, the approval of that
association of an agreement described in division (H)(6)(a) of
this section shall be considered to be the approval of the
majority of the mayors of the other municipal corporations for
purposes of that division.

(7) Each year, the auditor of state shall conduct an audit of
the uses of any amounts collected from taxes levied, extended, or
deposited under division (H) of this section and shall prepare a
report of the auditor of state's findings. The auditor of state
shall submit the report to the legislative authority of the county
that has levied, extended, or deposited the tax, the speaker of
the house of representatives, the president of the senate, and the
leaders of the minority parties of the house of representatives
and the senate.

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

(a) "Convention facilities authority" has the same meaning as
in section 351.01 of the Revised Code.

(b) "Convention center" has the same meaning as in section
307.695 of the Revised Code.

(2) Notwithstanding any contrary provision of division (D) of
this section, the legislative authority of a county with a
population of one million two hundred thousand or more according
to the most recent federal decennial census or the most recent

annual population estimate published or released by the United States census bureau at the time the resolution is adopted placing the levy on the ballot, that has levied a tax under division (D) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the extension of such levy and may provide that the proceeds of that tax, to the extent that the proceeds are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code and after deducting the real and actual costs of administering the tax, shall be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (D) of this section for a period of time determined by the legislative authority of the county, but not to exceed an additional forty years.

(3) The legislative authority of a county with a population of one million two hundred thousand or more that has levied a tax under division (A)(1) of this section may, by resolution adopted by a majority of the members of the legislative authority, increase the rate of the tax levied by such county under division (A)(1) of this section to a rate not to exceed five per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. Notwithstanding any contrary provision of division (A)(1) of this section, the resolution shall provide that all collections resulting from the rate levied in excess of three per cent, after deducting the real and actual costs of administering the tax, shall be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center.

(4) The legislative authority of a county with a population

of one million two hundred thousand or more that has levied a tax 80046
under division (A)(1) of this section may, by resolution adopted 80047
on or before July 1, 2008, by a majority of the members of the 80048
legislative authority, provide that all or a portion of the 80049
proceeds of the tax levied under division (A)(1) of this section, 80050
after deducting the real and actual costs of administering the tax 80051
and the amounts required to be returned to townships and municipal 80052
corporations with respect to the first three per cent levied under 80053
division (A)(1) of this section, shall be used to satisfy any 80054
pledges made in connection with an agreement entered into under 80055
section 307.695 of the Revised Code or shall otherwise be used for 80056
paying the direct and indirect costs of constructing, improving, 80057
expanding, equipping, financing, or operating a convention center. 80058

(5) Any amount collected from a tax levied or extended under 80059
division (I) of this section may be contributed to a convention 80060
facilities authority created before July 1, 2005, but no amount 80061
collected from a tax levied or extended under division (I) of this 80062
section may be contributed to a convention facilities authority, 80063
corporation, or other entity created after July 1, 2005, unless 80064
the mayor of the municipal corporation in which the convention 80065
center is to be operated by that convention facilities authority, 80066
corporation. Or other entity has consented to the creation of that 80067
convention facilities authority, corporation, or entity. 80068

Sec. 5739.10. (A) In addition to the tax levied by section 80069
5739.02 of the Revised Code and any tax levied pursuant to section 80070
5739.021, 5739.023, or 5739.026 of the Revised Code, and to secure 80071
the same objectives specified in those sections, there is hereby 80072
levied upon the privilege of engaging in the business of making 80073
retail sales, an excise tax of ~~six per cent on and after July 1,~~ 80074
~~2003, and on and before June 30, 2005, and an excise tax of five~~ 80075
~~per cent on and after July 1, 2005~~ equal to the tax levied by 80076

section 5739.02 of the Revised Code, or, in the case of retail sales subject to a tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code, a percentage equal to the aggregate rate of such taxes and the tax levied by section 5739.02 of the Revised Code of the receipts derived from all retail sales, except those to which the excise tax imposed by section 5739.02 of the Revised Code is made inapplicable by division (B) of that section.

(B) For the purpose of this section, no vendor shall be required to maintain records of sales of food for human consumption off the premises where sold, and no assessment shall be made against any vendor for sales of food for human consumption off the premises where sold, solely because the vendor has no records of, or has inadequate records of, such sales; provided that where a vendor does not have adequate records of receipts from the vendor's sales of food for human consumption on the premises where sold, the tax commissioner may refuse to accept the vendor's return and, upon the basis of test checks of the vendor's business for a representative period, and other information relating to the sales made by such vendor, determine the proportion that taxable retail sales bear to all of the vendor's retail sales. The tax imposed by this section shall be determined by deducting from the sum representing five and one-half or six per cent, as applicable under division (A) of this section, or, in the case of retail sales subject to a tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code, a percentage equal to the aggregate rate of such taxes and the tax levied by section 5739.02 of the Revised Code of the receipts from such retail sales, the amount of tax paid to the state or to a clerk of a court of common pleas. The section does not affect any duty of the vendor under sections 5739.01 to 5739.19 and 5739.26 to 5739.31 of the Revised Code, nor the liability of any consumer to pay any tax imposed by or pursuant to section 5739.02,

5739.021, 5739.023, or 5739.026 of the Revised Code. 80110

Sec. 5739.12. (A) Each person who has or is required to have 80111
a vendor's license, on or before the twenty-third day of each 80112
month, shall make and file a return for the preceding month, on 80113
forms prescribed by the tax commissioner, and shall pay the tax 80114
shown on the return to be due. The commissioner may require a 80115
vendor that operates from multiple locations or has multiple 80116
vendor's licenses to report all tax liabilities on one 80117
consolidated return. The return shall show the amount of tax due 80118
from the vendor to the state for the period covered by the return 80119
and such other information as the commissioner deems necessary for 80120
the proper administration of this chapter. The commissioner may 80121
extend the time for making and filing returns and paying the tax, 80122
and may require that the return for the last month of any annual 80123
or semiannual period, as determined by the commissioner, be a 80124
reconciliation return detailing the vendor's sales activity for 80125
the preceding annual or semiannual period. The reconciliation 80126
return shall be filed by the last day of the month following the 80127
last month of the annual or semiannual period. The commissioner 80128
may remit all or any part of amounts or penalties that may become 80129
due under this chapter and may adopt rules relating thereto. Such 80130
return shall be filed by mailing it to the tax commissioner, 80131
together with payment of the amount of tax shown to be due thereon 80132
after deduction of any discount provided for under this section. 80133
Remittance shall be made payable to the treasurer of state. The 80134
return shall be considered filed when received by the tax 80135
commissioner, and the payment shall be considered made when 80136
received by the tax commissioner or when credited to an account 80137
designated by the treasurer of state or the tax commissioner. 80138

(B) If the return is filed and the amount of tax shown 80139
thereon to be due is paid on or before the date such return is 80140
required to be filed, the vendor shall be entitled to the 80141

following discount: 80142

(1) On and after July 1, ~~2003~~ 2005, and on and before June 80143
30, ~~2005~~ 2007, nine-tenths of one per cent of the amount shown to 80144
be due on the return; 80145

(2) On and after July 1, ~~2005~~ 2007, three-fourths of one per 80146
cent of the amount shown to be due on the return. 80147

A vendor that has selected a certified service provider as 80148
its agent shall not be entitled to the discount. Amounts paid to 80149
the clerk of courts pursuant to section 4505.06 of the Revised 80150
Code shall be subject to the applicable discount. The discount 80151
shall be in consideration for prompt payment to the clerk of 80152
courts and for other services performed by the vendor in the 80153
collection of the tax. 80154

(C)(1) Upon application to the commissioner, a vendor who is 80155
required to file monthly returns may be relieved of the 80156
requirement to report and pay the actual tax due, provided that 80157
the vendor agrees to remit to the tax commissioner payment of not 80158
less than an amount determined by the commissioner to be the 80159
average monthly tax liability of the vendor, based upon a review 80160
of the returns or other information pertaining to such vendor for 80161
a period of not less than six months nor more than two years 80162
immediately preceding the filing of the application. Vendors who 80163
agree to the above conditions shall make and file an annual or 80164
semiannual reconciliation return, as prescribed by the 80165
commissioner. The reconciliation return shall be filed by mailing 80166
or delivering it to the tax commissioner, together with payment of 80167
the amount of tax shown to be due thereon after deduction of any 80168
discount provided in this section. Remittance shall be made 80169
payable to the treasurer of state. Failure of a vendor to comply 80170
with any of the above conditions may result in immediate 80171
reinstatement of the requirement of reporting and paying the 80172

actual tax liability on each monthly return, and the commissioner
may at the commissioner's discretion deny the vendor the right to
report and pay based upon the average monthly liability for a
period not to exceed two years. The amount ascertained by the
commissioner to be the average monthly tax liability of a vendor
may be adjusted, based upon a review of the returns or other
information pertaining to the vendor for a period of not less than
six months nor more than two years preceding such adjustment.

(2) The commissioner may authorize vendors whose tax
liability is not such as to merit monthly returns, as ascertained
by the commissioner upon the basis of administrative costs to the
state, to make and file returns at less frequent intervals. When
returns are filed at less frequent intervals in accordance with
such authorization, the vendor shall be allowed the discount
provided in this section in consideration for prompt payment with
the return, provided the return is filed together with payment of
the amount of tax shown to be due thereon, at the time specified
by the commissioner, but a vendor that has selected a certified
service provider as its agent shall not be entitled to the
discount.

(D) Any vendor who fails to file a return or pay the full
amount of the tax shown on the return to be due under this section
and the rules of the commissioner may, for each such return the
vendor fails to file or each such tax the vendor fails to pay in
full as shown on the return within the period prescribed by this
section and the rules of the commissioner, be required to forfeit
and pay into the state treasury an additional charge not exceeding
fifty dollars or ten per cent of the tax required to be paid for
the reporting period, whichever is greater, as revenue arising
from the tax imposed by this chapter, and such sum may be
collected by assessment in the manner provided in section 5739.13
of the Revised Code. The commissioner may remit all or a portion

of the additional charge and may adopt rules relating to the 80205
imposition and remission of the additional charge. 80206

(E) If the amount required to be collected by a vendor from 80207
consumers is in excess of the applicable percentage of the 80208
vendor's receipts from sales that are taxable under section 80209
5739.02 of the Revised Code, or in the case of sales subject to a 80210
tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of 80211
the Revised Code, in excess of the percentage equal to the 80212
aggregate rate of such taxes and the tax levied by section 5739.02 80213
of the Revised Code, such excess shall be remitted along with the 80214
remittance of the amount of tax due under section 5739.10 of the 80215
Revised Code. 80216

(F) The commissioner, if the commissioner deems it necessary 80217
in order to insure the payment of the tax imposed by this chapter, 80218
may require returns and payments to be made for other than monthly 80219
periods. The returns shall be signed by the vendor or the vendor's 80220
authorized agent. 80221

(G) Any vendor required to file a return and pay the tax 80222
under this section, whose total payment equals or exceeds the 80223
amount shown in division (A) of section 5739.122 of the Revised 80224
Code, shall make each payment required by this section in the 80225
second ensuing and each succeeding year by electronic funds 80226
transfer as prescribed by, and on or before the dates specified 80227
in, section 5739.122 of the Revised Code, except as otherwise 80228
prescribed by that section. For a vendor that operates from 80229
multiple locations or has multiple vendor's licenses, in 80230
determining whether the vendor's total payment equals or exceeds 80231
the amount shown in division (A) of that section, the vendor's 80232
total payment amount shall be the amount of the vendor's total tax 80233
liability for the previous calendar year for all of the vendor's 80234
locations or licenses. 80235

Sec. 5739.16. (A) ~~No~~ Except as otherwise provided in this 80236
section, no assessment shall be made or issued against a vendor or 80237
consumer for any tax imposed by or pursuant to section 5739.02, 80238
5739.021, 5739.023, 5739.026, or 5739.10 of the Revised Code more 80239
than four years after the return date for the period in which the 80240
sale or purchase was made, or more than four years after the 80241
return for such period is filed, whichever is later. A consumer 80242
who provides a fully completed exemption certificate pursuant to 80243
division (B) of section 5739.03 of the Revised Code may be 80244
assessed any tax imposed by or pursuant to section 5739.02, 80245
5739.021, 5739.023, or 5739.026 of the Revised Code that results 80246
from denial of the claimed exemption within the later of a period 80247
otherwise allowed by this section or one year after the date the 80248
certificate was provided. This division does not bar an 80249
assessment: 80250

(1) When the tax commissioner has substantial evidence of 80251
amounts of taxes collected by a vendor from consumers on retail 80252
sales, which were not returned to the state; 80253

(2) When the vendor assessed failed to file a return as 80254
required by section 5739.12 of the Revised Code; 80255

(3) When the vendor or consumer and the commissioner waive in 80256
writing the time limitation. 80257

(B) No assessment shall be made or issued against a vendor or 80258
consumer for any tax imposed by or pursuant to section 5739.02, 80259
5739.021, 5739.023, 5739.026, or 5739.10 of the Revised Code for 80260
any period during which there was in full force and effect a rule 80261
of the tax commissioner under or by virtue of which the collection 80262
or payment of any such tax was not required. This division does 80263
not bar an assessment when the tax commissioner has substantial 80264
evidence of amounts of taxes collected by a vendor from consumers 80265
on retail sales which were not returned to the state. 80266

(C) No assessment shall be made or issued against a person 80267
for any tax imposed pursuant to section 5739.101 of the Revised 80268
Code more than four years after the return date for the period in 80269
which the tax is imposed on the person's gross receipts, or more 80270
than four years after the return for such period is filed, 80271
whichever is later. This division does not bar an assessment when 80272
the person assessed failed to file a return as required under 80273
section 5739.102 of the Revised Code, or when the person and the 80274
commissioner waive in writing the time limitation. 80275

Sec. 5739.17. (A) No person shall engage in making retail 80276
sales subject to a tax imposed by or pursuant to section 5739.02, 80277
5739.021, 5739.023, or 5739.026 of the Revised Code as a business 80278
without having a license therefor, except as otherwise provided in 80279
divisions (A)(1), (2), and (3) of this section. 80280

(1) In the dissolution of a partnership by death, the 80281
surviving partner may operate under the license of the partnership 80282
for a period of sixty days. 80283

(2) The heirs or legal representatives of deceased persons, 80284
and receivers and trustees in bankruptcy, appointed by any 80285
competent authority, may operate under the license of the person 80286
so succeeded in possession. 80287

(3) Two or more persons who are not partners may operate a 80288
single place of business under one license. In such case neither 80289
the retirement of any such person from business at that place of 80290
business, nor the entrance of any person, under an existing 80291
arrangement, shall affect the license or require the issuance of a 80292
new license, unless the person retiring from the business is the 80293
individual named on the vendor's license. 80294

Except as otherwise provided in this section, each applicant 80295
for a license shall make out and deliver to the county auditor of 80296

each county in which the applicant desires to engage in business, 80297
upon a blank to be furnished by such auditor for that purpose, a 80298
statement showing the name of the applicant, each place of 80299
business in the county where the applicant will make retail sales, 80300
the nature of the business, and any other information the tax 80301
commissioner reasonably prescribes in the form of a statement 80302
prescribed by the commissioner. 80303

At the time of making the application, the applicant shall 80304
pay into the county treasury a license fee in the sum of 80305
twenty-five dollars for each fixed place of business in the county 80306
that will be the situs of retail sales. Upon receipt of the 80307
application and exhibition of the county treasurer's receipt, 80308
showing the payment of the license fee, the county auditor shall 80309
issue to the applicant a license for each fixed place of business 80310
designated in the application, authorizing the applicant to engage 80311
in business at that location. If a vendor's identity changes, the 80312
vendor shall apply for a new license. If a vendor wishes to move 80313
an existing fixed place of business to a new location within the 80314
same county, the vendor shall obtain a new vendor's license or 80315
submit a request to the tax commissioner to transfer the existing 80316
vendor's license to the new location. When the new location has 80317
been verified as being within the same county, the commissioner 80318
shall authorize the transfer and notify the county auditor of the 80319
change of location. If a vendor wishes to move an existing fixed 80320
place of business to another county, the vendor's license shall 80321
not transfer and the vendor shall obtain a new vendor's license 80322
from the county in which the business is to be located. The form 80323
of the license shall be prescribed by the commissioner. The fees 80324
collected shall be credited to the general fund of the county. 80325

The tax commissioner may establish or participate in a 80326
registration system whereby any vendor may obtain a vendor's 80327
license by submitting to the commissioner a vendor's license 80328

application and a license fee of twenty-five dollars for each 80329
fixed place of business at which the vendor intends to make retail 80330
sales. Under this registration system, the commissioner shall 80331
issue a vendor's license to the applicant on behalf of the county 80332
auditor of the county in which the applicant desires to engage in 80333
business, and shall forward a copy of the application and license 80334
fee to that county. All such license fees received by the 80335
commissioner for the issuance of vendor's licenses shall be 80336
deposited into the vendor's license application fund, which is 80337
hereby created in the state treasury. The commissioner shall 80338
certify to the director of budget and management within ten 80339
business days after the close of a month the license fees to be 80340
transmitted to each county from the vendor's license application 80341
fund for vendor's license applications received by the 80342
commissioner during that month. License fees transmitted to a 80343
county for which payment was not received by the commissioner may 80344
be netted against a future distribution to that county, including 80345
distributions made pursuant to section 5739.21 of the Revised 80346
Code. 80347

A vendor that makes retail sales subject to tax under Chapter 80348
5739. of the Revised Code pursuant to a permit issued by the 80349
division of liquor control shall obtain a vendor's license in the 80350
identical name and for the identical address as shown on the 80351
permit. 80352

Except as otherwise provided in this section, if a vendor has 80353
no fixed place of business and sells from a vehicle, each vehicle 80354
intended to be used within a county constitutes a place of 80355
business for the purpose of this section. 80356

(B) As used in this division, "transient vendor" means any 80357
person who makes sales of tangible personal property from vending 80358
machines located on land owned by others, who leases titled motor 80359
vehicles, titled watercraft, or titled outboard motors, who 80360

effectuates leases that are taxed according to division (A)(2) of 80361
section 5739.02 of the Revised Code, or who, in the usual course 80362
of the person's business, transports inventory, stock of goods, or 80363
similar tangible personal property to a temporary place of 80364
business or temporary exhibition, show, fair, flea market, or 80365
similar event in a county in which the person has no fixed place 80366
of business, for the purpose of making retail sales of such 80367
property. A "temporary place of business" means any public or 80368
quasi-public place including, but not limited to, a hotel, rooming 80369
house, storeroom, building, part of a building, tent, vacant lot, 80370
railroad car, or motor vehicle that is temporarily occupied for 80371
the purpose of making retail sales of goods to the public. A place 80372
of business is not temporary if the same person conducted business 80373
at the place continuously for more than six months or occupied the 80374
premises as the person's permanent residence for more than six 80375
months, or if the person intends it to be a fixed place of 80376
business. 80377

Any transient vendor, in lieu of obtaining a vendor's license 80378
under division (A) of this section for counties in which the 80379
transient vendor has no fixed place of business, may apply to the 80380
tax commissioner, on a form prescribed by the commissioner, for a 80381
transient vendor's license. The transient vendor's license 80382
authorizes the transient vendor to make retail sales in any county 80383
in which the transient vendor does not maintain a fixed place of 80384
business. Any holder of a transient vendor's license shall not be 80385
required to obtain a separate vendor's license from the county 80386
auditor in that county. Upon the commissioner's determination that 80387
an applicant is a transient vendor, the applicant shall pay a 80388
license fee in the amount of twenty-five dollars, at which time 80389
the tax commissioner shall issue the license. The tax commissioner 80390
may require a vendor to be licensed as a transient vendor if, in 80391
the opinion of the commissioner, such licensing is necessary for 80392

the efficient administration of the tax. 80393

Any holder of a valid transient vendor's license may make 80394
retail sales at a temporary place of business or temporary 80395
exhibition, show, fair, flea market, or similar event, held 80396
anywhere in the state without complying with any provision of 80397
section 311.37 of the Revised Code. Any holder of a valid vendor's 80398
license may make retail sales as a transient vendor at a temporary 80399
place of business or temporary exhibition, show, fair, flea 80400
market, or similar event held in any county in which the vendor 80401
maintains a fixed place of business for which the vendor holds a 80402
vendor's license without obtaining a transient vendor's license. 80403

(C) As used in this division, "service vendor" means any 80404
person who, in the usual course of the person's business, sells 80405
services described in division (B)(3)(e), (f), (g), (h), (i), (j), 80406
(k), (l), (m), ~~(q)~~(p), or ~~(u)~~(t) of section 5739.01 of the Revised 80407
Code. 80408

Every service vendor shall make application to the tax 80409
commissioner for a service vendor's license. Each applicant shall 80410
pay a license fee in the amount of twenty-five dollars. Upon the 80411
commissioner's determination that an applicant is a service vendor 80412
and payment of the fee, the commissioner shall issue the applicant 80413
a service vendor's license. 80414

Only sales described in division (B)(3)(e), (f), (g), (h), 80415
(i), (j), (k), (l), (m), ~~(q)~~(p), or ~~(u)~~(t) of section 5739.01 of 80416
the Revised Code may be made under authority of a service vendor's 80417
license, and that license authorizes sales to be made at any place 80418
in this state. Any service vendor who makes sales of other 80419
services or tangible personal property subject to the sales tax 80420
also shall be licensed under division (A), (B), or (D) of this 80421
section. 80422

(D) As used in this division, "delivery vendor" means any 80423

vendor who engages in one or more of the activities described in 80424
divisions (D)(1) to (4) of this section, and who maintains no 80425
store, showroom, or similar fixed place of business or other 80426
location where merchandise regularly is offered for sale or 80427
displayed or shown in catalogs for selection or pick-up by 80428
consumers, or where consumers bring goods for repair or other 80429
service. 80430

(1) The vendor makes retail sales of tangible personal 80431
property; 80432

(2) The vendor rents or leases, at retail, tangible personal 80433
property, except titled motor vehicles, titled watercraft, or 80434
titled outboard motors; 80435

(3) The vendor provides a service, at retail, described in 80436
division (B)(3)(a), (b), (c), or (d) of section 5739.01 of the 80437
Revised Code; or 80438

(4) The vendor makes retail sales of warranty, maintenance or 80439
service contracts, or similar agreements as described in division 80440
(B)(7) of section 5739.01 of the Revised Code. 80441

A transient vendor or a seller registered pursuant to section 80442
5741.17 of the Revised Code is not a delivery vendor. 80443

Delivery vendors shall apply to the tax commissioner, on a 80444
form prescribed by the commissioner, for a delivery vendor's 80445
license. Each applicant shall pay a license fee of twenty-five 80446
dollars for each delivery vendor's license, to be credited to the 80447
general revenue fund. Upon the commissioner's determination that 80448
the applicant is a delivery vendor, the commissioner shall issue 80449
the license. A delivery vendor's license authorizes retail sales 80450
to be made throughout the state. All sales of the vendor must be 80451
reported under the delivery license. The commissioner may require 80452
a vendor to be licensed as a delivery vendor if, in the opinion of 80453
the commissioner, such licensing is necessary for the efficient 80454

administration of the tax. The commissioner shall not issue a
delivery vendor license to a vendor who holds a license issued
under division (A) of this section.

(E) Any transient vendor who is issued a license pursuant to
this section shall display the license or a copy of it
prominently, in plain view, at every place of business of the
transient vendor. Every owner, organizer, or promoter who operates
a fair, flea market, show, exhibition, convention, or similar
event at which transient vendors are present shall keep a
comprehensive record of all such vendors, listing the vendor's
name, permanent address, vendor's license number, and the type of
goods sold. Such records shall be kept for four years and shall be
open to inspection by the tax commissioner.

Sec. 5739.36. (A) For the purpose of tracking the growth and
overall economic impact of the travel and tourism industry in this
state, the tax commissioner shall prepare a report summarizing the
amount of tax revenue collected during each semiannual period
ending on the last day of June or December, annually. The
commissioner shall prepare the report by industry classification
using business activity codes. The report shall include the
combined total statewide collections from the taxes levied under
sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021,
5741.022, and 5741.023 of the Revised Code as reported by
taxpayers with respect to collections during the semiannual
period. The report shall reflect all industries included in the
industrial classification system used by the commissioner the
activities of which relate in any way to travel and tourism,
including, but not limited to, industries such as bars and
restaurants; hotels, motels, and other lodging establishments; and
other industries related to travel and tourism. The first report
shall be for the semiannual period ending December 31, 2005.

(B) The tax commissioner shall file a copy of the report 80486
required under this section with the governor, the president of 80487
the senate, the speaker of the house of representatives, and the 80488
legislative service commission. The reports shall be filed on or 80489
before the first day of May or November, annually, that 80490
immediately follows the semiannual period to which the report 80491
relates. A copy of the commissioner's most recent report shall be 80492
made available to the public through the department of taxation's 80493
official internet web site. 80494

(C) The commissioner shall adopt rules that are necessary to 80495
administer this section. 80496

Sec. 5741.02. (A)(1) For the use of the general revenue fund 80497
of the state, an excise tax is hereby levied on the storage, use, 80498
or other consumption in this state of tangible personal property 80499
or the benefit realized in this state of any service provided. The 80500
tax shall be collected as provided in section 5739.025 of the 80501
Revised Code, provided that on and after July 1, 2003, and on or 80502
before June 30, 2005, the rate of the tax shall be six per cent. 80503
On and after July 1, 2005, the rate of the tax shall be five and 80504
one-half per cent. 80505

(2) In the case of the lease or rental, with a fixed term of 80506
more than thirty days or an indefinite term with a minimum period 80507
of more than thirty days, of any motor vehicles designed by the 80508
manufacturer to carry a load of not more than one ton, watercraft, 80509
outboard motor, or aircraft, or of any tangible personal property, 80510
other than motor vehicles designed by the manufacturer to carry a 80511
load of more than one ton, to be used by the lessee or renter 80512
primarily for business purposes, the tax shall be collected by the 80513
seller at the time the lease or rental is consummated and shall be 80514
calculated by the seller on the basis of the total amount to be 80515
paid by the lessee or renter under the lease or rental agreement. 80516

If the total amount of the consideration for the lease or rental
includes amounts that are not calculated at the time the lease or
rental is executed, the tax shall be calculated and collected by
the seller at the time such amounts are billed to the lessee or
renter. In the case of an open-end lease or rental, the tax shall
be calculated by the seller on the basis of the total amount to be
paid during the initial fixed term of the lease or rental, and for
each subsequent renewal period as it comes due. As used in this
division, "motor vehicle" has the same meaning as in section
4501.01 of the Revised Code, and "watercraft" includes an outdrive
unit attached to the watercraft.

(3) Except as provided in division (A)(2) of this section, in
the case of a transaction, the price of which consists in whole or
part of the lease or rental of tangible personal property, the tax
shall be measured by the installments of those leases or rentals.

(B) Each consumer, storing, using, or otherwise consuming in
this state tangible personal property or realizing in this state
the benefit of any service provided, shall be liable for the tax,
and such liability shall not be extinguished until the tax has
been paid to this state; provided, that the consumer shall be
relieved from further liability for the tax if the tax has been
paid to a seller in accordance with section 5741.04 of the Revised
Code or prepaid by the seller in accordance with section 5741.06
of the Revised Code.

(C) The tax does not apply to the storage, use, or
consumption in this state of the following described tangible
personal property or services, nor to the storage, use, or
consumption or benefit in this state of tangible personal property
or services purchased under the following described circumstances:

(1) When the sale of property or service in this state is
subject to the excise tax imposed by sections 5739.01 to 5739.31

of the Revised Code, provided said tax has been paid; 80548

(2) Except as provided in division (D) of this section, 80549
tangible personal property or services, the acquisition of which, 80550
if made in Ohio, would be a sale not subject to the tax imposed by 80551
sections 5739.01 to 5739.31 of the Revised Code; 80552

(3) Property or services, the storage, use, or other 80553
consumption of or benefit from which this state is prohibited from 80554
taxing by the Constitution of the United States, laws of the 80555
United States, or the Constitution of this state. This exemption 80556
shall not exempt from the application of the tax imposed by this 80557
section the storage, use, or consumption of tangible personal 80558
property that was purchased in interstate commerce, but that has 80559
come to rest in this state, provided that fuel to be used or 80560
transported in carrying on interstate commerce that is stopped 80561
within this state pending transfer from one conveyance to another 80562
is exempt from the excise tax imposed by this section and section 80563
5739.02 of the Revised Code; 80564

(4) Transient use of tangible personal property in this state 80565
by a nonresident tourist or vacationer, or a non-business use 80566
within this state by a nonresident of this state, if the property 80567
so used was purchased outside this state for use outside this 80568
state and is not required to be registered or licensed under the 80569
laws of this state; 80570

(5) Tangible personal property or services rendered, upon 80571
which taxes have been paid to another jurisdiction to the extent 80572
of the amount of the tax paid to such other jurisdiction. Where 80573
the amount of the tax imposed by this section and imposed pursuant 80574
to section 5741.021, 5741.022, or 5741.023 of the Revised Code 80575
exceeds the amount paid to another jurisdiction, the difference 80576
shall be allocated between the tax imposed by this section and any 80577
tax imposed by a county or a transit authority pursuant to section 80578

5741.021, 5741.022, or 5741.023 of the Revised Code, in proportion 80579
to the respective rates of such taxes. 80580

As used in this subdivision, "taxes paid to another 80581
jurisdiction" means the total amount of retail sales or use tax or 80582
similar tax based upon the sale, purchase, or use of tangible 80583
personal property or services rendered legally, levied by and paid 80584
to another state or political subdivision thereof, or to the 80585
District of Columbia, where the payment of such tax does not 80586
entitle the taxpayer to any refund or credit for such payment. 80587

(6) The transfer of a used manufactured home or used mobile 80588
home, as defined by section 5739.0210 of the Revised Code, made on 80589
or after January 1, 2000; 80590

(7) Drugs that are or are intended to be distributed free of 80591
charge to a practitioner licensed to prescribe, dispense, and 80592
administer drugs to a human being in the course of a professional 80593
practice and that by law may be dispensed only by or upon the 80594
order of such a practitioner. 80595

(8) Computer equipment and related software leased from a 80596
lessor located outside this state and initially received in this 80597
state on behalf of the consumer by a third party that will retain 80598
possession of such property for not more than ninety days and that 80599
will, within that ninety-day period, deliver such property to the 80600
consumer at a location outside this state. Division (C)(8) of this 80601
section does not provide exemption from taxation for any otherwise 80602
taxable charges associated with such property while it is in this 80603
state or for any subsequent storage, use, or consumption of such 80604
property in this state by or on behalf of the consumer. 80605

(9) Cigarettes that have a wholesale value of three hundred 80606
dollars or less used, stored, or consumed, but not for resale, in 80607
any month. 80608

(D) The tax applies to the storage, use, or other consumption 80609

in this state of tangible personal property or services, the
acquisition of which at the time of sale was excepted under
division (E) of section 5739.01 of the Revised Code from the tax
imposed by section 5739.02 of the Revised Code, but which has
subsequently been temporarily or permanently stored, used, or
otherwise consumed in a taxable manner.

(E)(1)(a) If any transaction is claimed to be exempt under
division (E) of section 5739.01 of the Revised Code or under
section 5739.02 of the Revised Code, with the exception of
divisions (B)(1) to (11) or (28) of section 5739.02 of the Revised
Code, the consumer shall provide to the seller, and the seller
shall obtain from the consumer, a certificate specifying the
reason that the transaction is not subject to the tax. The
certificate shall be in such form, and shall be provided either in
a hard copy form or electronic form, as ~~prescribed by~~ the tax
commissioner prescribes. ~~If the transaction is claimed to be
exempt under division (B)(13) of section 5739.02 of the Revised
Code, the exemption certificate shall be provided by both the
contractor and contractee. Such contractee shall be deemed to be
the consumer of all items purchased under the claim of exemption,
if it is subsequently determined that the exemption is not
properly claimed. The certificate shall be in such form as the tax
commissioner by rule prescribes. The seller shall maintain
records, including exemption certificates, of all sales on which a
consumer has claimed an exemption, and provide them to the tax
commissioner on request.~~

+2)(b) A seller that obtains a fully completed exemption
certificate from a consumer is relieved of liability for
collecting and remitting tax on any sale covered by that
certificate. If it is determined the exemption was improperly
claimed, the consumer shall be liable for any tax due on that sale
under this chapter. Relief under this division from liability does

not apply to any of the following: 80642

(i) A seller that fraudulently fails to collect tax; 80643

(ii) A seller that solicits consumers to participate in the unlawful claim of an exemption; 80644
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(iii) A seller that accepts an exemption certificate from a consumer that claims an exemption based on who purchases or who sells property or a service, when the subject of the transaction sought to be covered by the exemption certificate is actually received by the consumer at a location operated by the seller in this state, and this state has posted to its web site an exemption certificate form that clearly and affirmatively indicates that the claimed exemption is not available in this state; 80646
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(iv) A seller that accepts an exemption certificate from a consumer who claims a multiple points of use exemption under division (B) of section 5739.033 of the Revised Code, if the item purchased is tangible personal property, other than prewritten computer software. 80654
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(2) The seller shall maintain records, including exemption certificates, of all sales on which a consumer has claimed an exemption, and provide them to the tax commissioner on request. 80659
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(3) If no certificate is provided or obtained within ~~the~~ period for filing the return for the period in ninety days after the date on which the transaction is consummated, it shall be presumed that the tax applies. ~~The failure~~ Failure to have so provided or obtained a certificate shall not preclude a seller ~~or consumer from establishing,~~ within one hundred twenty days ~~of the giving of~~ after the tax commissioner gives written notice by the commissioner of intention intent to levy an assessment, ~~that from either establishing that~~ the transaction is not subject to the tax, or obtaining, in good faith, a fully completed exemption certificate. 80662
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(4) If a transaction is claimed to be exempt under division (B)(13) of section 5739.02 of the Revised Code, the contractor shall obtain certification of the claimed exemption from the contractee. This certification shall be in addition to an exemption certificate provided by the contractor to the seller. A contractee that provides a certification under this division shall be deemed to be the consumer of all items purchased by the contractor under the claim of exemption, if it is subsequently determined that the exemption is not properly claimed. The certification shall be in such form as the tax commissioner prescribes.

(F) A seller who files a petition for reassessment contesting the assessment of tax on transactions for which the seller obtained no valid exemption certificates, and for which the seller failed to establish that the transactions were not subject to the tax during the one-hundred-twenty-day period allowed under division (E) of this section, may present to the tax commissioner additional evidence to prove that the transactions were exempt. The seller shall file such evidence within ninety days of the receipt by the seller of the notice of assessment, except that, upon application and for reasonable cause, the tax commissioner may extend the period for submitting such evidence thirty days.

(G) For the purpose of the proper administration of sections 5741.01 to 5741.22 of the Revised Code, and to prevent the evasion of the tax hereby levied, it shall be presumed that any use, storage, or other consumption of tangible personal property in this state is subject to the tax until the contrary is established.

(H) The tax collected by the seller from the consumer under this chapter is not part of the price, but is a tax collection for the benefit of the state, and of counties levying an additional use tax pursuant to section 5741.021 or 5741.023 of the Revised

Code and of transit authorities levying an additional use tax 80705
pursuant to section 5741.022 of the Revised Code. Except for the 80706
discount authorized under section 5741.12 of the Revised Code and 80707
the effects of any rounding pursuant to section 5703.055 of the 80708
Revised Code, no person other than the state or such a county or 80709
transit authority shall derive any benefit from the collection of 80710
such tax. 80711

Sec. 5741.16. ~~No~~ (A) Except as provided in division (B) or 80712
(C) of this section, no assessment shall be made or issued against 80713
a seller or consumer for any tax imposed by or pursuant to section 80714
5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code more 80715
than four years after the return date for the period in which the 80716
sale or purchase was made, or more than four years after the 80717
return for such period was filed, whichever date is later. ~~This~~ 80718

(B) A consumer who provides a fully completed exemption 80719
certificate pursuant to division (B) of section 5739.03 or 80720
division (E) of section 5741.02 of the Revised Code may be 80721
assessed any tax imposed by or pursuant to section 5741.02, 80722
5741.021, 5741.022, or 5741.023 of the Revised Code that results 80723
from denial of the claimed exemption within the later of a period 80724
allowed by division (A) of this section or one year after the date 80725
the certificate was provided. 80726

(C) This section does not bar an assessment: 80727

~~(A)~~(1) When the tax commissioner has substantial evidence of 80728
amounts of taxes collected by a seller from consumers on 80729
purchases, which were not returned to the state by direct 80730
remittance; 80731

~~(B)~~(2) When the person assessed failed to file a return as 80732
required by section 5741.12 of the Revised Code; 80733

~~(C)~~(3) When the seller or consumer and the commissioner 80734

waives <u>waive</u> in writing the time limitation.	80735
Sec. 5743.01. As used in this chapter:	80736
(A) "Person" includes individuals, firms, partnerships, associations, joint-stock companies, corporations, combinations of individuals of any form, and the state and any of its political subdivisions.	80737 80738 80739 80740
(B) "Wholesale dealer" includes only those persons:	80741
(1) Who bring in or cause to be brought into this state unstamped cigarettes purchased directly from the manufacturer, producer, or importer of cigarettes for sale in this state but does not include persons who bring in or cause to be brought into this state cigarettes with respect to which no evidence of tax payment is required thereon as provided in section 5743.04 of the Revised Code; or	80742 80743 80744 80745 80746 80747 80748
(2) Who are engaged in the business of selling cigarettes or tobacco products to others for the purpose of resale.	80749 80750
<u>"Wholesale dealer" does not include any cigarette manufacturer, export warehouse proprietor, or importer with a valid permit under 26 U.S.C. 5713 if that person sells cigarettes in this state only to wholesale dealers holding valid and current licenses under section 5743.15 of the Revised Code or to an export warehouse proprietor or another manufacturer.</u>	80751 80752 80753 80754 80755 80756
(C) "Retail dealer" includes:	80757
(1) In reference to dealers in cigarettes, every person other than a wholesale dealer engaged in the business of selling cigarettes in this state, <u>irrespective regardless of whether the person is located in this state or elsewhere, and regardless of</u> quantity, amount, or number of sales;	80758 80759 80760 80761 80762
(2) In reference to dealers in tobacco products, any person in this state engaged in the business of selling tobacco products	80763 80764

to ultimate consumers in this state, regardless of quantity, 80765
amount, or number of sales. 80766

(D) "Sale" includes exchange, barter, gift, offer for sale, 80767
and distribution, and ~~excludes~~ includes transactions in interstate 80768
or foreign commerce. 80769

(E) "Cigarettes" includes any roll for smoking made wholly or 80770
in part of tobacco, irrespective of size or shape, and whether or 80771
not such tobacco is flavored, adulterated, or mixed with any other 80772
ingredient, the wrapper or cover of which is made of paper, 80773
reconstituted cigarette tobacco, homogenized cigarette tobacco, 80774
cigarette tobacco sheet, or any similar materials other than cigar 80775
tobacco. 80776

(F) "Package" means the individual package, box, or other 80777
container in or from which retail sales of cigarettes are normally 80778
made or intended to be made. 80779

(G) "Stamp" includes an impression made by a metering device 80780
as provided for in section 5743.04 of the Revised Code. 80781

(H) "Storage" includes any keeping or retention of cigarettes 80782
or tobacco products for use or consumption in this state. 80783

(I) "Use" includes the exercise of any right or power 80784
incidental to the ownership of cigarettes or tobacco products. 80785

(J) "Tobacco product" means any product made from tobacco, 80786
other than cigarettes, that is made for smoking or chewing, or 80787
both, and snuff. 80788

(K) "Wholesale price" means the invoice price, including all 80789
federal excise taxes, at which the manufacturer of the tobacco 80790
product sells the tobacco product to unaffiliated distributors, 80791
excluding any discounts based on the method of payment of the 80792
invoice or on time of payment of the invoice. If the taxpayer buys 80793
from other than a manufacturer, "wholesale price" means the 80794

invoice price, including all federal excise taxes and excluding 80795
any discounts based on the method of payment of the invoice or on 80796
time of payment of the invoice. 80797

(L) "Distributor" means: 80798

(1) Any manufacturer who sells, barter, exchanges, or 80799
distributes tobacco products to a retail dealer in the state, 80800
except when selling to a retail dealer that has filed with the 80801
manufacturer a signed statement agreeing to pay and be liable for 80802
the tax imposed by section 5743.51 of the Revised Code; 80803

(2) Any wholesale dealer located in the state who receives 80804
tobacco products from a manufacturer, or who receives tobacco 80805
products on which the tax imposed by this chapter has not been 80806
paid; 80807

(3) Any wholesale dealer located outside the state who sells, 80808
barter, exchanges, or distributes tobacco products to a wholesale 80809
or retail dealer in the state; or 80810

(4) Any retail dealer who receives tobacco products on which 80811
the tax has not or will not be paid by another distributor, 80812
including a retail dealer that has filed a signed statement with a 80813
manufacturer in which the retail dealer agrees to pay and be 80814
liable for the tax that would otherwise be imposed on the 80815
manufacturer by section 5743.51 of the Revised Code. 80816

(M) "Taxpayer" means any person liable for the tax imposed by 80817
section 5743.51, 5743.62, or 5743.63 of the Revised Code. 80818

(N) "Seller" means any person located outside this state 80819
engaged in the business of selling tobacco products to consumers 80820
for storage, use, or other consumption in this state. 80821

(O) "Manufacturer" means any person who manufactures and 80822
sells cigarettes or tobacco products. 80823

(P) "Importer" means any person that imports is authorized, 80824

under a valid permit issued under Section 5713 of the Internal Revenue Code, to import finished cigarettes into the United States, either directly or indirectly.

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Sec. 5743.02. To provide revenues for the general revenue fund, an excise tax on sales of cigarettes is hereby levied at the rate of ~~twenty-seven and one-half~~ sixty-two and one-half mills on each cigarette.

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Only one sale of the same article shall be used in computing the amount of tax due.

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The treasurer of state shall place to the credit of the tax refund fund created by section 5703.052 of the Revised Code, out of receipts from the tax levied by this section, amounts equal to the refunds certified by the tax commissioner pursuant to section 5743.05 of the Revised Code. The balance of taxes collected under such section, after the credits to the tax refund fund, shall be paid into the general revenue fund.

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Sec. 5743.03. (A) Except as provided in section 5743.04 of the Revised Code, the taxes imposed under sections 5743.02, 5743.024, and 5743.026 of the Revised Code shall be paid by the purchase of stamps. A stamp shall be affixed to each package of an aggregate denomination not less than the amount of the tax upon the contents thereof. The stamp, so affixed, shall be prima-facie evidence of payment of the tax. ~~Except~~

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Except as is provided in the rules prescribed by the tax commissioner under authority of sections 5743.01 to 5743.20 of the Revised Code, and unless ~~such~~ tax stamps have been previously affixed, they shall be so affixed by each wholesale dealer, and canceled by writing or stamping across the face thereof the number assigned to such wholesale dealer by the tax commissioner for that purpose, prior to the delivery of any cigarettes to any person in

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this state, or in the case of a tax levied pursuant to section 80855
5743.024 or 5743.026 of the Revised Code, prior to the delivery of 80856
cigarettes to any person in the county in which the tax is levied. 80857

(B) Except as provided in the rules prescribed by the 80858
commissioner under authority of sections 5743.01 to 5743.20 of the 80859
Revised Code, ~~and unless such stamps have been previously affixed,~~ 80860
each retail dealer ~~shall,~~ within twenty-four hours after the 80861
receipt of any cigarettes at the retail dealer's place of business 80862
~~and prior to the delivery thereof, shall inspect the cigarettes to~~ 80863
ensure that tax stamps are affixed. The inspection shall be 80864
completed before the cigarettes are delivered to any person in 80865
this state, or, in the case of a tax levied pursuant to section 80866
5743.024 or 5743.026 of the Revised Code ~~prior to the delivery~~ 80867
thereof, before the cigarettes are delivered to any person in the 80868
county in which the tax is levied, ~~so affix such stamps and cancel~~ 80869
~~same by writing or stamping across the face thereof the number~~ 80870
~~assigned to such retail dealer by the commissioner for that~~ 80871
~~purpose.~~ 80872

(C) Whenever any cigarettes are found in the place of 80873
business of any retail dealer without proper tax stamps affixed 80874
thereto and canceled, it is presumed that such cigarettes are kept 80875
therein in violation of sections 5743.01 to 5743.20 of the Revised 80876
Code. 80877

(D) Each wholesale dealer ~~and each retail dealer~~ who 80878
purchases cigarettes without proper tax stamps affixed thereto 80879
shall, on or before the thirty-first day of the month following 80880
the close of each semiannual period, which period shall end on the 80881
thirtieth day of June and the thirty-first day of December of each 80882
year, make and file a return of the preceding semiannual period, 80883
on such form as is prescribed by the tax commissioner, showing the 80884
dealer's entire purchases and sales of cigarettes and stamps or 80885
impressions for such semiannual period and accurate inventories as 80886

of the beginning and end of each semiannual period of cigarettes, 80887
stamped or unstamped; cigarette tax stamps affixed or unaffixed 80888
and unused meter impressions; and such other information as the 80889
commissioner finds necessary to the proper administration of 80890
sections 5743.01 to 5743.20 of the Revised Code. The commissioner 80891
may extend the time for making and filing returns and may remit 80892
all or any part of amounts of penalties that may become due under 80893
sections 5743.01 to 5743.20 of the Revised Code. The wholesale ~~or~~ 80894
~~retail~~ dealer shall deliver the return together with a remittance 80895
of the tax deficiency reported thereon to the treasurer of state. 80896
The treasurer of state shall stamp or otherwise mark on the return 80897
the date it was received and shall also show thereon by stamp or 80898
otherwise a payment or nonpayment of the deficiency shown by the 80899
return. Thereafter, the treasurer of state shall immediately 80900
transmit all returns filed under this section to the commissioner. 80901

(E) Any wholesale ~~or retail~~ dealer who fails to file a return 80902
under this section and the rules of the commissioner, other than a 80903
report required pursuant to division (F) of this section, may be 80904
required, for each day the dealer so fails, to forfeit and pay 80905
into the state treasury the sum of one dollar as revenue arising 80906
from the tax imposed by sections 5743.01 to 5743.20 of the Revised 80907
Code and such sum may be collected by assessment in the manner 80908
provided in section 5743.081 of the Revised Code. If the 80909
commissioner finds it necessary in order to insure the payment of 80910
the tax imposed by sections 5743.01 to 5743.20 of the Revised 80911
Code, the commissioner may require returns and payments to be made 80912
other than semiannually. The returns shall be signed by the 80913
wholesale ~~or retail~~ dealer or an authorized agent thereof. 80914

(F) Each person required to file a tax return under section 80915
5743.03, 5743.52, or 5743.62 of the Revised Code shall report to 80916
the commissioner the quantity of all cigarettes and roll-your-own 80917
cigarette tobacco sold in Ohio for each brand not covered by the 80918

tobacco master settlement agreement for which the person is liable 80919
for the taxes levied under section 5743.02, 5743.51, or 5743.62 of 80920
the Revised Code. 80921

As used in this division, "tobacco master settlement 80922
agreement" has the same meaning as in section 183.01 of the 80923
Revised Code. 80924

(G) The report required by division (F) of this section shall 80925
be made on a form prescribed by the commissioner and shall be 80926
filed not later than the last day of each month for the previous 80927
month, except that if the commissioner determines that the 80928
quantity reported by a person does not warrant monthly reporting, 80929
the commissioner may authorize reporting at less frequent 80930
intervals. The commissioner may assess a penalty of not more than 80931
two hundred fifty dollars for each month or portion thereof that a 80932
person fails to timely file a required report, and such sum may be 80933
collected by assessment in the manner provided in section 5743.081 80934
of the Revised Code. All money collected under this division shall 80935
be considered as revenue arising from the taxes imposed by 80936
sections 5743.01 to 5743.20 of the Revised Code. 80937

Sec. 5743.031. (A) A wholesale dealer may affix stamps only 80938
to packages of cigarettes that the dealer received directly from a 80939
manufacturer or importer of cigarettes that possesses a valid and 80940
current license under section 5743.15 of the Revised Code, or to 80941
packages of cigarettes that the dealer received from another 80942
wholesale dealer that possesses a valid and current license under 80943
section 5743.15 of the Revised Code, provided that the tax 80944
commissioner has authorized the sale of the cigarettes between 80945
those wholesale dealers and that the wholesale dealer that sells 80946
the cigarettes received them directly from a manufacturer or 80947
importer of cigarettes that possesses a valid and current license 80948
under section 5743.15 of the Revised Code. 80949

(B) Only a wholesale dealer that possesses a valid and current license under section 5743.15 of the Revised Code may purchase or obtain tax stamps. A wholesale dealer may not sell or provide such stamps to any other wholesale dealer or any other person.

(C) Any person shipping unstamped packages of cigarettes into this state to a person other than a wholesale dealer licensed under section 5743.15 of the Revised Code shall, before such shipment, file notice of the shipment with the tax commissioner. Any person that transports unstamped packages of cigarettes into or within this state shall carry in the vehicle used to convey the shipment invoices or equivalent documentation of the shipment for all cigarettes in the shipment. The invoices or other documentation shall show the true name and address of the consignor or seller, the true name and address of the consignee or purchaser, and the quantity of the cigarettes being transported. This division does not apply to any common or contract carrier transporting cigarettes through this state to another location under a proper bill of lading or freight bill that states the quantity, source, and destination of the cigarettes.

Sec. 5743.05. All stamps provided for by section 5743.03 of the Revised Code, when procured by the tax commissioner, shall be immediately delivered to the treasurer of state, who shall execute a receipt therefor showing the number and aggregate face value of each denomination received by the treasurer of state and any other information that the commissioner requires to enforce the collection and distribution of all taxes imposed under section 5743.024 or 5743.026 of the Revised Code, and deliver the receipt to the commissioner. The treasurer of state shall sell the stamps and, on the fifth day of each month, make a report showing all sales made during the preceding month, with the names of

purchasers, the number of each denomination, the aggregate face value purchased by each, and any other information as the commissioner requires to enforce the collection and distribution of all taxes imposed under section 5743.024 of the Revised Code, and deliver it to the commissioner. The treasurer of state shall be accountable for all stamps received and unsold. The stamps shall be sold and accounted for at their face value, except the commissioner shall, by rule certified to the treasurer of state, authorize the sale of stamps and meter impressions to wholesale or retail dealers in this state, or to wholesale dealers outside this state, at a discount of not less than one and eight-tenths per cent or more than ten per cent of their face value, as a commission for affixing and canceling the stamps or meter impressions.

The commissioner, by rule certified to the treasurer of state, shall authorize the delivery of stamps and meter impressions to wholesale ~~and retail~~ dealers in this state and to wholesale dealers outside this state on credit. If such a dealer has not been in good credit standing with this state for five consecutive years preceding the purchase, the tax commissioner shall require the dealer to file with the commissioner a bond to the state in the amount and in the form prescribed by the commissioner, with surety to the satisfaction of the commissioner, conditioned on payment to the treasurer of state within thirty days for stamps or meter impressions delivered within that time. If such a dealer has been in good credit standing with this state for five consecutive years preceding the purchase, the tax commissioner shall not require that the dealer file such a bond but shall require payment for the stamps and meter impressions within thirty days after purchase of the stamps and meter impressions. Stamps and meter impressions sold to a dealer not required to file a bond shall be sold at face value. The maximum amount that may be sold on credit to a dealer not required to file

a bond shall equal one hundred ten per cent of the dealer's 81014
average monthly purchases over the preceding calendar year. The 81015
maximum amount shall be adjusted to reflect any changes in the tax 81016
rate and may be adjusted, upon application to the tax commissioner 81017
by the dealer, to reflect changes in the business operations of 81018
the dealer. The maximum amount shall be applicable to the period 81019
of July through April. Payment by a dealer not required to file a 81020
bond shall be remitted by electronic funds transfer as prescribed 81021
by section 5743.051 of the Revised Code. If a dealer not required 81022
to file a bond fails to make the payment in full within the 81023
thirty-day period, the treasurer of state shall not thereafter 81024
sell stamps or meter impressions to that dealer until the dealer 81025
pays the outstanding amount, including penalty and interest on 81026
that amount as prescribed in this chapter, and the commissioner 81027
thereafter may require the dealer to file a bond until the dealer 81028
is restored to good standing. The commissioner shall limit 81029
delivery of stamps and meter impressions on credit to the period 81030
running from the first day of July of the fiscal year until the 81031
first day of the following May. Any discount allowed as a 81032
commission for affixing and canceling stamps or meter impressions 81033
shall be allowed with respect to sales of stamps and meter 81034
impressions on credit. 81035

The treasurer of state shall redeem and pay for any 81036
destroyed, unused, or spoiled tax stamps and any unused meter 81037
impressions at their net value, and shall refund to wholesale 81038
dealers the net amount of state and county taxes paid erroneously 81039
or paid on cigarettes that have been sold in interstate or foreign 81040
commerce or that have become unsalable, and the net amount of 81041
county taxes that were paid on cigarettes that have been sold at 81042
retail or for retail sale outside a taxing county. 81043

An application for a refund of tax shall be filed with the 81044
tax commissioner, on the form prescribed by the commissioner for 81045

that purpose, within three years from the date the tax stamps are 81046
destroyed or spoiled, from the date of the erroneous payment, or 81047
from the date that cigarettes on which taxes have been paid have 81048
been sold in interstate or foreign commerce or have become 81049
unsalable. 81050

On the filing of the application, the commissioner shall 81051
determine the amount of refund to which the applicant is entitled, 81052
payable from receipts of the state tax, and, if applicable, 81053
payable from receipts of a county tax. If the amount is less than 81054
that claimed, the commissioner shall certify the amount to the 81055
director of budget and management and treasurer of state for 81056
payment from the tax refund fund created by section 5703.052 of 81057
the Revised Code. If the amount is less than that claimed, the 81058
commissioner shall proceed in accordance with section 5703.70 of 81059
the Revised Code. 81060

If a refund is granted for payment of an illegal or erroneous 81061
assessment issued by the department, the refund shall include 81062
interest on the amount of the refund from the date of the 81063
overpayment. The interest shall be computed at the rate per annum 81064
prescribed by section 5703.47 of the Revised Code. 81065

Sec. 5743.071. ~~Each wholesale dealer and each retail dealer~~ 81066
Every person shall maintain complete and accurate records of all 81067
purchases and sales of cigarettes, and shall procure and retain 81068
all invoices, bills of lading, and other documents relating to the 81069
purchases and sales of cigarettes, except that no retail dealer 81070
shall be required to issue or maintain invoices relating to ~~his~~ 81071
the retail dealer's sales of cigarettes. The invoices or documents 81072
shall be maintained for each place of business and shall show the 81073
name and address of the other party to the purchase or sale and 81074
shall show the quantity of the cigarettes so sold or purchased. 81075

The records and documents shall be open during business hours 81076

to the inspection of the tax commissioner, and shall be preserved 81077
for a period of three years, unless the commissioner, in writing, 81078
consents to their destruction within that period, or by order 81079
requires that they be kept for a longer period. With the tax 81080
commissioner's consent, a person with multiple places of business 81081
may keep centralized records but shall transmit duplicates of the 81082
invoices or documents to each place of business within seventy-two 81083
hours after the tax commissioner or the tax commissioner's 81084
designee requests access to the records. 81085

Sec. 5743.072. Each manufacturer and each importer shipping 81086
cigarettes into or within this state shall file a monthly report 81087
with the tax commissioner in accordance with rules adopted by the 81088
tax commissioner under Chapter 119. of the Revised Code. 81089

Sec. 5743.08. Whenever the tax commissioner discovers any 81090
cigarettes which are being shipped, or which have been shipped, or 81091
transported in violation of section 2927.023 of the Revised Code, 81092
or discovers cigarettes, subject to the taxes levied under section 81093
5743.02, 5743.024, or 5743.026 of the Revised Code, and upon which 81094
the taxes have not been paid or that are held for sale or 81095
distribution in violation of any other provision of this chapter, 81096
the commissioner may seize and take possession of such cigarettes, 81097
which shall thereupon be forfeited to the state, and the 81098
commissioner ~~may~~, within a reasonable time thereafter sell or 81099
destroy the forfeited cigarettes. ~~From the proceeds of the sale,~~ 81100
~~the tax commissioner shall pay the costs incurred in such~~ 81101
~~proceedings, and any proceeds remaining after the costs are paid~~ 81102
~~shall be considered as revenue arising from the tax; provided that~~ 81103
~~the seizure and sale shall not be deemed to~~ If the commissioner 81104
sells cigarettes under this section, the commissioner shall use 81105
proceeds from the sale to pay the costs incurred in the 81106
proceedings. Any proceeds remaining after all costs have been paid 81107

shall be considered revenue arising from the taxes levied under 81108
this chapter. Seizure and sale shall not be deemed to relieve any 81109
person from the fine or imprisonment provided for violation of 81110
sections 5743.01 to 5743.20 of the Revised Code. ~~The~~ A sale shall 81111
be made where it is most convenient and economical. The tax 81112
commissioner may order the destruction of the forfeited cigarettes 81113
if the quantity or quality of the cigarettes is not sufficient to 81114
warrant their sale. 81115

Sec. 5743.10. No ~~retail dealer~~ person shall have in ~~his~~ the 81116
person's possession ~~packages~~ packs of cigarettes not bearing the 81117
stamps required to be affixed thereto as required by Chapter 5743. 81118
of the Revised Code. 81119

Sec. 5743.111. No person shall possess ~~packages~~ packs of 81120
cigarettes not bearing the stamps required by Chapter 5743. of the 81121
Revised Code, or bearing stamps that have been affixed in 81122
violation of section 5743.21 of the Revised Code, when the 81123
~~wholesale value~~ total number of the cigarettes exceeds ~~sixty~~ 81124
~~dollars~~ one thousand two hundred. 81125

Sec. 5743.112. (A) No person shall prepare for shipment, 81126
ship, transport, deliver, prepare for distribution, or distribute 81127
cigarettes, or otherwise engage or participate in the wholesale or 81128
retail business of trafficking in cigarettes, with the intent to 81129
avoid payment of the tax imposed by this chapter, when the 81130
~~wholesale value~~ total number of ~~such~~ cigarettes in the aggregate 81131
exceeds ~~sixty dollars~~ one thousand two hundred during any 81132
twelve-month period. 81133

(B) Any vending machine containing cigarettes which do not 81134
have affixed the stamps or impressions provided for by sections 81135
5743.03 and 5743.04 of the Revised Code shall be seized and 81136
forfeited to the state in accordance with section 2933.43 of the 81137

Revised Code. Forfeiture shall not affect the rights of a holder
of a valid lien. 81138
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(C) A vehicle that is seized as contraband under section 81140
2933.43 of the Revised Code because of its use in violation of 81141
this chapter is subject to the procedures set forth in section 81142
2933.43 of the Revised Code. 81143

Sec. 5743.14. (A) The tax commissioner ~~may inspect any place~~ 81144
~~where cigarettes subject to the tax levied under section 5743.02,~~ 81145
~~5743.024, or 5743.026 of the Revised Code are sold or stored.~~ 81146

~~(B) or an agent of the tax commissioner may enter and inspect~~ 81147
~~the facilities and records of a person selling cigarettes or other~~ 81148
~~tobacco products. Such entrance and inspection requires a properly~~ 81149
~~issued search warrant if conducted outside the normal business~~ 81150
~~hours of the person, but does not require a search warrant if~~ 81151
~~conducted during the normal business hours of the person. No~~ 81152
person shall prevent or hinder the tax commissioner or an agent of 81153
the tax commissioner from ~~making a full inspection of any place~~ 81154
~~where cigarettes subject to the tax levied under section 5743.02,~~ 81155
~~5743.024, or 5743.026 of the Revised Code are sold or stored, or~~ 81156
~~prevent or hinder the full inspection of invoices, books, records,~~ 81157
~~or papers required to be kept by sections 5743.01 to 5743.20 of~~ 81158
~~the Revised Code~~ carrying out the authority granted under this 81159
division. 81160

(B) If a peace officer as defined in section 2935.01 of the 81161
Revised Code knows or has reasonable cause to believe that a motor 81162
vehicle is transporting cigarettes or other tobacco products in 81163
violation of this chapter or section 2927.023 of the Revised Code, 81164
the peace officer may stop the vehicle and inspect the vehicle to 81165
determine the presence of such cigarettes or other tobacco 81166
products. 81167

Sec. 5743.15. (A) No person shall engage in this state in the 81168
wholesale or retail business of trafficking in cigarettes ~~within~~ 81169
~~this state~~ or in the business of a manufacturer or importer of 81170
cigarettes without having a license to ~~do so~~ conduct each such 81171
activity issued by a county auditor under division (B) of this 81172
section or the tax commissioner under division (E) of this 81173
section, except that on dissolution of a partnership by death, the 81174
surviving partner may operate under the license of the partnership 81175
until expiration of the license, and the heirs or legal 81176
representatives of deceased persons, and receivers and trustees in 81177
bankruptcy appointed by any competent authority, may operate under 81178
the license of the person succeeded in possession by such heir, 81179
representative, receiver, or trustee in bankruptcy. 81180

(B) Each applicant for a license to engage in the wholesale 81181
or retail business of trafficking in cigarettes under this 81182
section, annually, on or before the fourth Monday of May, shall 81183
make and deliver to the county auditor of the county in which ~~he~~ 81184
the applicant desires to engage in the wholesale or retail 81185
business of trafficking in cigarettes, upon a blank furnished by 81186
such auditor for that purpose, a statement showing the name of the 81187
applicant, each place in the county where the applicant's business 81188
is conducted, the nature of the business, and any other 81189
information the tax commissioner requires in the form of statement 81190
prescribed by ~~him~~ the commissioner. If the applicant is a firm, 81191
partnership, or association other than a corporation, the 81192
application shall state the name and address of each of its 81193
members. If the applicant is a corporation, the application shall 81194
state the name and address of each of its officers. At the time of 81195
making the application required by this section, every person 81196
desiring to engage in the wholesale business of trafficking in 81197
cigarettes shall pay into the county treasury a license tax in the 81198
sum of two hundred dollars, or if desiring to engage in the retail 81199

business of trafficking in cigarettes, a license tax in the sum of 81200
thirty dollars for each of the first five places where ~~he~~ the 81201
person proposes to carry on such business and twenty-five dollars 81202
for each additional place. Each place of business shall be deemed 81203
such space, under lease or license to, or under the control of, or 81204
under the supervision of the applicant, as is contained in one or 81205
more contiguous, adjacent, or adjoining buildings constituting an 81206
industrial plant or a place of business operated by, or under the 81207
control of, one person, or under one roof and connected by doors, 81208
halls, stairways, or elevators, which space may contain any number 81209
of points at which cigarettes are offered for sale, provided that 81210
each additional point at which cigarettes are offered for sale 81211
shall be listed in the application. 81212

Upon receipt of the application ~~required by this section~~ and 81213
exhibition of the county treasurer's receipt showing the payment 81214
of the tax, the county auditor shall issue to the applicant a 81215
license for each place of business designated in the application, 81216
authorizing the applicant to engage in such business at such place 81217
for one year commencing on the fourth Monday of May. Companies 81218
operating club or dining cars or other cars upon which cigarettes 81219
are sold shall obtain licenses at railroad terminals within the 81220
state, under such rules as are prescribed by the commissioner. The 81221
form of the license shall be prescribed by the commissioner. A 81222
duplicate license may be obtained from the county auditor upon 81223
payment of a fifty cent fee if the original license is lost, 81224
destroyed, or defaced. When an application is filed after the 81225
fourth Monday of May, the license tax required to be paid shall be 81226
proportioned in amount to the remainder of the license year, 81227
except that it shall not be less than one fifth of the whole 81228
amount in any one year. 81229

The holder of a wholesale or retail dealer's cigarette 81230
license may transfer the license to a place of business within the 81231

same county other than that designated on the license or may
assign the license to another person for use in the same county on
condition that the licensee or assignee, whichever is applicable,
make application to the county auditor therefor, upon forms
approved by the commissioner and the payment of a fee of one
dollar into the county treasury.

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~~(B)~~(C)(1) The wholesale cigarette license tax revenue
collected under this section shall be distributed as follows:

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(a) Thirty-seven and one-half per cent shall be paid upon the
warrant of the county auditor into the treasury of the municipal
corporation or township in which the place of business for which
the tax revenue was received is located;

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(b) Fifteen per cent shall be credited to the general fund of
the county;

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(c) Forty-seven and one-half per cent shall be paid into the
cigarette tax enforcement fund created by division (C) of this
section.

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(2) The revenue collected from the thirty dollar tax imposed
upon the first five places of business of a person engaged in the
retail business of trafficking in cigarettes shall be distributed
as follows:

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(a) Sixty-two and one-half per cent shall be paid upon the
warrant of the county auditor into the treasury of the municipal
corporation or township in which the places of business for which
the tax revenue was received are located;

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(b) Twenty-two and one-half per cent shall be credited to the
general fund of the county;

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(c) Fifteen per cent shall be paid into the cigarette tax
enforcement fund created by division (C) of this section.

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(3) The remainder of the revenues and fines collected under

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this section and the penal laws relating to cigarettes shall be 81262
distributed as follows: 81263

(a) Three-fourths shall be paid upon the warrant of the 81264
county auditor into the treasury of the municipal corporation or 81265
township in which the place of business, on account of which the 81266
revenues and fines were received, is located; 81267

(b) One-fourth shall be credited to the general fund of the 81268
county. 81269

~~(C)~~(D) There is hereby created within the state treasury the 81270
cigarette tax enforcement fund for the purpose of providing funds 81271
to assist in paying the costs of enforcing sections 1333.11 to 81272
1333.21 and Chapter 5743. of the Revised Code. 81273

The portion of cigarette license tax revenues received by a 81274
county auditor during the annual application period that ends 81275
before the fourth Monday in May which is required to be deposited 81276
in the cigarette tax enforcement fund shall be sent to the 81277
treasurer of state by the thirtieth day of June each year. The 81278
portion of license tax money received by each county auditor after 81279
the fourth Monday in May which is required to be deposited in the 81280
cigarette tax enforcement fund shall be sent to the treasurer of 81281
state by the thirty-first day of December. 81282

(E)(1) Every person who desires to engage in the business of 81283
a manufacturer or importer of cigarettes shall, annually, on or 81284
before the fourth Monday of May, make and deliver to the tax 81285
commissioner, upon a blank furnished by the commissioner for that 81286
purpose, a statement showing the name of the applicant, the nature 81287
of the applicant's business, and any other information required by 81288
the commissioner. If the applicant is a firm, partnership, or 81289
association other than a corporation, the applicant shall state 81290
the name and address of each of its members. If the applicant is a 81291
corporation, the applicant shall state the name and address of 81292

each of its officers.

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Upon receipt of the application, the commissioner shall issue to the applicant a license authorizing the applicant to engage in the business of manufacturer or importer, whichever the case may be, for one year commencing on the fourth Monday of May.

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(2) The issuing of a license under division (E) of this section to a manufacturer does not excuse a manufacturer from the certification process required under section 1346.05 of the Revised Code. A license issued under division (E) of this section to a manufacturer who is not listed on the directory required under section 1346.05 of the Revised Code shall cease to be valid and shall be revoked by the commissioner as provided in section 5743.18 of the Revised Code.

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(3) The tax commissioner may adopt rules necessary to administer division (E) of this section.

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Sec. 5743.16. On or before the first Monday of June, annually, each county auditor shall certify to the tax commissioner a list showing the names of all persons licensed in ~~his~~ the auditor's county to engage in the business of trafficking in cigarettes, and such other information as to each, available from the records in the office of the auditor, as the commissioner prescribes. As such licenses are issued during the year, the auditor shall certify like lists and additions thereto to the commissioner. The commissioner shall keep an alphabetical index of such licenses certified to ~~him~~ the commissioner, and shall update the index of valid license holders on a regular basis.

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Sec. 5743.18. Upon notice and hearing in accordance with sections 119.01 to 119.13 of the Revised Code, the tax commissioner may revoke any manufacturer, importer, wholesale, or retail cigarette license for violation of sections 5743.01 to

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5743.21 of the Revised Code. A In the case of a wholesale or 81323
retail cigarette license, a certified copy of the order revoking 81324
such license shall be transmitted to the county auditor of the 81325
county in which the license was issued. In the case of a license 81326
issued to a manufacturer, the commissioner shall immediately 81327
revoke any such license upon the manufacturer's removal from the 81328
directory under section 1346.05 of the Revised Code. 81329

Sec. 5743.19. No person shall engage in business as a 81330
manufacturer or importer, or in the wholesale or retail business 81331
of trafficking in cigarettes, without having a license therefor, 81332
as required by section 5743.15 of the Revised Code. 81333

Sec. 5743.20. No person shall sell any cigarettes both as a 81334
retail dealer and as a wholesale dealer at the same place of 81335
business. ~~No wholesale dealer shall sell cigarettes to any person~~ 81336
~~in this state other than to a licensed retail dealer; and no~~ No 81337
person other than a licensed wholesale dealer shall sell 81338
cigarettes to a licensed retail dealer. No retail dealer shall 81339
purchase cigarettes from any person other than a licensed 81340
wholesale dealer. 81341

Subject to section 5743.031 of the Revised Code, a licensed 81342
wholesale dealer may not sell cigarettes to any person in this 81343
state other than a licensed retail dealer, except a licensed 81344
wholesale dealer may sell cigarettes to another licensed wholesale 81345
dealer if the tax commissioner has authorized the sale of the 81346
cigarettes between those wholesale dealers and the wholesale 81347
dealer that sells the cigarettes received them directly from a 81348
licensed manufacturer or licensed importer. 81349

The tax commissioner shall adopt rules governing sales of 81350
cigarettes between licensed wholesale dealers, including rules 81351
establishing criteria for authorizing such sales. 81352

No manufacturer or importer shall sell cigarettes to any person in this state other than to a licensed wholesale dealer or licensed importer. No importer shall purchase cigarettes from any person other than a licensed manufacturer or licensed importer. 81353
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A retail dealer may purchase tobacco products only from a licensed distributor. A licensed distributor may sell tobacco products only to a retail dealer, except a licensed distributor may sell tobacco products to another licensed distributor if the tax commissioner has authorized the sale of the tobacco products between those distributors and the distributor that sells the tobacco products received them directly from a manufacturer or importer of tobacco products 81357
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The tax commissioner may adopt rules governing sales of tobacco products between licensed distributors, including rules establishing criteria for authorizing such sales. 81365
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The identities of licensed distributors are subject to public disclosure. The tax commissioner shall maintain an alphabetical list of all such distributors, shall post the list on a web site accessible to the public through the internet, and shall periodically update the web site posting. 81368
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As used in this section, "licensed" means the manufacturer, importer, wholesale dealer, retail dealer, or distributor holds a current and valid license issued under section 5743.15 or 5743.61 of the Revised Code. 81373
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Sec. 5743.32. To provide revenue for the general revenue fund of the state, an excise tax is hereby levied on the use, consumption, or storage for consumption of cigarettes by consumers in this state at the rate of ~~twenty seven and one half~~ sixty-two and one-half mills on each cigarette. The tax shall not apply if the tax levied by section 5743.02 of the Revised Code has been 81377
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paid. 81383

The money received into the state treasury from the excise 81384
tax levied by this section shall be credited to the general 81385
revenue fund. 81386

Sec. 5743.33. ~~Every~~ Except as provided in section 5747.331 of 81387
the Revised Code, every person who has acquired cigarettes for 81388
use, storage, or other consumption subject to the tax levied under 81389
section 5743.32, 5743.323, or 5743.324 of the Revised Code, shall, 81390
on or before the fifteenth day of the month following receipt of 81391
such cigarettes, file with the tax commissioner a return showing 81392
the amount of cigarettes acquired, together with remittance of the 81393
tax thereon. No such person shall transport within this state, 81394
cigarettes that have a wholesale value in excess of ~~sixty~~ three 81395
hundred dollars, unless that person has obtained consent to 81396
transport the cigarettes from the department of taxation prior to 81397
such transportation. Such consent shall not be required if the 81398
applicable taxes levied under sections 5743.02, 5743.024, and 81399
5743.026 of the Revised Code have been paid. Application for the 81400
consent shall be in the form prescribed by the tax commissioner. 81401

Every person transporting such cigarettes shall possess the 81402
consent while transporting or possessing the cigarettes within 81403
this state and shall produce the consent upon request of any law 81404
enforcement officer or authorized agent of the tax commissioner. 81405

Any person transporting such cigarettes without the consent 81406
required by this section, shall be subject to the provisions of 81407
this chapter, including the applicable taxes imposed by sections 81408
5743.02, 5743.024, and 5743.026 of the Revised Code. 81409

Sec. 5743.331. Notwithstanding any other section in this 81410
chapter to the contrary, a person may use, store, or consume 81411
cigarettes with a wholesale value of not more than three hundred 81412

dollars in any month and not for resale without incurring 81413
liability for any tax levied under this chapter, and is not 81414
required to file any return that otherwise would be required under 81415
this chapter. 81416

Sec. 5743.71. If a person seeks to obtain cigarettes that are 81417
legal for sale in this state under section 1346.05 of the Revised 81418
Code, and such cigarettes are not reasonably available to that 81419
person at a retail location in this state, the person may apply to 81420
the tax commissioner for consent for consumer shipment. The 81421
consent for consumer shipment must be obtained prior to the 81422
purchase of the cigarettes. 81423

The consent for consumer shipment shall be filed with the 81424
commissioner on a form prescribed by the commissioner showing 81425
purchase of the cigarettes as consented to, and shall be 81426
accompanied by the purchaser's proof of age and any other 81427
information required by the commissioner. 81428

Sec. 5747.01. Except as otherwise expressly provided or 81429
clearly appearing from the context, any term used in this chapter 81430
that is not otherwise defined in this section has the same meaning 81431
as when used in a comparable context in the laws of the United 81432
States relating to federal income taxes or if not used in a 81433
comparable context in those laws, has the same meaning as in 81434
section 5733.40 of the Revised Code. Any reference in this chapter 81435
to the Internal Revenue Code includes other laws of the United 81436
States relating to federal income taxes. 81437

As used in this chapter: 81438

(A) "Adjusted gross income" or "Ohio adjusted gross income" 81439
means federal adjusted gross income, as defined and used in the 81440
Internal Revenue Code, adjusted as provided in this section: 81441

(1) Add interest or dividends on obligations or securities of 81442

any state or of any political subdivision or authority of any 81443
state, other than this state and its subdivisions and authorities. 81444

(2) Add interest or dividends on obligations of any 81445
authority, commission, instrumentality, territory, or possession 81446
of the United States to the extent that the interest or dividends 81447
are exempt from federal income taxes but not from state income 81448
taxes. 81449

(3) Deduct interest or dividends on obligations of the United 81450
States and its territories and possessions or of any authority, 81451
commission, or instrumentality of the United States to the extent 81452
that the interest or dividends are included in federal adjusted 81453
gross income but exempt from state income taxes under the laws of 81454
the United States. 81455

(4) Deduct disability and survivor's benefits to the extent 81456
included in federal adjusted gross income. 81457

(5) Deduct benefits under Title II of the Social Security Act 81458
and tier 1 railroad retirement benefits to the extent included in 81459
federal adjusted gross income under section 86 of the Internal 81460
Revenue Code. 81461

(6) In the case of a taxpayer who is a beneficiary of a trust 81462
that makes an accumulation distribution as defined in section 665 81463
of the Internal Revenue Code, add, for the beneficiary's taxable 81464
years beginning before 2002 ~~or after 2004~~, the portion, if any, of 81465
such distribution that does not exceed the undistributed net 81466
income of the trust for the three taxable years preceding the 81467
taxable year in which the distribution is made to the extent that 81468
the portion was not included in the trust's taxable income for any 81469
of the trust's taxable years beginning in 2002, ~~2003~~, or 2004 81470
thereafter. "Undistributed net income of a trust" means the 81471
taxable income of the trust increased by (a)(i) the additions to 81472
adjusted gross income required under division (A) of this section 81473

and (ii) the personal exemptions allowed to the trust pursuant to 81474
section 642(b) of the Internal Revenue Code, and decreased by 81475
(b)(i) the deductions to adjusted gross income required under 81476
division (A) of this section, (ii) the amount of federal income 81477
taxes attributable to such income, and (iii) the amount of taxable 81478
income that has been included in the adjusted gross income of a 81479
beneficiary by reason of a prior accumulation distribution. Any 81480
undistributed net income included in the adjusted gross income of 81481
a beneficiary shall reduce the undistributed net income of the 81482
trust commencing with the earliest years of the accumulation 81483
period. 81484

(7) Deduct the amount of wages and salaries, if any, not 81485
otherwise allowable as a deduction but that would have been 81486
allowable as a deduction in computing federal adjusted gross 81487
income for the taxable year, had the targeted jobs credit allowed 81488
and determined under sections 38, 51, and 52 of the Internal 81489
Revenue Code not been in effect. 81490

(8) Deduct any interest or interest equivalent on public 81491
obligations and purchase obligations to the extent that the 81492
interest or interest equivalent is included in federal adjusted 81493
gross income. 81494

(9) Add any loss or deduct any gain resulting from the sale, 81495
exchange, or other disposition of public obligations to the extent 81496
that the loss has been deducted or the gain has been included in 81497
computing federal adjusted gross income. 81498

(10) Deduct or add amounts, as provided under section 5747.70 81499
of the Revised Code, related to contributions to variable college 81500
savings program accounts made or tuition ~~credits~~ units purchased 81501
pursuant to Chapter 3334. of the Revised Code. 81502

(11)(a) Deduct, to the extent not otherwise allowable as a 81503
deduction or exclusion in computing federal or Ohio adjusted gross 81504

income for the taxable year, the amount the taxpayer paid during 81505
the taxable year for medical care insurance and qualified 81506
long-term care insurance for the taxpayer, the taxpayer's spouse, 81507
and dependents. No deduction for medical care insurance under 81508
division (A)(11) of this section shall be allowed either to any 81509
taxpayer who is eligible to participate in any subsidized health 81510
plan maintained by any employer of the taxpayer or of the 81511
taxpayer's spouse, or to any taxpayer who is entitled to, or on 81512
application would be entitled to, benefits under part A of Title 81513
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 81514
301, as amended. For the purposes of division (A)(11)(a) of this 81515
section, "subsidized health plan" means a health plan for which 81516
the employer pays any portion of the plan's cost. The deduction 81517
allowed under division (A)(11)(a) of this section shall be the net 81518
of any related premium refunds, related premium reimbursements, or 81519
related insurance premium dividends received during the taxable 81520
year. 81521

(b) Deduct, to the extent not otherwise deducted or excluded 81522
in computing federal or Ohio adjusted gross income during the 81523
taxable year, the amount the taxpayer paid during the taxable 81524
year, not compensated for by any insurance or otherwise, for 81525
medical care of the taxpayer, the taxpayer's spouse, and 81526
dependents, to the extent the expenses exceed seven and one-half 81527
per cent of the taxpayer's federal adjusted gross income. 81528

(c) For purposes of division (A)(11) of this section, 81529
"medical care" has the meaning given in section 213 of the 81530
Internal Revenue Code, subject to the special rules, limitations, 81531
and exclusions set forth therein, and "qualified long-term care" 81532
has the same meaning given in section 7702(B)(b) of the Internal 81533
Revenue Code. 81534

(12)(a) Deduct any amount included in federal adjusted gross 81535
income solely because the amount represents a reimbursement or 81536

refund of expenses that in any year the taxpayer had deducted as 81537
an itemized deduction pursuant to section 63 of the Internal 81538
Revenue Code and applicable United States department of the 81539
treasury regulations. The deduction otherwise allowed under 81540
division (A)(12)(a) of this section shall be reduced to the extent 81541
the reimbursement is attributable to an amount the taxpayer 81542
deducted under this section in any taxable year. 81543

(b) Add any amount not otherwise included in Ohio adjusted 81544
gross income for any taxable year to the extent that the amount is 81545
attributable to the recovery during the taxable year of any amount 81546
deducted or excluded in computing federal or Ohio adjusted gross 81547
income in any taxable year. 81548

(13) Deduct any portion of the deduction described in section 81549
1341(a)(2) of the Internal Revenue Code, for repaying previously 81550
reported income received under a claim of right, that meets both 81551
of the following requirements: 81552

(a) It is allowable for repayment of an item that was 81553
included in the taxpayer's adjusted gross income for a prior 81554
taxable year and did not qualify for a credit under division (A) 81555
or (B) of section 5747.05 of the Revised Code for that year; 81556

(b) It does not otherwise reduce the taxpayer's adjusted 81557
gross income for the current or any other taxable year. 81558

(14) Deduct an amount equal to the deposits made to, and net 81559
investment earnings of, a medical savings account during the 81560
taxable year, in accordance with section 3924.66 of the Revised 81561
Code. The deduction allowed by division (A)(14) of this section 81562
does not apply to medical savings account deposits and earnings 81563
otherwise deducted or excluded for the current or any other 81564
taxable year from the taxpayer's federal adjusted gross income. 81565

(15)(a) Add an amount equal to the funds withdrawn from a 81566
medical savings account during the taxable year, and the net 81567

investment earnings on those funds, when the funds withdrawn were 81568
used for any purpose other than to reimburse an account holder 81569
for, or to pay, eligible medical expenses, in accordance with 81570
section 3924.66 of the Revised Code; 81571

(b) Add the amounts distributed from a medical savings 81572
account under division (A)(2) of section 3924.68 of the Revised 81573
Code during the taxable year. 81574

(16) Add any amount claimed as a credit under section 81575
5747.059 of the Revised Code to the extent that such amount 81576
satisfies either of the following: 81577

(a) The amount was deducted or excluded from the computation 81578
of the taxpayer's federal adjusted gross income as required to be 81579
reported for the taxpayer's taxable year under the Internal 81580
Revenue Code; 81581

(b) The amount resulted in a reduction of the taxpayer's 81582
federal adjusted gross income as required to be reported for any 81583
of the taxpayer's taxable years under the Internal Revenue Code. 81584

(17) Deduct the amount contributed by the taxpayer to an 81585
individual development account program established by a county 81586
department of job and family services pursuant to sections 329.11 81587
to 329.14 of the Revised Code for the purpose of matching funds 81588
deposited by program participants. On request of the tax 81589
commissioner, the taxpayer shall provide any information that, in 81590
the tax commissioner's opinion, is necessary to establish the 81591
amount deducted under division (A)(17) of this section. 81592

(18) Beginning in taxable year 2001 but not for any taxable 81593
year beginning after December 31, 2005, if the taxpayer is married 81594
and files a joint return and the combined federal adjusted gross 81595
income of the taxpayer and the taxpayer's spouse for the taxable 81596
year does not exceed one hundred thousand dollars, or if the 81597
taxpayer is single and has a federal adjusted gross income for the 81598

taxable year not exceeding fifty thousand dollars, deduct amounts 81599
paid during the taxable year for qualified tuition and fees paid 81600
to an eligible institution for the taxpayer, the taxpayer's 81601
spouse, or any dependent of the taxpayer, who is a resident of 81602
this state and is enrolled in or attending a program that 81603
culminates in a degree or diploma at an eligible institution. The 81604
deduction may be claimed only to the extent that qualified tuition 81605
and fees are not otherwise deducted or excluded for any taxable 81606
year from federal or Ohio adjusted gross income. The deduction may 81607
not be claimed for educational expenses for which the taxpayer 81608
claims a credit under section 5747.27 of the Revised Code. 81609

(19) Add any reimbursement received during the taxable year 81610
of any amount the taxpayer deducted under division (A)(18) of this 81611
section in any previous taxable year to the extent the amount is 81612
not otherwise included in Ohio adjusted gross income. 81613

(20)(a)(i) Add five-sixths of the amount of depreciation 81614
expense allowed by subsection (k) of section 168 of the Internal 81615
Revenue Code, including the taxpayer's proportionate or 81616
distributive share of the amount of depreciation expense allowed 81617
by that subsection to a pass-through entity in which the taxpayer 81618
has a direct or indirect ownership interest. 81619

(ii) Add five-sixths of the amount of qualifying section 179 81620
depreciation expense, including a person's proportionate or 81621
distributive share of the amount of qualifying section 179 81622
depreciation expense allowed to any pass-through entity in which 81623
the person has a direct or indirect ownership. For the purposes of 81624
this division, "qualifying section 179 depreciation expense" means 81625
the difference between (I) the amount of depreciation expense 81626
directly or indirectly allowed to the taxpayer under section 179 81627
of the Internal Revenue Code, and (II) the amount of depreciation 81628
expense directly or indirectly allowed to the taxpayer under 81629
section 179 of the Internal Revenue Code as that section existed 81630

on December 31, 2002. 81631

The tax commissioner, under procedures established by the 81632
commissioner, may waive the add-backs related to a pass-through 81633
entity if the taxpayer owns, directly or indirectly, less than 81634
five per cent of the pass-through entity. 81635

(b) Nothing in division (A)(20) of this section shall be 81636
construed to adjust or modify the adjusted basis of any asset. 81637

(c) To the extent the add-back required under division 81638
(A)(20)(a) of this section is attributable to property generating 81639
nonbusiness income or loss allocated under section 5747.20 of the 81640
Revised Code, the add-back shall be situated to the same location 81641
as the nonbusiness income or loss generated by the property for 81642
the purpose of determining the credit under division (A) of 81643
section 5747.05 of the Revised Code. Otherwise, the add-back shall 81644
be apportioned, subject to one or more of the four alternative 81645
methods of apportionment enumerated in section 5747.21 of the 81646
Revised Code. 81647

(d) For the purposes of division (A) of this section, net 81648
operating loss carryback and carryforward shall not include 81649
five-sixths of the allowance of any net operating loss deduction 81650
carryback or carryforward to the taxable year to the extent such 81651
loss resulted from depreciation allowed by section 168(k) of the 81652
Internal Revenue Code and by the qualifying section 179 81653
depreciation expense amount. 81654

(21)(a) If the taxpayer was required to add an amount under 81655
division (A)(20)(a) of this section for a taxable year, deduct 81656
one-fifth of the amount so added for each of the five succeeding 81657
taxable years. 81658

(b) If the amount deducted under division (A)(21)(a) of this 81659
section is attributable to an add-back allocated under division 81660
(A)(20)(c) of this section, the amount deducted shall be situated 81661

to the same location. Otherwise, the add-back shall be apportioned 81662
using the apportionment factors for the taxable year in which the 81663
deduction is taken, subject to one or more of the four alternative 81664
methods of apportionment enumerated in section 5747.21 of the 81665
Revised Code. 81666

(c) No deduction is available under division (A)(21)(a) of 81667
this section with regard to any depreciation allowed by section 81668
168(k) of the Internal Revenue Code and by the qualifying section 81669
179 depreciation expense amount to the extent that such 81670
depreciation resulted in or increased a federal net operating loss 81671
carryback or carryforward to a taxable year to which division 81672
(A)(20)(d) of this section does not apply. 81673

(B) "Business income" means income, including gain or loss, 81674
arising from transactions, activities, and sources in the regular 81675
course of a trade or business and includes income, gain, or loss 81676
from real property, tangible property, and intangible property if 81677
the acquisition, rental, management, and disposition of the 81678
property constitute integral parts of the regular course of a 81679
trade or business operation. "Business income" includes income, 81680
including gain or loss, from a partial or complete liquidation of 81681
a business, including, but not limited to, gain or loss from the 81682
sale or other disposition of goodwill. 81683

(C) "Nonbusiness income" means all income other than business 81684
income and may include, but is not limited to, compensation, rents 81685
and royalties from real or tangible personal property, capital 81686
gains, interest, dividends and distributions, patent or copyright 81687
royalties, or lottery winnings, prizes, and awards. 81688

(D) "Compensation" means any form of remuneration paid to an 81689
employee for personal services. 81690

(E) "Fiduciary" means a guardian, trustee, executor, 81691
administrator, receiver, conservator, or any other person acting 81692

in any fiduciary capacity for any individual, trust, or estate. 81693

(F) "Fiscal year" means an accounting period of twelve months 81694
ending on the last day of any month other than December. 81695

(G) "Individual" means any natural person. 81696

(H) "Internal Revenue Code" means the "Internal Revenue Code 81697
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 81698

(I) "Resident" means any of the following, provided that 81699
division (I)(3) of this section applies only to taxable years of a 81700
trust beginning in 2002,~~2003~~, or 2004 thereafter: 81701

(1) An individual who is domiciled in this state, subject to 81702
section 5747.24 of the Revised Code; 81703

(2) The estate of a decedent who at the time of death was 81704
domiciled in this state. The domicile tests of section 5747.24 of 81705
the Revised Code and any election under section 5747.25 of the 81706
Revised Code are not controlling for purposes of division (I)(2) 81707
of this section. 81708

(3) A trust that, in whole or part, resides in this state. If 81709
only part of a trust resides in this state, the trust is a 81710
resident only with respect to that part. 81711

For the purposes of division (I)(3) of this section: 81712

(a) A trust resides in this state for the trust's current 81713
taxable year to the extent, as described in division (I)(3)(d) of 81714
this section, that the trust consists directly or indirectly, in 81715
whole or in part, of assets, net of any related liabilities, that 81716
were transferred, or caused to be transferred, directly or 81717
indirectly, to the trust by any of the following: 81718

(i) A person, a court, or a governmental entity or 81719
instrumentality on account of the death of a decedent, but only if 81720
the trust is described in division (I)(3)(e)(i) or (ii) of this 81721
section; 81722

(ii) A person who was domiciled in this state for the 81723
purposes of this chapter when the person directly or indirectly 81724
transferred assets to an irrevocable trust, but only if at least 81725
one of the trust's qualifying beneficiaries is domiciled in this 81726
state for the purposes of this chapter during all or some portion 81727
of the trust's current taxable year; 81728

(iii) A person who was domiciled in this state for the 81729
purposes of this chapter when the trust document or instrument or 81730
part of the trust document or instrument became irrevocable, but 81731
only if at least one of the trust's qualifying beneficiaries is a 81732
resident domiciled in this state for the purposes of this chapter 81733
during all or some portion of the trust's current taxable year. If 81734
a trust document or instrument became irrevocable upon the death 81735
of a person who at the time of death was domiciled in this state 81736
for purposes of this chapter, that person is a person described in 81737
division (I)(3)(a)(iii) of this section. 81738

(b) A trust is irrevocable to the extent that the transferor 81739
is not considered to be the owner of the net assets of the trust 81740
under sections 671 to 678 of the Internal Revenue Code. 81741

(c) With respect to a trust other than a charitable lead 81742
trust, "qualifying beneficiary" has the same meaning as "potential 81743
current beneficiary" as defined in section 1361(e)(2) of the 81744
Internal Revenue Code, and with respect to a charitable lead trust 81745
"qualifying beneficiary" is any current, future, or contingent 81746
beneficiary, but with respect to any trust "qualifying 81747
beneficiary" excludes a person or a governmental entity or 81748
instrumentality to any of which a contribution would qualify for 81749
the charitable deduction under section 170 of the Internal Revenue 81750
Code. 81751

(d) For the purposes of division (I)(3)(a) of this section, 81752
the extent to which a trust consists directly or indirectly, in 81753

whole or in part, of assets, net of any related liabilities, that
were transferred directly or indirectly, in whole or part, to the
trust by any of the sources enumerated in that division shall be
ascertained by multiplying the fair market value of the trust's
assets, net of related liabilities, by the qualifying ratio, which
shall be computed as follows:

(i) The first time the trust receives assets, the numerator
of the qualifying ratio is the fair market value of those assets
at that time, net of any related liabilities, from sources
enumerated in division (I)(3)(a) of this section. The denominator
of the qualifying ratio is the fair market value of all the
trust's assets at that time, net of any related liabilities.

(ii) Each subsequent time the trust receives assets, a
revised qualifying ratio shall be computed. The numerator of the
revised qualifying ratio is the sum of (1) the fair market value
of the trust's assets immediately prior to the subsequent
transfer, net of any related liabilities, multiplied by the
qualifying ratio last computed without regard to the subsequent
transfer, and (2) the fair market value of the subsequently
transferred assets at the time transferred, net of any related
liabilities, from sources enumerated in division (I)(3)(a) of this
section. The denominator of the revised qualifying ratio is the
fair market value of all the trust's assets immediately after the
subsequent transfer, net of any related liabilities.

(iii) Whether a transfer to the trust is by or from any of
the sources enumerated in division (I)(3)(a) of this section shall
be ascertained without regard to the domicile of the trust's
beneficiaries.

(e) For the purposes of division (I)(3)(a)(i) of this
section:

(i) A trust is described in division (I)(3)(e)(i) of this

section if the trust is a testamentary trust and the testator of 81785
that testamentary trust was domiciled in this state at the time of 81786
the testator's death for purposes of the taxes levied under 81787
Chapter 5731. of the Revised Code. 81788

(ii) A trust is described in division (I)(3)(e)(ii) of this 81789
section if the transfer is a qualifying transfer described in any 81790
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 81791
irrevocable inter vivos trust, and at least one of the trust's 81792
qualifying beneficiaries is domiciled in this state for purposes 81793
of this chapter during all or some portion of the trust's current 81794
taxable year. 81795

(f) For the purposes of division (I)(3)(e)(ii) of this 81796
section, a "qualifying transfer" is a transfer of assets, net of 81797
any related liabilities, directly or indirectly to a trust, if the 81798
transfer is described in any of the following: 81799

(i) The transfer is made to a trust, created by the decedent 81800
before the decedent's death and while the decedent was domiciled 81801
in this state for the purposes of this chapter, and, prior to the 81802
death of the decedent, the trust became irrevocable while the 81803
decedent was domiciled in this state for the purposes of this 81804
chapter. 81805

(ii) The transfer is made to a trust to which the decedent, 81806
prior to the decedent's death, had directly or indirectly 81807
transferred assets, net of any related liabilities, while the 81808
decedent was domiciled in this state for the purposes of this 81809
chapter, and prior to the death of the decedent the trust became 81810
irrevocable while the decedent was domiciled in this state for the 81811
purposes of this chapter. 81812

(iii) The transfer is made on account of a contractual 81813
relationship existing directly or indirectly between the 81814
transferor and either the decedent or the estate of the decedent 81815

at any time prior to the date of the decedent's death, and the
decedent was domiciled in this state at the time of death for
purposes of the taxes levied under Chapter 5731. of the Revised
Code.

(iv) The transfer is made to a trust on account of a
contractual relationship existing directly or indirectly between
the transferor and another person who at the time of the
decedent's death was domiciled in this state for purposes of this
chapter.

(v) The transfer is made to a trust on account of the will of
a testator.

(vi) The transfer is made to a trust created by or caused to
be created by a court, and the trust was directly or indirectly
created in connection with or as a result of the death of an
individual who, for purposes of the taxes levied under Chapter
5731. of the Revised Code, was domiciled in this state at the time
of the individual's death.

(g) The tax commissioner may adopt rules to ascertain the
part of a trust residing in this state.

(J) "Nonresident" means an individual or estate that is not a
resident. An individual who is a resident for only part of a
taxable year is a nonresident for the remainder of that taxable
year.

(K) "Pass-through entity" has the same meaning as in section
5733.04 of the Revised Code.

(L) "Return" means the notifications and reports required to
be filed pursuant to this chapter for the purpose of reporting the
tax due and includes declarations of estimated tax when so
required.

(M) "Taxable year" means the calendar year or the taxpayer's

fiscal year ending during the calendar year, or fractional part 81846
thereof, upon which the adjusted gross income is calculated 81847
pursuant to this chapter. 81848

(N) "Taxpayer" means any person subject to the tax imposed by 81849
section 5747.02 of the Revised Code or any pass-through entity 81850
that makes the election under division (D) of section 5747.08 of 81851
the Revised Code. 81852

(O) "Dependents" means dependents as defined in the Internal 81853
Revenue Code and as claimed in the taxpayer's federal income tax 81854
return for the taxable year or which the taxpayer would have been 81855
permitted to claim had the taxpayer filed a federal income tax 81856
return. 81857

(P) "Principal county of employment" means, in the case of a 81858
nonresident, the county within the state in which a taxpayer 81859
performs services for an employer or, if those services are 81860
performed in more than one county, the county in which the major 81861
portion of the services are performed. 81862

(Q) As used in sections 5747.50 to 5747.55 of the Revised 81863
Code: 81864

(1) "Subdivision" means any county, municipal corporation, 81865
park district, or township. 81866

(2) "Essential local government purposes" includes all 81867
functions that any subdivision is required by general law to 81868
exercise, including like functions that are exercised under a 81869
charter adopted pursuant to the Ohio Constitution. 81870

(R) "Overpayment" means any amount already paid that exceeds 81871
the figure determined to be the correct amount of the tax. 81872

(S) "Taxable income" or "Ohio taxable income" applies only to 81873
estates and trusts, and means federal taxable income, as defined 81874
and used in the Internal Revenue Code, adjusted as follows: 81875

(1) Add interest or dividends, net of ordinary, necessary, 81876
and reasonable expenses not deducted in computing federal taxable 81877
income, on obligations or securities of any state or of any 81878
political subdivision or authority of any state, other than this 81879
state and its subdivisions and authorities, but only to the extent 81880
that such net amount is not otherwise includible in Ohio taxable 81881
income and is described in either division (S)(1)(a) or (b) of 81882
this section: 81883

(a) The net amount is not attributable to the S portion of an 81884
electing small business trust and has not been distributed to 81885
beneficiaries for the taxable year; 81886

(b) The net amount is attributable to the S portion of an 81887
electing small business trust for the taxable year. 81888

(2) Add interest or dividends, net of ordinary, necessary, 81889
and reasonable expenses not deducted in computing federal taxable 81890
income, on obligations of any authority, commission, 81891
instrumentality, territory, or possession of the United States to 81892
the extent that the interest or dividends are exempt from federal 81893
income taxes but not from state income taxes, but only to the 81894
extent that such net amount is not otherwise includible in Ohio 81895
taxable income and is described in either division (S)(1)(a) or 81896
(b) of this section; 81897

(3) Add the amount of personal exemption allowed to the 81898
estate pursuant to section 642(b) of the Internal Revenue Code; 81899

(4) Deduct interest or dividends, net of related expenses 81900
deducted in computing federal taxable income, on obligations of 81901
the United States and its territories and possessions or of any 81902
authority, commission, or instrumentality of the United States to 81903
the extent that the interest or dividends are exempt from state 81904
taxes under the laws of the United States, but only to the extent 81905
that such amount is included in federal taxable income and is 81906

described in either division (S)(1)(a) or (b) of this section; 81907

(5) Deduct the amount of wages and salaries, if any, not 81908
otherwise allowable as a deduction but that would have been 81909
allowable as a deduction in computing federal taxable income for 81910
the taxable year, had the targeted jobs credit allowed under 81911
sections 38, 51, and 52 of the Internal Revenue Code not been in 81912
effect, but only to the extent such amount relates either to 81913
income included in federal taxable income for the taxable year or 81914
to income of the S portion of an electing small business trust for 81915
the taxable year; 81916

(6) Deduct any interest or interest equivalent, net of 81917
related expenses deducted in computing federal taxable income, on 81918
public obligations and purchase obligations, but only to the 81919
extent that such net amount relates either to income included in 81920
federal taxable income for the taxable year or to income of the S 81921
portion of an electing small business trust for the taxable year; 81922

(7) Add any loss or deduct any gain resulting from sale, 81923
exchange, or other disposition of public obligations to the extent 81924
that such loss has been deducted or such gain has been included in 81925
computing either federal taxable income or income of the S portion 81926
of an electing small business trust for the taxable year; 81927

(8) Except in the case of the final return of an estate, add 81928
any amount deducted by the taxpayer on both its Ohio estate tax 81929
return pursuant to section 5731.14 of the Revised Code, and on its 81930
federal income tax return in determining federal taxable income; 81931

(9)(a) Deduct any amount included in federal taxable income 81932
solely because the amount represents a reimbursement or refund of 81933
expenses that in a previous year the decedent had deducted as an 81934
itemized deduction pursuant to section 63 of the Internal Revenue 81935
Code and applicable treasury regulations. The deduction otherwise 81936
allowed under division (S)(9)(a) of this section shall be reduced 81937

to the extent the reimbursement is attributable to an amount the 81938
taxpayer or decedent deducted under this section in any taxable 81939
year. 81940

(b) Add any amount not otherwise included in Ohio taxable 81941
income for any taxable year to the extent that the amount is 81942
attributable to the recovery during the taxable year of any amount 81943
deducted or excluded in computing federal or Ohio taxable income 81944
in any taxable year, but only to the extent such amount has not 81945
been distributed to beneficiaries for the taxable year. 81946

(10) Deduct any portion of the deduction described in section 81947
1341(a)(2) of the Internal Revenue Code, for repaying previously 81948
reported income received under a claim of right, that meets both 81949
of the following requirements: 81950

(a) It is allowable for repayment of an item that was 81951
included in the taxpayer's taxable income or the decedent's 81952
adjusted gross income for a prior taxable year and did not qualify 81953
for a credit under division (A) or (B) of section 5747.05 of the 81954
Revised Code for that year. 81955

(b) It does not otherwise reduce the taxpayer's taxable 81956
income or the decedent's adjusted gross income for the current or 81957
any other taxable year. 81958

(11) Add any amount claimed as a credit under section 81959
5747.059 of the Revised Code to the extent that the amount 81960
satisfies either of the following: 81961

(a) The amount was deducted or excluded from the computation 81962
of the taxpayer's federal taxable income as required to be 81963
reported for the taxpayer's taxable year under the Internal 81964
Revenue Code; 81965

(b) The amount resulted in a reduction in the taxpayer's 81966
federal taxable income as required to be reported for any of the 81967

taxpayer's taxable years under the Internal Revenue Code. 81968

(12) Deduct any amount, net of related expenses deducted in 81969
computing federal taxable income, that a trust is required to 81970
report as farm income on its federal income tax return, but only 81971
if the assets of the trust include at least ten acres of land 81972
satisfying the definition of "land devoted exclusively to 81973
agricultural use" under section 5713.30 of the Revised Code, 81974
regardless of whether the land is valued for tax purposes as such 81975
land under sections 5713.30 to 5713.38 of the Revised Code. If the 81976
trust is a pass-through entity investor, section 5747.231 of the 81977
Revised Code applies in ascertaining if the trust is eligible to 81978
claim the deduction provided by division (S)(12) of this section 81979
in connection with the pass-through entity's farm income. 81980

Except for farm income attributable to the S portion of an 81981
electing small business trust, the deduction provided by division 81982
(S)(12) of this section is allowed only to the extent that the 81983
trust has not distributed such farm income. Division (S)(12) of 81984
this section applies only to taxable years of a trust beginning in 81985
2002,~~2003~~, or 2004 thereafter. 81986

(13) Add the net amount of income described in section 641(c) 81987
of the Internal Revenue Code to the extent that amount is not 81988
included in federal taxable income. 81989

(14) Add or deduct the amount the taxpayer would be required 81990
to add or deduct under division (A)(20) or (21) of this section if 81991
the taxpayer's Ohio taxable income were computed in the same 81992
manner as an individual's Ohio adjusted gross income is computed 81993
under this section. In the case of a trust, division (S)(14) of 81994
this section applies only to any of the trust's taxable years 81995
beginning in 2002,~~2003~~, or 2004 thereafter. 81996

(T) "School district income" and "school district income tax" 81997
have the same meanings as in section 5748.01 of the Revised Code. 81998

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7)	81999
of this section, "public obligations," "purchase obligations," and	82000
"interest or interest equivalent" have the same meanings as in	82001
section 5709.76 of the Revised Code.	82002
(V) "Limited liability company" means any limited liability	82003
company formed under Chapter 1705. of the Revised Code or under	82004
the laws of any other state.	82005
(W) "Pass-through entity investor" means any person who,	82006
during any portion of a taxable year of a pass-through entity, is	82007
a partner, member, shareholder, or equity investor in that	82008
pass-through entity.	82009
(X) "Banking day" has the same meaning as in section 1304.01	82010
of the Revised Code.	82011
(Y) "Month" means a calendar month.	82012
(Z) "Quarter" means the first three months, the second three	82013
months, the third three months, or the last three months of the	82014
taxpayer's taxable year.	82015
(AA)(1) "Eligible institution" means a state university or	82016
state institution of higher education as defined in section	82017
3345.011 of the Revised Code, or a private, nonprofit college,	82018
university, or other post-secondary institution located in this	82019
state that possesses a certificate of authorization issued by the	82020
Ohio board of regents pursuant to Chapter 1713. of the Revised	82021
Code or a certificate of registration issued by the state board of	82022
career colleges and schools under Chapter 3332. of the Revised	82023
Code.	82024
(2) "Qualified tuition and fees" means tuition and fees	82025
imposed by an eligible institution as a condition of enrollment or	82026
attendance, not exceeding two thousand five hundred dollars in	82027
each of the individual's first two years of post-secondary	82028

education. If the individual is a part-time student, "qualified
tuition and fees" includes tuition and fees paid for the academic
equivalent of the first two years of post-secondary education
during a maximum of five taxable years, not exceeding a total of
five thousand dollars. "Qualified tuition and fees" does not
include:

(a) Expenses for any course or activity involving sports,
games, or hobbies unless the course or activity is part of the
individual's degree or diploma program;

(b) The cost of books, room and board, student activity fees,
athletic fees, insurance expenses, or other expenses unrelated to
the individual's academic course of instruction;

(c) Tuition, fees, or other expenses paid or reimbursed
through an employer, scholarship, grant in aid, or other
educational benefit program.

(BB)(1) "Modified business income" means the business income
included in a trust's Ohio taxable income after such taxable
income is first reduced by the qualifying trust amount, if any.

(2) "Qualifying trust amount" of a trust means capital gains
and losses from the sale, exchange, or other disposition of equity
or ownership interests in, or debt obligations of, a qualifying
investee to the extent included in the trust's Ohio taxable
income, but only if the following requirements are satisfied:

(a) The book value of the qualifying investee's physical
assets in this state and everywhere, as of the last day of the
qualifying investee's fiscal or calendar year ending immediately
prior to the date on which the trust recognizes the gain or loss,
is available to the trust.

(b) The requirements of section 5747.011 of the Revised Code
are satisfied for the trust's taxable year in which the trust

recognizes the gain or loss. 82059

Any gain or loss that is not a qualifying trust amount is 82060
modified business income, qualifying investment income, or 82061
modified nonbusiness income, as the case may be. 82062

(3) "Modified nonbusiness income" means a trust's Ohio 82063
taxable income other than modified business income, other than the 82064
qualifying trust amount, and other than qualifying investment 82065
income, as defined in section 5747.012 of the Revised Code, to the 82066
extent such qualifying investment income is not otherwise part of 82067
modified business income. 82068

(4) "Modified Ohio taxable income" applies only to trusts, 82069
and means the sum of the amounts described in divisions (BB)(4)(a) 82070
to (c) of this section: 82071

(a) The fraction, calculated under section 5747.013, and 82072
applying section 5747.231 of the Revised Code, multiplied by the 82073
sum of the following amounts: 82074

(i) The trust's modified business income; 82075

(ii) The trust's qualifying investment income, as defined in 82076
section 5747.012 of the Revised Code, but only to the extent the 82077
qualifying investment income does not otherwise constitute 82078
modified business income and does not otherwise constitute a 82079
qualifying trust amount. 82080

(b) The qualifying trust amount multiplied by a fraction, the 82081
numerator of which is the sum of the book value of the qualifying 82082
investee's physical assets in this state on the last day of the 82083
qualifying investee's fiscal or calendar year ending immediately 82084
prior to the day on which the trust recognizes the qualifying 82085
trust amount, and the denominator of which is the sum of the book 82086
value of the qualifying investee's total physical assets 82087
everywhere on the last day of the qualifying investee's fiscal or 82088

calendar year ending immediately prior to the day on which the trust recognizes the qualifying trust amount. If, for a taxable year, the trust recognizes a qualifying trust amount with respect to more than one qualifying investee, the amount described in division (BB)(4)(b) of this section shall equal the sum of the products so computed for each such qualifying investee.

(c)(i) With respect to a trust or portion of a trust that is a resident as ascertained in accordance with division (I)(3)(d) of this section, its modified nonbusiness income.

(ii) With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the amount of its modified nonbusiness income satisfying the descriptions in divisions (B)(2) to (5) of section 5747.20 of the Revised Code.

If the allocation and apportionment of a trust's income under divisions (BB)(4)(a) and (c) of this section do not fairly represent the modified Ohio taxable income of the trust in this state, the alternative methods described in division (C) of section 5747.21 of the Revised Code may be applied in the manner and to the same extent provided in that section.

(5)(a) Except as set forth in division (BB)(5)(b) of this section, "qualifying investee" means a person in which a trust has an equity or ownership interest, or a person or unit of government the debt obligations of either of which are owned by a trust. For the purposes of division (BB)(2)(a) of this section and for the purpose of computing the fraction described in division (BB)(4)(b) of this section, all of the following apply:

(i) If the qualifying investee is a member of a qualifying controlled group on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, then "qualifying

investee" includes all persons in the qualifying controlled group 82120
on such last day. 82121

(ii) If the qualifying investee, or if the qualifying 82122
investee and any members of the qualifying controlled group of 82123
which the qualifying investee is a member on the last day of the 82124
qualifying investee's fiscal or calendar year ending immediately 82125
prior to the date on which the trust recognizes the gain or loss, 82126
separately or cumulatively own, directly or indirectly, on the 82127
last day of the qualifying investee's fiscal or calendar year 82128
ending immediately prior to the date on which the trust recognizes 82129
the qualifying trust amount, more than fifty per cent of the 82130
equity of a pass-through entity, then the qualifying investee and 82131
the other members are deemed to own the proportionate share of the 82132
pass-through entity's physical assets which the pass-through 82133
entity directly or indirectly owns on the last day of the 82134
pass-through entity's calendar or fiscal year ending within or 82135
with the last day of the qualifying investee's fiscal or calendar 82136
year ending immediately prior to the date on which the trust 82137
recognizes the qualifying trust amount. 82138

(iii) For the purposes of division (BB)(5)(a)(iii) of this 82139
section, "upper level pass-through entity" means a pass-through 82140
entity directly or indirectly owning any equity of another 82141
pass-through entity, and "lower level pass-through entity" means 82142
that other pass-through entity. 82143

An upper level pass-through entity, whether or not it is also 82144
a qualifying investee, is deemed to own, on the last day of the 82145
upper level pass-through entity's calendar or fiscal year, the 82146
proportionate share of the lower level pass-through entity's 82147
physical assets that the lower level pass-through entity directly 82148
or indirectly owns on the last day of the lower level pass-through 82149
entity's calendar or fiscal year ending within or with the last 82150
day of the upper level pass-through entity's fiscal or calendar 82151

year. If the upper level pass-through entity directly and 82152
indirectly owns less than fifty per cent of the equity of the 82153
lower level pass-through entity on each day of the upper level 82154
pass-through entity's calendar or fiscal year in which or with 82155
which ends the calendar or fiscal year of the lower level 82156
pass-through entity and if, based upon clear and convincing 82157
evidence, complete information about the location and cost of the 82158
physical assets of the lower pass-through entity is not available 82159
to the upper level pass-through entity, then solely for purposes 82160
of ascertaining if a gain or loss constitutes a qualifying trust 82161
amount, the upper level pass-through entity shall be deemed as 82162
owning no equity of the lower level pass-through entity for each 82163
day during the upper level pass-through entity's calendar or 82164
fiscal year in which or with which ends the lower level 82165
pass-through entity's calendar or fiscal year. Nothing in division 82166
(BB)(5)(a)(iii) of this section shall be construed to provide for 82167
any deduction or exclusion in computing any trust's Ohio taxable 82168
income. 82169

(b) With respect to a trust that is not a resident for the 82170
taxable year and with respect to a part of a trust that is not a 82171
resident for the taxable year, "qualifying investee" for that 82172
taxable year does not include a C corporation if both of the 82173
following apply: 82174

(i) During the taxable year the trust or part of the trust 82175
recognizes a gain or loss from the sale, exchange, or other 82176
disposition of equity or ownership interests in, or debt 82177
obligations of, the C corporation. 82178

(ii) Such gain or loss constitutes nonbusiness income. 82179

(6) "Available" means information is such that a person is 82180
able to learn of the information by the due date plus extensions, 82181
if any, for filing the return for the taxable year in which the 82182

trust recognizes the gain or loss.	82183
(CC) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code.	82184 82185
(DD) "Related member" has the same meaning as in section 5733.042 of the Revised Code.	82186 82187
(EE) Any term used in this chapter that is not otherwise defined in this section and that is not used in a comparable context in the Internal Revenue Code and other statutes of the United States relating to federal income taxes has the same meaning as in section 5733.40 of the Revised Code (1) <u>For the purposes of division (EE) of this section:</u>	82188 82189 82190 82191 82192 82193
<u>(a) "Qualifying person" means any person other than a qualifying corporation.</u>	82194 82195
<u>(b) "Qualifying corporation" means any person classified for federal income tax purposes as an association taxable as a corporation, except either of the following:</u>	82196 82197 82198
<u>(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year;</u>	82199 82200 82201 82202
<u>(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year.</u>	82203 82204 82205 82206
<u>(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation.</u>	82207 82208 82209
<u>(FF) For purposes of this chapter and Chapter 5751. of the Revised Code:</u>	82210 82211
<u>(1) "Trust" does not include a qualified pre-income tax</u>	82212

<u>trust.</u>	82213
<u>(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (FF)(3) of this section.</u>	82214 82215 82216
<u>(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to be subject to the tax imposed by section 5751.02 of the Revised Code and to be subject to the tax imposed by section 5751.02 of the Revised Code all pass-through entities in which it owns, directly, indirectly, or constructively through related interests by common owners, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2005, and shall apply for all tax periods and tax years until revoked by the trustee of the trust.</u>	82217 82218 82219 82220 82221 82222 82223 82224 82225 82226 82227 82228
<u>(4) A "pre-income tax trust" is a trust that satisfies both of the following requirements:</u>	82229 82230
<u>(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972.</u>	82231 82232
<u>(b) The trust became irrevocable upon the creation of the trust.</u>	82233 82234
Sec. 5747.012. This section applies for the purposes of divisions (BB)(3) and (BB)(4)(a)(ii) of section 5747.01 of the Revised Code.	82235 82236 82237
(A) As used in this section:	82238
(1)(a) Except as set forth in division (A)(1)(b) of this section, "qualifying investment income" means the portion of a qualifying investment pass-through entity's net income attributable to transaction fees in connection with the	82239 82240 82241 82242

acquisition, ownership, or disposition of intangible property; 82243
loan fees; financing fees; consent fees; waiver fees; application 82244
fees; net management fees; dividend income; interest income; net 82245
capital gains from the sale or exchange or other disposition of 82246
intangible property; and all types and classifications of income 82247
attributable to distributive shares of income from other 82248
pass-through entities. 82249

(b)(i) Notwithstanding division (A)(1)(a) of this section, 82250
"qualifying investment income" does not include any part of the 82251
qualifying investment pass-through entity's net capital gain 82252
which, after the application of section 5747.231 of the Revised 82253
Code with respect to a trust, would also constitute a qualifying 82254
trust amount. 82255

(ii) Notwithstanding division (A)(1)(a) of this section, 82256
"qualifying investment income" does not include any part of the 82257
qualifying investment pass-through entity's net income 82258
attributable to the portion of a distributive share of income 82259
directly or indirectly from another pass-through entity to the 82260
extent such portion constitutes the other pass-through entity's 82261
net capital gain which, after the application of section 5747.231 82262
of the Revised Code with respect to a trust, would also constitute 82263
a qualifying trust amount. 82264

(2) "Qualifying investment pass-through entity" means an 82265
investment pass-through entity, as defined in section 5733.401 of 82266
the Revised Code, subject to the following qualifications: 82267

(a) "Forty per cent" shall be substituted for "ninety per 82268
cent" wherever "ninety per cent" appears in section 5733.401 of 82269
the Revised Code. 82270

(b) The pass-through entity must have been formed or 82271
organized as an entity prior to June 5, 2002, and must exist as a 82272
pass-through entity for all of the taxable year of the trust. 82273

(c) The qualifying section 5747.012 trust or related persons 82274
to the qualifying section 5747.012 trust must directly or 82275
indirectly own at least five per cent of the equity of the 82276
investment pass-through entity each day of the entity's fiscal or 82277
calendar year ending within or with the last day of the qualifying 82278
section 5747.012 trust's taxable year; 82279

(d) During the investment pass-through entity's calendar or 82280
fiscal year ending within or with the last day of the qualifying 82281
section 5747.012 trust's taxable year, related persons of or to 82282
the qualifying section 5747.012 trust must, on each day of the 82283
investment pass-through entity's year, own directly, or own 82284
through equity investments in other pass-through entities, more 82285
than sixty per cent of the equity of the investment pass-through 82286
entity. 82287

(B) "Qualifying section 5747.012 trust" means a trust 82288
satisfying one of the following: 82289

(1) The trust was created prior to, and was irrevocable on, 82290
June 5, 2002; or 82291

(2) If the trust was created after June 4, 2002, or if the 82292
trust became irrevocable after June 4, 2002, then at least eighty 82293
per cent of the assets transferred to the trust must have been 82294
previously owned by related persons to the trust or by a trust 82295
created prior to June 5, 2002, under which the creator did not 82296
retain the power to change beneficiaries, amend the trust, or 82297
revoke the trust. For purposes of division (B)(2) of this section, 82298
the power to substitute property of equal value shall not be 82299
considered to be a power to change beneficiaries, amend the trust, 82300
or revoke the trust. 82301

(C) For the purposes of this section, "related persons" means 82302
the family of a qualifying individual beneficiary, as defined in 82303
division (A)(5) of section 5747.011 of the Revised Code. For the 82304

purposes of this division, "family" has the same meaning as in 82305
division (A)(6) of section 5747.011 of the Revised Code. 82306

(D) For the purposes of applying divisions (A)(2)(c), 82307
(A)(2)(d), and (B)(2) of this section, the related persons or the 82308
qualifying section 5747.012 trust, as the case may be, shall be 82309
deemed to own the equity of the investment pass-through entity 82310
after the application of division (B) of section 5747.011 of the 82311
Revised Code. 82312

(E) "Irrevocable" has the same meaning as in division 82313
(I)(3)(b) of section 5747.01 of the Revised Code. 82314

(F) Nothing in this section requires any item of income, 82315
gain, or loss not satisfying the definition of qualifying 82316
investment income to be treated as modified nonbusiness income. 82317
Any item of income, gain, or loss that is not qualifying 82318
investment income is modified business income, modified 82319
nonbusiness income, or a qualifying trust amount, as the case may 82320
be. 82321

Sec. 5747.02. (A) For the purpose of providing revenue for 82322
the support of schools and local government functions, to provide 82323
relief to property taxpayers, to provide revenue for the general 82324
revenue fund, and to meet the expenses of administering the tax 82325
levied by this chapter, there is hereby levied on every 82326
individual, trust, and estate residing in or earning or receiving 82327
income in this state, on every individual, trust, and estate 82328
earning or receiving lottery winnings, prizes, or awards pursuant 82329
to Chapter 3770. of the Revised Code, and on every individual, 82330
trust, and estate otherwise having nexus with or in this state 82331
under the Constitution of the United States, an annual tax 82332
measured in the case of individuals by Ohio adjusted gross income 82333
less an exemption for the taxpayer, the taxpayer's spouse, and 82334
each dependent as provided in section 5747.025 of the Revised 82335

Code; measured in the case of trusts by modified Ohio taxable 82336
income under division (D) of this section; and measured in the 82337
case of estates by Ohio taxable income. The tax imposed by this 82338
section on the balance thus obtained is hereby levied as follows: 82339

(1) For taxable years beginning in 2004: 82340

OHIO ADJUSTED GROSS INCOME LESS 82341

EXEMPTIONS (INDIVIDUALS)

OR 82342

MODIFIED OHIO 82343

TAXABLE INCOME (TRUSTS) 82344

OR 82345

OHIO TAXABLE INCOME (ESTATES) TAX 82346

\$5,000 or less .743% 82347

More than \$5,000 but not more \$37.15 plus 1.486% of the amount 82348
than \$10,000 in excess of \$5,000

More than \$10,000 but not more \$111.45 plus 2.972% of the 82349
than \$15,000 amount in excess of \$10,000

More than \$15,000 but not more \$260.05 plus 3.715% of the 82350
than \$20,000 amount in excess of \$15,000

More than \$20,000 but not more \$445.80 plus 4.457% of the 82351
than \$40,000 amount in excess of \$20,000

More than \$40,000 but not more \$1,337.20 plus 5.201% of the 82352
than \$80,000 amount in excess of \$40,000

More than \$80,000 but not more \$3,417.60 plus 5.943% of the 82353
than \$100,000 amount in excess of \$80,000

More than \$100,000 but not more \$4,606.20 plus 6.9% of the 82354
than \$200,000 amount in excess of \$100,000

More than \$200,000 \$11,506.20 plus 7.5% of the 82355
amount in excess of \$200,000

(2) For taxable years beginning in 2005: 82356

OHIO ADJUSTED GROSS INCOME LESS 82357

EXEMPTIONS (INDIVIDUALS)

<u>OR</u>		82358
<u>MODIFIED OHIO</u>		82359
<u>TAXABLE INCOME (TRUSTS)</u>		82360
<u>OR</u>		82361
<u>OHIO TAXABLE INCOME (ESTATES)</u>	<u>TAX</u>	82362
<u>\$5,000 or less</u>	<u>.712%</u>	82363
<u>More than \$5,000 but not more than \$10,000</u>	<u>\$35.60 plus 1.424% of the amount in excess of \$5,000</u>	82364
<u>More than \$10,000 but not more than \$15,000</u>	<u>\$106.80 plus 2.847% of the amount in excess of \$10,000</u>	82365
<u>More than \$15,000 but not more than \$20,000</u>	<u>\$249.15 plus 3.559% of the amount in excess of \$15,000</u>	82366
<u>More than \$20,000 but not more than \$40,000</u>	<u>\$427.10 plus 4.27% of the amount in excess of \$20,000</u>	82367
<u>More than \$40,000 but not more than \$80,000</u>	<u>\$1,281.10 plus 4.983% of the amount in excess of \$40,000</u>	82368
<u>More than \$80,000 but not more than \$100,000</u>	<u>\$3,274.30 plus 5.693% of the amount in excess of \$80,000</u>	82369
<u>More than \$100,000 but not more than \$200,000</u>	<u>\$4,412.90 plus 6.61% of the amount in excess of \$100,000</u>	82370
<u>More than \$200,000</u>	<u>\$11,022.90 plus 7.185% of the amount in excess of \$200,000</u>	82371
<u>(3) For taxable years beginning in 2006:</u>		82372
<u>OHIO ADJUSTED GROSS INCOME LESS</u>		82373
<u>EXEMPTIONS (INDIVIDUALS)</u>		
<u>OR</u>		82374
<u>MODIFIED OHIO</u>		82375
<u>TAXABLE INCOME (TRUSTS)</u>		82376
<u>OR</u>		82377
<u>OHIO TAXABLE INCOME (ESTATES)</u>	<u>TAX</u>	82378
<u>\$5,000 or less</u>	<u>.681%</u>	82379
<u>More than \$5,000 but not more than \$10,000</u>	<u>\$34.05 plus 1.361% of the amount in excess of \$5,000</u>	82380

<u>More than \$10,000 but not more than \$15,000</u>	<u>\$102.10 plus 2.722% of the amount in excess of \$10,000</u>	82381
<u>More than \$15,000 but not more than \$20,000</u>	<u>\$238.20 plus 3.403% of the amount in excess of \$15,000</u>	82382
<u>More than \$20,000 but not more than \$40,000</u>	<u>\$408.35 plus 4.083% of the amount in excess of \$20,000</u>	82383
<u>More than \$40,000 but not more than \$80,000</u>	<u>\$1,224.95 plus 4.764% of the amount in excess of \$40,000</u>	82384
<u>More than \$80,000 but not more than \$100,000</u>	<u>\$3,130.55 plus 5.444% of the amount in excess of \$80,000</u>	82385
<u>More than \$100,000 but not more than \$200,000</u>	<u>\$4,219.35 plus 6.32% of the amount in excess of \$100,000</u>	82386
<u>More than \$200,000</u>	<u>\$10,539.35 plus 6.87% of the amount in excess of \$200,000</u>	82387
<u>(4) For taxable years beginning in 2007:</u>		82388
<u>OHIO ADJUSTED GROSS INCOME LESS</u>		82389
<u>EXEMPTIONS (INDIVIDUALS)</u>		
<u>OR</u>		82390
<u>MODIFIED OHIO</u>		82391
<u>TAXABLE INCOME (TRUSTS)</u>		82392
<u>OR</u>		82393
<u>OHIO TAXABLE INCOME (ESTATES)</u>	<u>TAX</u>	82394
<u>\$5,000 or less</u>	<u>.649%</u>	82395
<u>More than \$5,000 but not more than \$10,000</u>	<u>\$32.45 plus 1.299% of the amount in excess of \$5,000</u>	82396
<u>More than \$10,000 but not more than \$15,000</u>	<u>\$97.40 plus 2.598% of the amount in excess of \$10,000</u>	82397
<u>More than \$15,000 but not more than \$20,000</u>	<u>\$227.30 plus 3.247% of the amount in excess of \$15,000</u>	82398
<u>More than \$20,000 but not more than \$40,000</u>	<u>\$389.65 plus 3.895% of the amount in excess of \$20,000</u>	82399
<u>More than \$40,000 but not more than \$80,000</u>	<u>\$1,168.65 plus 4.546% of the amount in excess of \$40,000</u>	82400

<u>More than \$80,000 but not more than \$100,000</u>	<u>\$2,987.05 plus 5.194% of the amount in excess of \$80,000</u>	82401
<u>More than \$100,000 but not more than \$200,000</u>	<u>\$4,025.85 plus 6.031% of the amount in excess of \$100,000</u>	82402
<u>More than \$200,000</u>	<u>\$10,056.85 plus 6.555% of the amount in excess of \$200,000</u>	82403
<u>(5) For taxable years beginning in 2008:</u>		82404
<u>OHIO ADJUSTED GROSS INCOME LESS</u>		82405
<u>EXEMPTIONS (INDIVIDUALS)</u>		
<u>OR</u>		82406
<u>MODIFIED OHIO</u>		82407
<u>TAXABLE INCOME (TRUSTS)</u>		82408
<u>OR</u>		82409
<u>OHIO TAXABLE INCOME (ESTATES)</u>	<u>TAX</u>	82410
<u>\$5,000 or less</u>	<u>.618%</u>	82411
<u>More than \$5,000 but not more than \$10,000</u>	<u>\$30.90 plus 1.236% of the amount in excess of \$5,000</u>	82412
<u>More than \$10,000 but not more than \$15,000</u>	<u>\$92.70 plus 2.473% of the amount in excess of \$10,000</u>	82413
<u>More than \$15,000 but not more than \$20,000</u>	<u>\$216.35 plus 3.091% of the amount in excess of \$15,000</u>	82414
<u>More than \$20,000 but not more than \$40,000</u>	<u>\$370.90 plus 3.708% of the amount in excess of \$20,000</u>	82415
<u>More than \$40,000 but not more than \$80,000</u>	<u>\$1,112.50 plus 4.327% of the amount in excess of \$40,000</u>	82416
<u>More than \$80,000 but not more than \$100,000</u>	<u>\$2,843.30 plus 4.945% of the amount in excess of \$80,000</u>	82417
<u>More than \$100,000 but not more than \$200,000</u>	<u>\$3,832.30 plus 5.741% of the amount in excess of \$100,000</u>	82418
<u>More than \$200,000</u>	<u>\$9,573.30 plus 6.24% of the amount in excess of \$200,000</u>	82419
<u>(6) For taxable years beginning in 2009 or thereafter:</u>		82420

<u>OHIO ADJUSTED GROSS INCOME LESS</u>		82421
<u>EXEMPTIONS (INDIVIDUALS)</u>		
<u>OR</u>		82422
<u>MODIFIED OHIO</u>		82423
<u>TAXABLE INCOME (TRUSTS)</u>		82424
<u>OR</u>		82425
<u>OHIO TAXABLE INCOME (ESTATES)</u>	<u>TAX</u>	82426
<u>\$5,000 or less</u>	<u>.587%</u>	82427
<u>More than \$5,000 but not more than \$10,000</u>	<u>\$29.35 plus 1.174% of the amount in excess of \$5,000</u>	82428
<u>More than \$10,000 but not more than \$15,000</u>	<u>\$88.05 plus 2.348% of the amount in excess of \$10,000</u>	82429
<u>More than \$15,000 but not more than \$20,000</u>	<u>\$205.45 plus 2.935% of the amount in excess of \$15,000</u>	82430
<u>More than \$20,000 but not more than \$40,000</u>	<u>\$352.20 plus 3.521% of the amount in excess of \$20,000</u>	82431
<u>More than \$40,000 but not more than \$80,000</u>	<u>\$1,056.40 plus 4.109% of the amount in excess of \$40,000</u>	82432
<u>More than \$80,000 but not more than \$100,000</u>	<u>\$2,700.00 plus 4.695% of the amount in excess of \$80,000</u>	82433
<u>More than \$100,000 but not more than \$200,000</u>	<u>\$3,639.00 plus 5.451% of the amount in excess of \$100,000</u>	82434
<u>More than \$200,000</u>	<u>\$9,090.00 plus 5.925% of the amount in excess of \$200,000</u>	82435
In July of each year, beginning in 2005 <u>2010</u> , the tax		82436
commissioner shall adjust the income amounts prescribed in this		82437
division by multiplying the percentage increase in the gross		82438
domestic product deflator computed that year under section		82439
5747.025 of the Revised Code by each of the income amounts		82440
resulting from the adjustment under this division in the preceding		82441
year, adding the resulting product to the corresponding income		82442
amount resulting from the adjustment in the preceding year, and		82443
rounding the resulting sum to the nearest multiple of fifty		82444

dollars. The tax commissioner also shall recompute each of the tax 82445
dollar amounts to the extent necessary to reflect the adjustment 82446
of the income amounts. The rates of taxation shall not be 82447
adjusted. 82448

The adjusted amounts apply to taxable years beginning in the 82449
calendar year in which the adjustments are made. The tax 82450
commissioner shall not make such adjustments in any year in which 82451
the amount resulting from the adjustment would be less than the 82452
amount resulting from the adjustment in the preceding year. 82453

(B) If the director of budget and management makes a 82454
certification to the tax commissioner under division (B) of 82455
section 131.44 of the Revised Code, the amount of tax as 82456
determined under division (A) of this section shall be reduced by 82457
the percentage prescribed in that certification for taxable years 82458
beginning in the calendar year in which that certification is 82459
made. 82460

(C) The levy of this tax on income does not prevent a 82461
municipal corporation, a joint economic development zone created 82462
under section 715.691, or a joint economic development district 82463
created under section 715.70 or 715.71 or sections 715.72 to 82464
715.81 of the Revised Code from levying a tax on income. 82465

(D) This division applies only to taxable years of a trust 82466
beginning in 2002,~~2003~~, or 2004 thereafter. 82467

(1) The tax imposed by this section on a trust shall be 82468
computed by multiplying the Ohio modified taxable income of the 82469
trust by the rates prescribed by division (A) of this section. 82470

(2) A credit is allowed against the tax computed under 82471
division (D) of this section equal to the lesser of (1) the tax 82472
paid to another state or the District of Columbia on the trust's 82473
modified nonbusiness income, other than the portion of the trust's 82474
nonbusiness income that is qualifying investment income as defined 82475

in section 5747.012 of the Revised Code, or (2) the effective tax rate, based on modified Ohio taxable income, multiplied by the trust's modified nonbusiness income other than the portion of 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. Any credits enumerated in other divisions of section 5747.98 of the Revised Code apply to a trust subject to this division. 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.

Sec. 5747.05. As used in this section, "income tax" includes both a tax on net income and a tax measured by net income.

The following credits shall be allowed against the income tax imposed by section 5747.02 of the Revised Code on individuals and estates:

(A)(1) The amount of tax otherwise due under section 5747.02 82507
of the Revised Code on such portion of the adjusted gross income 82508
of any nonresident taxpayer that is not allocable to this state 82509
pursuant to sections 5747.20 to 5747.23 of the Revised Code; 82510

(2) The credit provided under this division shall not exceed 82511
the portion of the total tax due under section 5747.02 of the 82512
Revised Code that the amount of the nonresident taxpayer's 82513
adjusted gross income not allocated to this state pursuant to 82514
sections 5747.20 to 5747.23 of the Revised Code bears to the total 82515
adjusted gross income of the nonresident taxpayer derived from all 82516
sources everywhere. 82517

(3) The tax commissioner may enter into an agreement with the 82518
taxing authorities of any state or of the District of Columbia 82519
that imposes an income tax to provide that compensation paid in 82520
this state to a nonresident taxpayer shall not be subject to the 82521
tax levied in section 5747.02 of the Revised Code so long as 82522
compensation paid in such other state or in the District of 82523
Columbia to a resident taxpayer shall likewise not be subject to 82524
the income tax of such other state or of the District of Columbia. 82525

(B) The lesser of division (B)(1) or (2) of this section: 82526

(1) The amount of tax otherwise due under section 5747.02 of 82527
the Revised Code on such portion of the adjusted gross income of a 82528
resident taxpayer that in another state or in the District of 82529
Columbia is subjected to an income tax. The credit provided under 82530
division (B)(1) of this section shall not exceed the portion of 82531
the total tax due under section 5747.02 of the Revised Code that 82532
the amount of the resident taxpayer's adjusted gross income 82533
subjected to an income tax in the other state or in the District 82534
of Columbia bears to the total adjusted gross income of the 82535
resident taxpayer derived from all sources everywhere. 82536

(2) The amount of income tax liability to another state or 82537

the District of Columbia on the portion of the adjusted gross
income of a resident taxpayer that in another state or in the
District of Columbia is subjected to an income tax. The credit
provided under division (B)(2) of this section shall not exceed
the amount of tax otherwise due under section 5747.02 of the
Revised Code.

(3) If the credit provided under division (B) of this section
is affected by a change in either the portion of adjusted gross
income of a resident taxpayer subjected to an income tax in
another state or the District of Columbia or the amount of income
tax liability that has been paid to another state or the District
of Columbia, the taxpayer shall report the change to the tax
commissioner within sixty days of the change in such form as the
commissioner requires.

(a) In the case of an underpayment, the report shall be
accompanied by payment of any additional tax due as a result of
the reduction in credit together with interest on the additional
tax and is a return subject to assessment under section 5747.13 of
the Revised Code solely for the purpose of assessing any
additional tax due under this division, together with any
applicable penalty and interest. It shall not reopen the
computation of the taxpayer's tax liability under this chapter
from a previously filed return no longer subject to assessment
except to the extent that such liability is affected by an
adjustment to the credit allowed by division (B) of this section.

(b) In the case of an overpayment, an application for refund
may be filed under this division within the sixty day period
prescribed for filing the report even if it is beyond the period
prescribed in section 5747.11 of the Revised Code if it otherwise
conforms to the requirements of such section. An application filed
under this division shall only claim refund of overpayments
resulting from an adjustment to the credit allowed by division (B)

of this section unless it is also filed within the time prescribed 82570
in section 5747.11 of the Revised Code. It shall not reopen the 82571
computation of the taxpayer's tax liability except to the extent 82572
that such liability is affected by an adjustment to the credit 82573
allowed by division (B) of this section. 82574

(4) No credit shall be allowed under division (B) of this 82575
section to the extent that for any taxable year the taxpayer has 82576
directly or indirectly deducted, or was required to directly or 82577
indirectly deduct, the amount of income tax liability to another 82578
state or the District of Columbia in computing federal adjusted 82579
gross income. 82580

(C) For a taxpayer sixty-five years of age or older during 82581
the taxable year, a credit for such year equal to fifty dollars 82582
for each return required to be filed under section 5747.08 of the 82583
Revised Code. 82584

(D) A taxpayer sixty-five years of age or older during the 82585
taxable year who has received a lump-sum distribution from a 82586
pension, retirement, or profit-sharing plan in the taxable year 82587
may elect to receive a credit under this division in lieu of the 82588
credit to which the taxpayer is entitled under division (C) of 82589
this section. A taxpayer making such election shall receive a 82590
credit for the taxable year equal to fifty dollars times the 82591
taxpayer's expected remaining life as shown by annuity tables 82592
issued under the provisions of the Internal Revenue Code and in 82593
effect for the calendar year which includes the last day of the 82594
taxable year. A taxpayer making an election under this division is 82595
not entitled to the credit authorized under division (C) of this 82596
section in subsequent taxable years except that if such election 82597
was made prior to July 1, 1983, the taxpayer is entitled to 82598
one-half the credit authorized under such division in subsequent 82599
taxable years but may not make another election under this 82600
division. 82601

(E) A taxpayer who is not sixty-five years of age or older 82602
during the taxable year who has received a lump-sum distribution 82603
from a pension, retirement, or profit-sharing plan in a taxable 82604
year ending on or before July 31, 1991, may elect to take a credit 82605
against the tax otherwise due under this chapter for such year 82606
equal to fifty dollars times the expected remaining life of a 82607
taxpayer sixty-five years of age as shown by annuity tables issued 82608
under the provisions of the Internal Revenue Code and in effect 82609
for the calendar year which includes the last day of the taxable 82610
year. A taxpayer making an election under this division is not 82611
entitled to a credit under division (C) or (D) of this section in 82612
any subsequent year except that if such election was made prior to 82613
July 1, 1983, the taxpayer is entitled to one-half the credit 82614
authorized under division (C) of this section in subsequent years 82615
but may not make another election under this division. No taxpayer 82616
may make an election under this division for a taxable year ending 82617
on or after August 1, 1991. 82618

(F) A taxpayer making an election under either division (D) 82619
or (E) of this section may make only one such election in the 82620
taxpayer's lifetime. 82621

(G)(1) On a joint return filed by a husband and wife, each of 82622
whom had adjusted gross income of at least five hundred dollars, 82623
exclusive of interest, dividends and distributions, royalties, 82624
rent, and capital gains, a credit equal to the percentage shown in 82625
the table contained in this division of the amount of tax due 82626
after allowing for any other credit that precedes the credit under 82627
this division in the order required under section 5747.98 of the 82628
Revised Code. 82629

(2) The credit to which a taxpayer is entitled under this 82630
division in any taxable year is the percentage shown in column B 82631
that corresponds with the taxpayer's adjusted gross income, less 82632
exemptions for the taxable year: 82633

A.	B.	
IF THE ADJUSTED GROSS INCOME,	THE CREDIT FOR THE TAXABLE	82634
LESS EXEMPTIONS, FOR THE TAX YEAR	YEAR IS:	82635
IS:		
\$25,000 or less	20%	82636
More than \$25,000 but not more than \$50,000	15%	82637
More than \$50,000 but not more than \$75,000	10%	82638
More than \$75,000	5%	82639
(3) The credit allowed under this division shall not exceed		82640
six hundred fifty dollars in any taxable year.		82641
(H) No claim for credit under this section shall be allowed		82642
unless the claimant furnishes such supporting information as the		82643
tax commissioner prescribes by rules. Each credit under this		82644
section shall be claimed in the order required under section		82645
5747.98 of the Revised Code.		82646
(I) An individual who is a resident for part of a taxable		82647
year and a nonresident for the remainder of the taxable year is		82648
allowed the credits under divisions (A) and (B) of this section in		82649
accordance with rules prescribed by the tax commissioner. In no		82650
event shall the same income be subject to both credits.		82651
(J) The credit allowed under division (A) of this section		82652
shall be calculated based upon the amount of tax due under section		82653
5747.02 of the Revised Code after subtracting any other credits		82654
that precede the credit under that division in the order required		82655
under section 5747.98 of the Revised Code. The credit allowed		82656
under division (B) of this section shall be calculated based upon		82657
the amount of tax due under section 5747.02 of the Revised Code		82658
after subtracting any other credits that precede the credit under		82659
that division in the order required under section 5747.98 of the		82660
Revised Code.		82661

(K) No credit shall be allowed under division (B) of this section unless the taxpayer furnishes such proof as the tax commissioner shall require that the income tax liability has been paid to another state or the District of Columbia.

(L) No credit shall be allowed under division (B) of this section for compensation that is not subject to the income tax of another state or the District of Columbia as the result of an agreement entered into by the tax commissioner under division (A)(3) of this section.

Sec. 5747.056. For taxable years beginning in 2005 or thereafter, a credit shall be allowed against the tax imposed by section 5747.02 of the Revised Code for an individual whose Ohio adjusted gross income less exemptions is ten thousand dollars or less. For taxable years beginning in 2005, the credit shall equal one hundred seven dollars. For taxable years beginning in 2006, the credit shall equal one hundred two dollars. For taxable years beginning in 2007, the credit shall equal ninety-eight dollars. For taxable years beginning in 2008, the credit shall equal ninety-three dollars. For taxable years beginning in 2009 or thereafter, the credit shall equal eighty-eight dollars. The credit shall be claimed in the order required under section 5747.98 of the Revised Code.

Sec. 5747.08. An annual return with respect to the tax imposed by section 5747.02 of the Revised Code and each tax imposed under Chapter 5748. of the Revised Code shall be made by every taxpayer for any taxable year for which the taxpayer is liable for the tax imposed by that section or under that chapter, unless the total credits allowed under divisions (E), (F), and (G) of section 5747.05 of the Revised Code for the year are equal to or exceed the tax imposed by section 5747.02 of the Revised Code,

in which case no return shall be required unless the taxpayer is 82692
liable for a tax imposed pursuant to Chapter 5748. of the Revised 82693
Code. 82694

(A) If an individual is deceased, any return or notice 82695
required of that individual under this chapter shall be made and 82696
filed by that decedent's executor, administrator, or other person 82697
charged with the property of that decedent. 82698

(B) If an individual is unable to make a return or notice 82699
required by this chapter, the return or notice required of that 82700
individual shall be made and filed by the individual's duly 82701
authorized agent, guardian, conservator, fiduciary, or other 82702
person charged with the care of the person or property of that 82703
individual. 82704

(C) Returns or notices required of an estate or a trust shall 82705
be made and filed by the fiduciary of the estate or trust. 82706

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 82707
of this section, any pass-through entity may file a single return 82708
on behalf of one or more of the entity's investors other than an 82709
investor that is a person subject to the tax imposed under section 82710
5733.06 of the Revised Code. The single return shall set forth the 82711
name, address, and social security number or other identifying 82712
number of each of those pass-through entity investors and shall 82713
indicate the distributive share of each of those pass-through 82714
entity investor's income taxable in this state in accordance with 82715
sections 5747.20 to 5747.231 of the Revised Code. Such 82716
pass-through entity investors for whom the pass-through entity 82717
elects to file a single return are not entitled to the exemption 82718
or credit provided for by sections 5747.02 and 5747.022 of the 82719
Revised Code; shall calculate the tax before business credits at 82720
the highest rate of tax set forth in section 5747.02 of the 82721
Revised Code for the taxable year for which the return is filed; 82722
and are entitled to only their distributive share of the business 82723

credits as defined in division (D)(2) of this section. A single 82724
check drawn by the pass-through entity shall accompany the return 82725
in full payment of the tax due, as shown on the single return, for 82726
such investors, other than investors who are persons subject to 82727
the tax imposed under section 5733.06 of the Revised Code. 82728

(b)(i) A pass-through entity shall not include in such a 82729
single return any investor that is a trust to the extent that any 82730
direct or indirect current, future, or contingent beneficiary of 82731
the trust is a person subject to the tax imposed under section 82732
5733.06 of the Revised Code. 82733

(ii) A pass-through entity shall not include in such a single 82734
return any investor that is itself a pass-through entity to the 82735
extent that any direct or indirect investor in the second 82736
pass-through entity is a person subject to the tax imposed under 82737
section 5733.06 of the Revised Code. 82738

(c) Nothing in division (D) of this section precludes the tax 82739
commissioner from requiring such investors to file the return and 82740
make the payment of taxes and related interest, penalty, and 82741
interest penalty required by this section or section 5747.02, 82742
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 82743
of this section shall be construed to provide to such an investor 82744
or pass-through entity any additional deduction or credit, other 82745
than the credit provided by division (J) of this section, solely 82746
on account of the entity's filing a return in accordance with this 82747
section. Such a pass-through entity also shall make the filing and 82748
payment of estimated taxes on behalf of the pass-through entity 82749
investors other than an investor that is a person subject to the 82750
tax imposed under section 5733.06 of the Revised Code. 82751

(2) For the purposes of this section, "business credits" 82752
means the credits listed in section 5747.98 of the Revised Code 82753
excluding the following credits: 82754

(a) The retirement credit under division (B) of section 5747.055 of the Revised Code;	82755 82756
(b) The senior citizen credit under division (C) of section 5747.05 of the Revised Code;	82757 82758
(c) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code;	82759 82760
(d) The dependent care credit under section 5747.054 of the Revised Code;	82761 82762
(e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	82763 82764
(f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	82765 82766
(g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	82767 82768
(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	82769 82770
(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	82771 82772
(j) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	82773 82774
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	82775 82776
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	82777 82778
<u>(m) The low-income credit under section 5747.056 of the Revised Code.</u>	82779 82780
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner	82781 82782 82783

provides otherwise, this election, once made, is binding and 82784
irrevocable for the taxable year for which the election is made. 82785
Nothing in this division shall be construed to provide for any 82786
deduction or credit that would not be allowable if a nonresident 82787
pass-through entity investor were to file an annual return. 82788

(4) If a pass-through entity makes the election provided for 82789
under division (D) of this section, the pass-through entity shall 82790
be liable for any additional taxes, interest, interest penalty, or 82791
penalties imposed by this chapter if the tax commissioner finds 82792
that the single return does not reflect the correct tax due by the 82793
pass-through entity investors covered by that return. Nothing in 82794
this division shall be construed to limit or alter the liability, 82795
if any, imposed on pass-through entity investors for unpaid or 82796
underpaid taxes, interest, interest penalty, or penalties as a 82797
result of the pass-through entity's making the election provided 82798
for under division (D) of this section. For the purposes of 82799
division (D) of this section, "correct tax due" means the tax that 82800
would have been paid by the pass-through entity had the single 82801
return been filed in a manner reflecting the tax commissioner's 82802
findings. Nothing in division (D) of this section shall be 82803
construed to make or hold a pass-through entity liable for tax 82804
attributable to a pass-through entity investor's income from a 82805
source other than the pass-through entity electing to file the 82806
single return. 82807

(E) If a husband and wife file a joint federal income tax 82808
return for a taxable year, they shall file a joint return under 82809
this section for that taxable year, and their liabilities are 82810
joint and several, but, if the federal income tax liability of 82811
either spouse is determined on a separate federal income tax 82812
return, they shall file separate returns under this section. 82813

If either spouse is not required to file a federal income tax 82814
return and either or both are required to file a return pursuant 82815

to this chapter, they may elect to file separate or joint returns, 82816
and, pursuant to that election, their liabilities are separate or 82817
joint and several. If a husband and wife file separate returns 82818
pursuant to this chapter, each must claim the taxpayer's own 82819
exemption, but not both, as authorized under section 5747.02 of 82820
the Revised Code on the taxpayer's own return. 82821

(F) Each return or notice required to be filed under this 82822
section shall contain the signature of the taxpayer or the 82823
taxpayer's duly authorized agent and of the person who prepared 82824
the return for the taxpayer, and shall include the taxpayer's 82825
social security number. Each return shall be verified by a 82826
declaration under the penalties of perjury. The tax commissioner 82827
shall prescribe the form that the signature and declaration shall 82828
take. 82829

(G) Each return or notice required to be filed under this 82830
section shall be made and filed as required by section 5747.04 of 82831
the Revised Code, on or before the fifteenth day of April of each 82832
year, on forms that the tax commissioner shall prescribe, together 82833
with remittance made payable to the treasurer of state in the 82834
combined amount of the state and all school district income taxes 82835
shown to be due on the form, unless the combined amount shown to 82836
be due is one dollar or less, in which case that amount need not 82837
be remitted. 82838

Upon good cause shown, the tax commissioner may extend the 82839
period for filing any notice or return required to be filed under 82840
this section and may adopt rules relating to extensions. If the 82841
extension results in an extension of time for the payment of any 82842
state or school district income tax liability with respect to 82843
which the return is filed, the taxpayer shall pay at the time the 82844
tax liability is paid an amount of interest computed at the rate 82845
per annum prescribed by section 5703.47 of the Revised Code on 82846
that liability from the time that payment is due without extension 82847

to the time of actual payment. Except as provided in section 82848
5747.132 of the Revised Code, in addition to all other interest 82849
charges and penalties, all taxes imposed under this chapter or 82850
Chapter 5748. of the Revised Code and remaining unpaid after they 82851
become due, except combined amounts due of one dollar or less, 82852
bear interest at the rate per annum prescribed by section 5703.47 82853
of the Revised Code until paid or until the day an assessment is 82854
issued under section 5747.13 of the Revised Code, whichever occurs 82855
first. 82856

If the tax commissioner considers it necessary in order to 82857
ensure the payment of the tax imposed by section 5747.02 of the 82858
Revised Code or any tax imposed under Chapter 5748. of the Revised 82859
Code, the tax commissioner may require returns and payments to be 82860
made otherwise than as provided in this section. 82861

To the extent that any provision in this division conflicts 82862
with any provision in section 5747.026 of the Revised Code, the 82863
provision in that section prevails. 82864

(H) If any report, claim, statement, or other document 82865
required to be filed, or any payment required to be made, within a 82866
prescribed period or on or before a prescribed date under this 82867
chapter is delivered after that period or that date by United 82868
States mail to the agency, officer, or office with which the 82869
report, claim, statement, or other document is required to be 82870
filed, or to which the payment is required to be made, the date of 82871
the postmark stamped on the cover in which the report, claim, 82872
statement, or other document, or payment is mailed shall be deemed 82873
to be the date of delivery or the date of payment. 82874

If a payment is required to be made by electronic funds 82875
transfer pursuant to section 5747.072 of the Revised Code, the 82876
payment is considered to be made when the payment is received by 82877
the treasurer of state or credited to an account designated by the 82878

treasurer of state for the receipt of tax payments. 82879

"The date of the postmark" means, in the event there is more 82880
than one date on the cover, the earliest date imprinted on the 82881
cover by the United States postal service. 82882

(I) The amounts withheld by the employer pursuant to section 82883
5747.06 of the Revised Code shall be allowed to the recipient of 82884
the compensation as credits against payment of the appropriate 82885
taxes imposed on the recipient by section 5747.02 and under 82886
Chapter 5748. of the Revised Code. 82887

(J) If, in accordance with division (D) of this section, a 82888
pass-through entity elects to file a single return and if any 82889
investor is required to file the return and make the payment of 82890
taxes required by this chapter on account of the investor's other 82891
income that is not included in a single return filed by a 82892
pass-through entity, the investor is entitled to a refundable 82893
credit equal to the investor's proportionate share of the tax paid 82894
by the pass-through entity on behalf of the investor. The investor 82895
shall claim the credit for the investor's taxable year in which or 82896
with which ends the taxable year of the pass-through entity. 82897
Nothing in this chapter shall be construed to allow any credit 82898
provided in this chapter to be claimed more than once. For the 82899
purposes of computing any interest, penalty, or interest penalty, 82900
the investor shall be deemed to have paid the refundable credit 82901
provided by this division on the day that the pass-through entity 82902
paid the estimated tax or the tax giving rise to the credit. 82903

Sec. 5747.113. (A) Any taxpayer claiming a refund under 82904
section 5747.11 of the Revised Code for taxable years ending on or 82905
after October 14, 1983, who wishes to contribute any part of ~~his~~ 82906
the taxpayer's refund to the natural areas and preserves fund 82907
created in section 1517.11 of the Revised Code, the nongame and 82908
endangered wildlife fund created in section 1531.26 of the Revised 82909

Code, the military injury relief fund created in section 5101.98 82910
of the Revised Code, or both all of those funds, may designate on 82911
~~his~~ the taxpayer's income tax return the amount that ~~he~~ the 82912
taxpayer wishes to contribute to the fund or funds. A designated 82913
contribution is irrevocable upon the filing of the return and 82914
shall be made in the full amount designated if the refund found 82915
due the taxpayer upon the initial processing of ~~his~~ the taxpayer's 82916
return, after any deductions including those required by section 82917
5747.12 of the Revised Code, is greater than or equal to the 82918
designated contribution. If the refund due as initially determined 82919
is less than the designated contribution, the contribution shall 82920
be made in the full amount of the refund. The tax commissioner 82921
shall subtract the amount of the contribution from the amount of 82922
the refund initially found due the taxpayer and shall certify the 82923
difference to the director of budget and management and treasurer 82924
of state for payment to the taxpayer in accordance with section 82925
5747.11 of the Revised Code. For the purpose of any subsequent 82926
determination of the taxpayer's net tax payment, the contribution 82927
shall be considered a part of the refund paid to the taxpayer. 82928

(B) The tax commissioner shall provide a space on the income 82929
tax return form in which a taxpayer may indicate that ~~he~~ the 82930
taxpayer wishes to make a donation in accordance with this 82931
section. The tax commissioner shall also print in the instructions 82932
accompanying the income tax return form a description of the 82933
purposes for which the natural areas and preserves fund ~~and,~~ the 82934
nongame and endangered wildlife fund, and the military injury 82935
relief fund were created and the use of moneys from the income tax 82936
refund contribution system established in this section. No person 82937
shall designate on ~~his~~ the person's income tax return any part of 82938
a refund claimed under section 5747.11 of the Revised Code as a 82939
contribution to any fund other than the natural areas and 82940
preserves fund, the nongame and endangered wildlife fund, the 82941
military injury relief fund or ~~both~~ all of those funds. 82942

(C) The money collected under the income tax refund 82943
contribution system established in this section shall be deposited 82944
by the tax commissioner into the natural areas and preserves fund 82945
~~and~~, the nongame and endangered wildlife fund, and the military 82946
injury relief fund in the amounts designated on the tax returns. 82947

(D) No later than the thirtieth day of September each year, 82948
the tax commissioner shall determine the total amount contributed 82949
to each fund under this section during the preceding eight months, 82950
any adjustments to prior months, and the cost to the department of 82951
taxation of administering the income tax refund contribution 82952
system during that eight-month period. The commissioner shall make 82953
an additional determination no later than the thirty-first day of 82954
January of each year of the total amount contributed to each fund 82955
under this section during the preceding four calendar months, any 82956
adjustments to prior years made during that four-month period, and 82957
the cost to the department of taxation of administering the income 82958
tax contribution system during that period. The cost of 82959
administering the income tax contribution system shall be 82960
certified by the tax commissioner to the director of budget and 82961
management, who shall transfer an amount equal to ~~one-half~~ 82962
one-third of such administrative costs from the natural areas and 82963
preserves fund ~~and one-half~~, one-third of such costs from the 82964
nongame and endangered wildlife fund, and one-third of such costs 82965
from the military injury relief fund to the litter control and 82966
natural resource tax administration fund, which is hereby created, 82967
provided that the moneys that the department receives to pay the 82968
cost of administering the income tax refund contribution system in 82969
any year shall not exceed two and one-half per cent of the total 82970
amount contributed under that system during that year. 82971

(E)(1) The director of natural resources, in January of every 82972
odd-numbered year, shall report to the general assembly on the 82973
effectiveness of the income tax refund contribution system as it 82974

pertains to the natural areas and preserves fund and the nongame and endangered wildlife fund. The report shall include the amount of money contributed to ~~the natural areas and preserves fund and the nongame and endangered wildlife fund~~ each fund in each of the previous five years, the amount of money contributed directly to each fund in addition to or independently of the income tax refund contribution system in each of the previous five years, and the purposes for which the money was expended.

(2) The director of job and family services, in January of every odd-numbered year, shall report to the general assembly on the effectiveness of the income tax refund contribution system as it pertains to the military injury relief fund. The report shall include the amount of money contributed to the fund in each of the previous five years, the amount of money contributed directly to the fund in addition to or independently of the income tax refund contribution system in each of the previous five years, and the purposes for which the money was expended.

Sec. 5747.212. (A) This section applies solely for the purpose of computing the credit allowed under division (A) of section 5747.05 of the Revised Code, computing income taxable in this state under division (D) of section 5747.08 of the Revised Code, and computing the credit allowed under section 5747.057 of the Revised Code.

(B) A pass-through entity investor that owns taxpayer, directly or indirectly, owning at any time during the three-year period ending on the last day of the taxpayer's taxable year at least twenty per cent of the pass-through equity voting rights of a section 5747.212 entity at any time during the current taxable year or either of the two preceding taxable years shall apportion any income, including gain or loss, realized from the each sale, exchange, or other disposition of a debt or equity interest in the

that entity as prescribed in this section. For such purposes, in 83006
lieu of using the method prescribed by sections 5747.20 and 83007
5747.21 of the Revised Code, the investor shall apportion the 83008
income using the average of the ~~pass-through~~ section 5747.212 83009
entity's apportionment fractions otherwise applicable under 83010
section 5733.05, 5733.056, or 5747.21 of the Revised Code for the 83011
current and two preceding taxable years. If the ~~pass-through~~ 83012
section 5747.212 entity was not in business for one or more of 83013
those years, each year that the entity was not in business shall 83014
be excluded in determining the average. 83015

(C) For the purposes of this section: 83016

(1) A "section 5747.212 entity" is any qualifying person if, 83017
on at least one day of the three-year period ending on the last 83018
day of the taxpayer's taxable year, any of the following apply: 83019

(a) The qualifying person is a pass-through entity; 83020

(b) Five or fewer persons directly or indirectly own all the 83021
equity interests, with voting rights, of the qualifying person; 83022

(c) One person directly or indirectly owns at least fifty per 83023
cent of the qualifying person's equity interests with voting 83024
rights. 83025

(2) A "qualifying person" is any person other than an 83026
individual, estate, or trust. 83027

(3) "Estate" and "trust" do not include any person classified 83028
for federal income tax purposes as an association taxable as a 83029
corporation. 83030

Sec. 5747.331. (A) As used in this section: 83031

(1) "Borrower" means any person that receives a loan from the 83032
director of development under section 166.21 of the Revised Code, 83033
regardless of whether the borrower is subject to the tax imposed 83034
by section 5747.02 of the Revised Code. 83035

(2) "Related member" has the same meaning as in section 83036
5733.042 of the Revised Code. 83037

(3) "Qualified research and development loan payments" has 83038
the same meaning as in division (D) of section 166.21 of the 83039
Revised Code. 83040

(B) Beginning ~~in~~ with taxable year 2003 and ending with 83041
taxable years beginning in 2007, a nonrefundable credit is allowed 83042
against the tax imposed by section 5747.02 of the Revised Code 83043
equal to a borrower's qualified research and development loan 83044
payments made during the calendar year that includes the last day 83045
of the taxable year for which the credit is claimed. The amount of 83046
the credit for a taxable year shall not exceed one hundred fifty 83047
thousand dollars. No taxpayer is entitled to claim a credit under 83048
this section unless it has obtained a certificate issued by the 83049
director of development under division (D) of section 166.21 of 83050
the Revised Code. The credit shall be claimed in the order 83051
required under section 5747.98 of the Revised Code. The credit, to 83052
the extent it exceeds the taxpayer's tax liability for the taxable 83053
year after allowance for any other credits that precede the credit 83054
under this section in that order, shall be carried forward to the 83055
next succeeding taxable year or years until fully used. Any credit 83056
not fully utilized by the taxable year beginning in 2007 may be 83057
carried forward and applied against the tax levied by Chapter 83058
5751. of the Revised Code to the extent allowed by section 5751.52 83059
of the Revised Code. 83060

(C) A borrower entitled to a credit under this section may 83061
assign the credit, or a portion thereof, to any of the following: 83062

(1) A related member of that borrower; 83063

(2) The owner or lessee of the eligible research and 83064
development project; 83065

(3) A related member of the owner or lessee of the eligible 83066

research and development project. 83067

A borrower making an assignment under this division shall 83068
provide written notice of the assignment to the tax commissioner 83069
and the director of development, in such form as the tax 83070
commissioner prescribes, before the credit that was assigned is 83071
used. The assignor may not claim the credit to the extent it was 83072
assigned to an assignee. The assignee may claim the credit only to 83073
the extent the assignor has not claimed it. 83074

(D) If any taxpayer is a shareholder in an S corporation, a 83075
partner in a partnership, or a member in a limited liability 83076
company treated as a partnership for federal income tax purposes, 83077
the taxpayer shall be allowed the taxpayer's distributive or 83078
proportionate share of the credit available through the S 83079
corporation, partnership, or limited liability company. 83080

(E) The aggregate credit against the taxes imposed by 83081
sections 5733.06, 5733.065, 5733.066, and 5747.02 of the Revised 83082
Code that may be claimed under this section and section 5733.352 83083
of the Revised Code by a borrower as a result of qualified 83084
research and development loan payments attributable during a 83085
calendar year to any one loan shall not exceed one hundred fifty 83086
thousand dollars. 83087

Sec. 5747.70. (A) In computing Ohio adjusted gross income, a 83088
deduction from federal adjusted gross income is allowed to a 83089
contributor for the amount contributed during the taxable year to 83090
a variable college savings program account and to a purchaser of 83091
tuition ~~credits~~ units under the Ohio college savings program 83092
created by Chapter 3334. of the Revised Code to the extent that 83093
the amounts of such contributions and purchases were not deducted 83094
in determining the contributor's or purchaser's federal adjusted 83095
gross income for the taxable year. The combined amount of 83096
contributions and purchases deducted in any taxable year by a 83097

taxpayer or the taxpayer and the taxpayer's spouse, regardless of 83098
whether the taxpayer and the taxpayer's spouse file separate 83099
returns or a joint return, is limited to two thousand dollars for 83100
each beneficiary for whom contributions or purchases are made. If 83101
the combined annual contributions and purchases for a beneficiary 83102
exceed two thousand dollars, the excess may be carried forward and 83103
deducted in future taxable years until the contributions and 83104
purchases have been fully deducted. 83105

(B) In computing Ohio adjusted gross income, a deduction from 83106
federal adjusted gross income is allowed for: 83107

(1) Income related to tuition ~~credits~~ units and contributions 83108
that as of the end of the taxable year have not been refunded 83109
pursuant to the termination of a tuition payment contract or 83110
variable college savings program account under section 3334.10 of 83111
the Revised Code, to the extent that such income is included in 83112
federal adjusted gross income. 83113

(2) The excess of the total purchase price of tuition ~~credits~~ 83114
units refunded during the taxable year pursuant to the termination 83115
of a tuition payment contract under section 3334.10 of the Revised 83116
Code over the amount of the refund, to the extent the amount of 83117
the excess was not deducted in determining federal adjusted gross 83118
income. Division (B)(2) of this section applies only to ~~credits~~ 83119
units for which no deduction was allowable under division (A) of 83120
this section. 83121

(C) In computing Ohio adjusted gross income, there shall be 83122
added to federal adjusted gross income the amount of loss related 83123
to tuition ~~credits~~ units and contributions that as of the end of 83124
the taxable year have not been refunded pursuant to the 83125
termination of a tuition payment contract or variable college 83126
savings program account under section 3334.10 of the Revised Code, 83127
to the extent that such loss was deducted in determining federal 83128
adjusted gross income. 83129

(D) For taxable years in which distributions or refunds are 83130
made under a tuition payment or variable college savings program 83131
contract for any reason other than payment of tuition or other 83132
higher education expenses, or the beneficiary's death, disability, 83133
or receipt of a scholarship as described in section 3334.10 of the 83134
Revised Code: 83135

(1) If the distribution or refund is paid to the purchaser or 83136
contributor or beneficiary, any portion of the distribution or 83137
refund not included in the recipient's federal adjusted gross 83138
income shall be added to the recipient's federal adjusted gross 83139
income in determining the recipient's Ohio adjusted gross income, 83140
except that the amount added shall not exceed amounts previously 83141
deducted under division (A) of this section less any amounts added 83142
under division (D)(1) of this section in a prior taxable year. 83143

(2) If amounts paid by a purchaser or contributor on or after 83144
January 1, 2000, are distributed or refunded to someone other than 83145
the purchaser or contributor or beneficiary, the amount of the 83146
payment not included in the recipient's federal adjusted gross 83147
income, less any amounts added under division (D) of this section 83148
in a prior taxable year, shall be added to the recipient's federal 83149
adjusted gross income in determining the recipient's Ohio adjusted 83150
gross income. 83151

Sec. 5747.80. (A) Upon the issuance of a tax credit 83152
certificate by the Ohio venture capital authority under section 83153
150.07 of the Revised Code, a credit may be claimed against the 83154
tax imposed by section 5747.02 of the Revised Code. The credit 83155
shall be claimed for the taxable year specified in the certificate 83156
issued by the authority and in the order required under section 83157
5747.98 of the Revised Code. 83158

(B) If the taxpayer elected a refundable credit under section 83159
150.07 of the Revised Code and the amount of the credit shown on 83160

the certificate does not exceed the tax otherwise due under 83161
section 5747.02 of the Revised Code after all nonrefundable 83162
credits are deducted, then the taxpayer shall claim a refundable 83163
credit equal to the amount of the credit shown on the certificate. 83164

(C) If the taxpayer elected a refundable credit under section 83165
150.07 of the Revised Code, and the amount of the credit shown on 83166
the certificate exceeds the tax otherwise due under section 83167
5747.02 of the Revised Code after all nonrefundable credits, 83168
including the credit allowed under this section, are deducted in 83169
that order, the taxpayer shall receive a refund equal to 83170
seventy five per cent of that excess. If the taxpayer elected a 83171
nonrefundable credit, the amount of the credit, claimed in that 83172
order, shall not exceed the tax otherwise due after all the 83173
taxpayer's credits are deducted in that order. If claim a 83174
refundable credit equal to the sum of the following: 83175

(1) The amount, if any, of the tax otherwise due under 83176
section 5747.02 of the Revised Code after all nonrefundable 83177
credits are deducted; 83178

(2) Seventy-five per cent of the difference between the 83179
amount of the refundable credit shown on the certificate and the 83180
tax otherwise due under section 5747.02 of the Revised Code after 83181
all nonrefundable credits are deducted. 83182

(D) If the taxpayer elected a nonrefundable credit and the 83183
credit to which the taxpayer would otherwise be entitled under 83184
this section for any taxable year is greater than the tax 83185
otherwise due under section 5747.02 of the Revised Code, after 83186
allowing for any other credits that, under section 5747.98 of the 83187
Revised Code, precede the credit allowed under this section, the 83188
excess shall be allowed as a nonrefundable credit in each of the 83189
ensuing ten taxable years, but the amount of any excess credit 83190
allowed in the ensuing taxable year shall be deducted from the 83191

balance carried forward to the next taxable year. 83192

Sec. 5747.98. (A) To provide a uniform procedure for 83193
calculating the amount of tax due under section 5747.02 of the 83194
Revised Code, a taxpayer shall claim any credits to which the 83195
taxpayer is entitled in the following order: 83196

(1) The retirement income credit under division (B) of 83197
section 5747.055 of the Revised Code; 83198

(2) The senior citizen credit under division (C) of section 83199
5747.05 of the Revised Code; 83200

(3) The lump sum distribution credit under division (D) of 83201
section 5747.05 of the Revised Code; 83202

(4) The dependent care credit under section 5747.054 of the 83203
Revised Code; 83204

(5) The lump sum retirement income credit under division (C) 83205
of section 5747.055 of the Revised Code; 83206

(6) The lump sum retirement income credit under division (D) 83207
of section 5747.055 of the Revised Code; 83208

(7) The lump sum retirement income credit under division (E) 83209
of section 5747.055 of the Revised Code; 83210

(8) The low-income credit under section 5747.056 of the 83211
Revised Code; 83212

(9) The credit for displaced workers who pay for job training 83213
under section 5747.27 of the Revised Code; 83214

~~(9)~~(10) The campaign contribution credit under section 83215
5747.29 of the Revised Code; 83216

~~(10)~~(11) The twenty-dollar personal exemption credit under 83217
section 5747.022 of the Revised Code; 83218

~~(11)~~(12) The joint filing credit under division (G) of 83219

section 5747.05 of the Revised Code;	83220
(12) <u>(13)</u> The nonresident credit under division (A) of section 5747.05 of the Revised Code;	83221 83222
(13) <u>(14)</u> The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	83223 83224
(14) <u>(15)</u> The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code;	83225 83226 83227
(15) <u>(16)</u> The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	83228 83229
(16) <u>(17)</u> The credit for adoption of a minor child under section 5747.37 of the Revised Code;	83230 83231
(17) <u>(18)</u> The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	83232 83233
(18) <u>(19)</u> The job retention credit under division (B) of section 5747.058 of the Revised Code;	83234 83235
(19) <u>(20)</u> The credit for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code if the taxpayer elected a nonrefundable credit under section 150.07 of the Revised Code;	83236 83237 83238 83239
(20) <u>(21)</u> The credit for purchases of new manufacturing machinery and equipment under section 5747.26 or section 5747.261 of the Revised Code;	83240 83241 83242
(21) <u>(22)</u> The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	83243 83244 83245
(22) <u>(23)</u> The job training credit under section 5747.39 of the Revised Code;	83246 83247
(23) <u>(24)</u> The enterprise zone credit under section 5709.66 of	83248

the Revised Code;	83249
(24) <u>(25)</u> The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	83250 83251
(25) <u>(26)</u> The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	83252 83253
(26) <u>(27)</u> The ethanol plant investment credit under section 5747.75 of the Revised Code;	83254 83255
(27) <u>(28)</u> The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	83256 83257
(28) <u>(29)</u> The export sales credit under section 5747.057 of the Revised Code;	83258 83259
(29) <u>(30)</u> The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;	83260 83261 83262
(30) <u>(31)</u> The enterprise zone credits under section 5709.65 of the Revised Code;	83263 83264
(31) <u>(32)</u> The research and development credit under section 5747.331 of the Revised Code;	83265 83266
(32) <u>(33)</u> The refundable jobs creation credit under division (A) of section 5747.058 of the Revised Code;	83267 83268
(33) <u>(34)</u> The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	83269 83270
(34) <u>(35)</u> The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code;	83271 83272 83273
(35) <u>(36)</u> The refundable credit for tax withheld under division (B)(1) of section 5747.062 of the Revised Code;	83274 83275
(36) <u>(37)</u> The credit for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the	83276 83277

Revised Code if the taxpayer elected a refundable credit under 83278
section 150.07 of the Revised Code. 83279

(B) For any credit, except the credits enumerated in 83280
divisions (A)~~(32)~~(33) to ~~(36)~~(37) of this section and the credit 83281
granted under division (I) of section 5747.08 of the Revised Code, 83282
the amount of the credit for a taxable year shall not exceed the 83283
tax due after allowing for any other credit that precedes it in 83284
the order required under this section. Any excess amount of a 83285
particular credit may be carried forward if authorized under the 83286
section creating that credit. Nothing in this chapter shall be 83287
construed to allow a taxpayer to claim, directly or indirectly, a 83288
credit more than once for a taxable year. 83289

Sec. 5748.01. As used in this chapter: 83290

(A) "School district income tax" means an income tax adopted 83291
under one of the following: 83292

(1) Former section 5748.03 of the Revised Code as it existed 83293
prior to its repeal by Amended Substitute House Bill No. 291 of 83294
the 115th general assembly; 83295

(2) Section 5748.03 of the Revised Code as enacted in 83296
Substitute Senate Bill No. 28 of the 118th general assembly; 83297

(3) Section 5748.08 of the Revised Code as enacted in Amended 83298
Substitute Senate Bill No. 17 of the 122nd general assembly. 83299

(B) "Individual" means an individual subject to the tax 83300
levied by section 5747.02 of the Revised Code. 83301

(C) "Estate" means an estate subject to the tax levied by 83302
section 5747.02 of the Revised Code. 83303

(D) "Taxable year" means a taxable year as defined in 83304
division (M) of section 5747.01 of the Revised Code. 83305

(E) "Taxable income" means: 83306

(1) In the case of an individual, <u>adjusted one of the</u>	83307
<u>following, as specified in the resolution imposing the tax:</u>	83308
<u>(a) Ohio adjusted</u> gross income for the taxable year as	83309
defined in division (A) of section 5747.01 of the Revised Code,	83310
less the exemptions provided by section 5747.02 of the Revised	83311
Code;	83312
<u>(b) Wages, salaries, tips, and other employee compensation to</u>	83313
<u>the extent included in Ohio adjusted gross income as defined in</u>	83314
<u>section 5747.01 of the Revised Code, and net earnings from</u>	83315
<u>self-employment, as defined in section 1402(a) of the Internal</u>	83316
<u>Revenue Code, to the extent included in Ohio adjusted gross</u>	83317
<u>income.</u>	83318
(2) In the case of an estate, taxable income for the taxable	83319
year as defined in division (S) of section 5747.01 of the Revised	83320
Code.	83321
(F) Except as provided in section 5747.25 of the Revised	83322
Code, "resident" of the school district means:	83323
(1) An individual who is a resident of this state as defined	83324
in division (I) of section 5747.01 of the Revised Code during all	83325
or a portion of the taxable year and who, during all or a portion	83326
of such period of state residency, is domiciled in the school	83327
district or lives in and maintains a permanent place of abode in	83328
the school district;	83329
(2) An estate of a decedent who, at the time of death, was	83330
domiciled in the school district.	83331
(G) "School district income" means:	83332
(1) With respect to an individual, the portion of the taxable	83333
income of an individual that is received by the individual during	83334
the portion of the taxable year that the individual is a resident	83335
of the school district and the school district income tax is in	83336

effect in that school district. An individual may have school 83337
district income with respect to more than one school district. 83338

(2) With respect to an estate, the taxable income of the 83339
estate for the portion of the taxable year that the school 83340
district income tax is in effect in that school district. 83341

(H) "Taxpayer" means an individual or estate having school 83342
district income upon which a school district income tax is 83343
imposed. 83344

(I) "School district purposes" means any of the purposes for 83345
which a tax may be levied pursuant to section 5705.21 of the 83346
Revised Code. 83347

Sec. 5748.02. (A) The board of education of any school 83348
district, except a joint vocational school district, may declare, 83349
by resolution, the necessity of raising annually a specified 83350
amount of money for school district purposes. The resolution shall 83351
specify whether the income that is to be subject to the tax is 83352
taxable income of individuals and estates as defined in divisions 83353
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 83354
taxable income of individuals as defined in division (E)(1)(b) of 83355
that section. A copy of the resolution shall be certified to the 83356
tax commissioner no later than eighty-five days prior to the date 83357
of the election at which the board intends to propose a levy under 83358
this section. Upon receipt of the copy of the resolution, the tax 83359
commissioner shall estimate both of the following: 83360

(1) The property tax rate that would have to be imposed in 83361
the current year by the district to produce an equivalent amount 83362
of money; 83363

(2) The income tax rate that would have had to have been in 83364
effect for the current year to produce an equivalent amount of 83365
money from a school district income tax. 83366

Within ten days of receiving the copy of the board's 83367
resolution, the commissioner shall prepare these estimates and 83368
certify them to the board. Upon receipt of the certification, the 83369
board may adopt a resolution proposing an income tax under 83370
division (B) of this section at the estimated rate contained in 83371
the certification rounded to the nearest one-fourth of one per 83372
cent. The commissioner's certification applies only to the board's 83373
proposal to levy an income tax at the election for which the board 83374
requested the certification. If the board intends to submit a 83375
proposal to levy an income tax at any other election, it shall 83376
request another certification for that election in the manner 83377
prescribed in this division. 83378

(B)(1) Upon the receipt of a certification from the tax 83379
commissioner under division (A) of this section, a majority of the 83380
members of a board of education may adopt a resolution proposing 83381
the levy of an annual tax for school district purposes on ~~the~~ 83382
~~school district income of individuals and of estates.~~ The proposed 83383
levy may be for a continuing period of time or for a specified 83384
number of years. The resolution shall set forth the purpose for 83385
which the tax is to be imposed, the rate of the tax, which shall 83386
be the rate set forth in the commissioner's certification rounded 83387
to the nearest one-fourth of one per cent, the number of years the 83388
tax will be levied or that it will be levied for a continuing 83389
period of time, the date on which the tax shall take effect, which 83390
shall be the first day of January of any year following the year 83391
in which the question is submitted, and the date of the election 83392
at which the proposal shall be submitted to the electors of the 83393
district, which shall be on the date of a primary, general, or 83394
special election the date of which is consistent with section 83395
3501.01 of the Revised Code. The resolution shall specify whether 83396
the income that is to be subject to the tax is taxable income of 83397
individuals and estates as defined in divisions (E)(1)(a) and (2) 83398

of section 5748.01 of the Revised Code or taxable income of 83399
individuals as defined in division (E)(1)(b) of that section. The 83400
specification shall be the same as the specification in the 83401
resolution adopted and certified under division (A) of this 83402
section. If the board of education currently imposes an income tax 83403
pursuant to this chapter that is due to expire and a question is 83404
submitted under this section for a proposed income tax to take 83405
effect upon the expiration of the existing tax, the board may 83406
specify in the resolution that the proposed tax renews the 83407
expiring tax and is not an additional income tax, provided that 83408
the tax rate being proposed is no higher than the tax rate that is 83409
currently imposed. 83410

(2) A board of education adopting a resolution under division 83411
(B)(1) of this section proposing a school district income tax for 83412
a continuing period of time and limited to the purpose of current 83413
expenses may propose in that resolution to reduce the rate or 83414
rates of one or more of the school district's property taxes 83415
levied for a continuing period of time in excess of the ten-mill 83416
limitation for the purpose of current expenses. The reduction in 83417
the rate of a property tax may be any amount, expressed in mills 83418
per one dollar in valuation, not exceeding the rate at which the 83419
tax is authorized to be levied. The reduction in the rate of a tax 83420
shall first take effect for the tax year that includes the day on 83421
which the school district income tax first takes effect, and shall 83422
continue for each tax year that both the school district income 83423
tax and the property tax levy are in effect. 83424

In addition to the matters required to be set forth in the 83425
resolution under division (B)(1) of this section, a resolution 83426
containing a proposal to reduce the rate of one or more property 83427
taxes shall state for each such tax the maximum rate at which it 83428
currently may be levied and the maximum rate at which the tax 83429
could be levied after the proposed reduction, expressed in mills 83430

per one dollar in valuation, and that the tax is levied for a 83431
continuing period of time. 83432

If a board of education proposes to reduce the rate of one or 83433
more property taxes under division (B)(2) of this section, the 83434
board, when it makes the certification required under division (A) 83435
of this section, shall designate the specific levy or levies to be 83436
reduced, the maximum rate at which each levy currently is 83437
authorized to be levied, and the rate by which each levy is 83438
proposed to be reduced. The tax commissioner, when making the 83439
certification to the board under division (A) of this section, 83440
also shall certify the reduction in the total effective tax rate 83441
for current expenses for each class of property that would have 83442
resulted if the proposed reduction in the rate or rates had been 83443
in effect the previous tax year. As used in this paragraph, 83444
"effective tax rate" has the same meaning as in section 323.08 of 83445
the Revised Code. 83446

(C) A resolution adopted under division (B) of this section 83447
shall go into immediate effect upon its passage, and no 83448
publication of the resolution shall be necessary other than that 83449
provided for in the notice of election. Immediately after its 83450
adoption and at least seventy-five days prior to the election at 83451
which the question will appear on the ballot, a copy of the 83452
resolution shall be certified to the board of elections of the 83453
proper county, which shall submit the proposal to the electors on 83454
the date specified in the resolution. The form of the ballot shall 83455
be as provided in section 5748.03 of the Revised Code. Publication 83456
of notice of the election shall be made in one or more newspapers 83457
of general circulation in the county once a week for four 83458
consecutive weeks. The notice shall contain the time and place of 83459
the election and the question to be submitted to the electors. The 83460
question covered by the resolution shall be submitted as a 83461
separate proposition, but may be printed on the same ballot with 83462

any other proposition submitted at the same election, other than the election of officers. 83463
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(D) No board of education shall submit the question of a tax on school district income to the electors of the district more than twice in any calendar year. If a board submits the question twice in any calendar year, one of the elections on the question shall be held on the date of the general election. 83465
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Sec. 5748.03. (A) The form of the ballot on a question submitted to the electors under section 5748.02 of the Revised Code shall be as follows: 83470
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"Shall an annual income tax of (state the proposed rate of tax) on the school district income of individuals and of estates be imposed by (state the name of the school district), for (state the number of years the tax would be levied, or that it would be levied for a continuing period of time), beginning (state the date the tax would first take effect), for the purpose of (state the purpose of the tax)? 83473
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	FOR THE TAX
	AGAINST THE TAX

"

(B)(1) If the question submitted to electors proposes a school district income tax only on the taxable income of individuals as defined in division (E)(1)(b) of section 5748.01 of the Revised Code, the form of the ballot shall be modified by stating that the tax is to be levied on the "earned income of individuals residing in the school district" in lieu of the "school district income of individuals and of estates." 83480
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(2) If the question submitted to electors proposes to renew an expiring income tax, the ballot shall be modified by adding the 83491
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following language immediately after the name of the school 83493
district that would impose the tax: "to renew an income tax 83494
expiring at the end of (state the last year the existing 83495
income tax may be levied)." 83496

(3) If the question includes a proposal under division (B)(2) 83497
of section 5748.02 of the Revised Code to reduce the rate of one 83498
or more school district property taxes, the ballot shall state 83499
that the purpose of the school district income tax is for current 83500
expenses, and the form of the ballot shall be modified by adding 83501
the following language immediately after the statement of the 83502
purpose of the proposed income tax: ", and shall the rate of an 83503
existing tax on property, currently levied for the purpose of 83504
current expenses at the rate of mills, be REDUCED to 83505
..... mills until any such time as the income tax is repealed." 83506
In lieu of "for the tax" and "against the tax," the phrases "for 83507
the issue" and "against the issue," respectively, shall be used. 83508
If a board of education proposes a reduction in the rates of more 83509
than one tax, the ballot language shall be modified accordingly to 83510
express the rates at which those taxes currently are levied and 83511
the rates to which the taxes will be reduced. 83512

(C) The board of elections shall certify the results of the 83513
election to the board of education and to the tax commissioner. If 83514
a majority of the electors voting on the question vote in favor of 83515
it, the income tax, the applicable provisions of Chapter 5747. of 83516
the Revised Code, and the reduction in the rate or rates of 83517
existing property taxes if the question included such a reduction 83518
shall take effect on the date specified in the resolution. If the 83519
question approved by the voters includes a reduction in the rate 83520
of a school district property tax, the board of education shall 83521
not levy the tax at a rate greater than the rate to which the tax 83522
is reduced, unless the school district income tax is repealed in 83523
an election under section 5748.04 of the Revised Code. 83524

(D) If the rate at which a property tax is levied and 83525
collected is reduced pursuant to a question approved under this 83526
section, the tax commissioner shall compute the percentage 83527
required to be computed for that tax under division (D) of section 83528
319.301 of the Revised Code each year the rate is reduced as if 83529
the tax had been levied in the preceding year at the rate at which 83530
it has been reduced. If the rate of a property tax increases due 83531
to the repeal of the school district income tax pursuant to 83532
section 5748.04 of the Revised Code, the tax commissioner, for the 83533
first year for which the rate increases, shall compute the 83534
percentage as if the tax in the preceding year had been levied at 83535
the rate at which the tax was authorized to be levied prior to any 83536
rate reduction. 83537

Sec. 5748.04. (A) The question of the repeal of a school 83538
district income tax levied for more than five years may be 83539
initiated not more than once in any five-year period by filing 83540
with the board of elections of the appropriate counties not later 83541
than seventy-five days before the general election in any year 83542
after the year in which it is approved by the electors a petition 83543
requesting that an election be held on the question. The petition 83544
shall be signed by qualified electors residing in the school 83545
district levying the income tax equal in number to ten per cent of 83546
those voting for governor at the most recent gubernatorial 83547
election. 83548

The board of elections shall determine whether the petition 83549
is valid, and if it so determines, it shall submit the question to 83550
the electors of the district at the next general election. The 83551
election shall be conducted, canvassed, and certified in the same 83552
manner as regular elections for county offices in the county. 83553
Notice of the election shall be published in a newspaper of 83554
general circulation in the district once a week for four 83555

consecutive weeks prior to the election, stating the purpose, the
 time, and the place of the election. The form of the ballot cast
 at the election shall be as follows:

"Shall the annual income tax of per cent, currently
 levied on the school district income of individuals and estates by
 (state the name of the school district) for the purpose
 of (state purpose of the tax), be repealed?"

	For repeal of the income tax	"
	Against repeal of the income tax	

(B)(1) If the tax is imposed on taxable income as defined in
 division (E)(1)(b) of section 5748.01 of the Revised Code, the
 form of the ballot shall be modified by stating that the tax
 currently is levied on the "earned income of individuals residing
 in the school district" in lieu of the "school district income of
 individuals and estates."

(2) If the rate of one or more property tax levies was
 reduced for the duration of the income tax levy pursuant to
 division (B)(2) of section 5748.02 of the Revised Code, the form
 of the ballot shall be modified by adding the following language
 immediately after "repealed": ", and shall the rate of an existing
 tax on property for the purpose of current expenses, which rate
 was reduced for the duration of the income tax, be INCREASED from
 mills to mills per one dollar of valuation beginning
 in (state the first year for which the rate of the property
 tax will increase)." In lieu of "for repeal of the income tax" and
 "against repeal of the income tax," the phrases "for the issue"
 and "against the issue," respectively, shall be substituted.

(3) If the rate of more than one property tax was reduced for
 the duration of the income tax, the ballot language shall be

modified accordingly to express the rates at which those taxes 83587
currently are levied and the rates to which the taxes would be 83588
increased. 83589

(C) The question covered by the petition shall be submitted 83590
as a separate proposition, but it may be printed on the same 83591
ballot with any other proposition submitted at the same election 83592
other than the election of officers. If a majority of the 83593
qualified electors voting on the question vote in favor of it, the 83594
result shall be certified immediately after the canvass by the 83595
board of elections to the board of education of the school 83596
district and the tax commissioner, who shall thereupon, after the 83597
current year, cease to levy the tax, except that if notes have 83598
been issued pursuant to section 5748.05 of the Revised Code the 83599
tax commissioner shall continue to levy and collect under 83600
authority of the election authorizing the levy an annual amount, 83601
rounded upward to the nearest one-fourth of one per cent, as will 83602
be sufficient to pay the debt charges on the notes as they fall 83603
due. 83604

(D) If a school district income tax repealed pursuant to this 83605
section was approved in conjunction with a reduction in the rate 83606
of one or more school district property taxes as provided in 83607
division (B)(2) of section 5748.02 of the Revised Code, then each 83608
such property tax may be levied after the current year at the rate 83609
at which it could be levied prior to the reduction, subject to any 83610
adjustments required by the county budget commission pursuant to 83611
Chapter 5705. of the Revised Code. Upon the repeal of a school 83612
district income tax under this section, the board of education may 83613
resume levying a property tax, the rate of which has been reduced 83614
pursuant to a question approved under section 5748.02 of the 83615
Revised Code, at the rate the board originally was authorized to 83616
levy the tax. A reduction in the rate of a property tax under 83617
section 5748.02 of the Revised Code is a reduction in the rate at 83618

which a board of education may levy that tax only for the period 83619
during which a school district income tax is levied prior to any 83620
repeal pursuant to this section. The resumption of the authority 83621
to levy the tax upon such a repeal does not constitute a tax 83622
levied in excess of the one per cent limitation prescribed by 83623
Section 2 of Article XII, Ohio Constitution, or in excess of the 83624
ten-mill limitation. 83625

(E) This section does not apply to school district income tax 83626
levies that are levied for five or fewer years. 83627

Sec. 5748.08. (A) The board of education of a city, local, or 83628
exempted village school district, at any time by a vote of 83629
two-thirds of all its members, may declare by resolution that it 83630
may be necessary for the school district to do all of the 83631
following: 83632

(1) Raise a specified amount of money for school district 83633
purposes by levying an annual tax on ~~the~~ school district income ~~of~~ 83634
~~individuals and estates;~~ 83635

(2) Issue general obligation bonds for permanent 83636
improvements, stating in the resolution the necessity and purpose 83637
of the bond issue and the amount, approximate date, estimated rate 83638
of interest, and maximum number of years over which the principal 83639
of the bonds may be paid; 83640

(3) Levy a tax outside the ten-mill limitation to pay debt 83641
charges on the bonds and any anticipatory securities; 83642

(4) Submit the question of the school district income tax and 83643
bond issue to the electors of the district at a special election. 83644

The resolution shall specify whether the income that is to be 83645
subject to the tax is taxable income of individuals and estates as 83646
defined in divisions (E)(1)(a) and (2) of section 5748.01 of the 83647
Revised Code or taxable income of individuals as defined in 83648

division (E)(1)(b) of that section.

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On adoption of the resolution, the board shall certify a copy of it to the tax commissioner and the county auditor no later than ninety days prior to the date of the special election at which the board intends to propose the income tax and bond issue. Not later than ten days of receipt of the resolution, the tax commissioner, in the same manner as required by division (A) of section 5748.02 of the Revised Code, shall estimate the rates designated in division (A)(1) and (2) of that section and certify them to the board. Not later than ten days of receipt of the resolution, the county auditor shall estimate and certify to the board the average annual property tax rate required throughout the stated maturity of the bonds to pay debt charges on the bonds, in the same manner as under division (C) of section 133.18 of the Revised Code.

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(B) On receipt of the tax commissioner's and county auditor's certifications prepared under division (A) of this section, the board of education of the city, local, or exempted village school district, by a vote of two-thirds of all its members, may adopt a resolution proposing for a specified number of years or for a continuing period of time the levy of an annual tax for school district purposes on ~~the school district income of individuals and of estates~~ and declaring that the amount of taxes that can be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the present and future requirements of the school district; that it is necessary to issue general obligation bonds of the school district for specified permanent improvements and to levy an additional tax in excess of the ten-mill limitation to pay the debt charges on the bonds and any anticipatory securities; and that the question of the bonds and taxes shall be submitted to the electors of the school district at a special election, which shall not be earlier than seventy-five days after certification of the resolution to the board of

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elections, and the date of which shall be consistent with section 83681
3501.01 of the Revised Code. The resolution shall specify all of 83682
the following: 83683

(1) The purpose for which the school district income tax is 83684
to be imposed and the rate of the tax, which shall be the rate set 83685
forth in the tax commissioner's certification rounded to the 83686
nearest one-fourth of one per cent; 83687

(2) Whether the income that is to be subject to the tax is 83688
taxable income of individuals and estates as defined in divisions 83689
(E)(1)(a) and (2) of section 5748.01 of the Revised Code or 83690
taxable income of individuals as defined in division (E)(1)(b) of 83691
that section. The specification shall be the same as the 83692
specification in the resolution adopted and certified under 83693
division (A) of this section. 83694

(3) The number of years the tax will be levied, or that it 83695
will be levied for a continuing period of time; 83696

~~(3)~~(4) The date on which the tax shall take effect, which 83697
shall be the first day of January of any year following the year 83698
in which the question is submitted; 83699

~~(4)~~(5) The county auditor's estimate of the average annual 83700
property tax rate required throughout the stated maturity of the 83701
bonds to pay debt charges on the bonds. 83702

(C) A resolution adopted under division (B) of this section 83703
shall go into immediate effect upon its passage, and no 83704
publication of the resolution shall be necessary other than that 83705
provided for in the notice of election. Immediately after its 83706
adoption and at least seventy-five days prior to the election at 83707
which the question will appear on the ballot, the board of 83708
education shall certify a copy of the resolution, along with 83709
copies of the auditor's estimate and its resolution under division 83710
(A) of this section, to the board of elections of the proper 83711

county. The board of education shall make the arrangements for the
submission of the question to the electors of the school district,
and the election shall be conducted, canvassed, and certified in
the same manner as regular elections in the district for the
election of county officers.

The resolution shall be put before the electors as one ballot
question, with a majority vote indicating approval of the school
district income tax, the bond issue, and the levy to pay debt
charges on the bonds and any anticipatory securities. The board of
elections shall publish the notice of the election in one or more
newspapers of general circulation in the school district once a
week for four consecutive weeks. The notice of election shall
state all of the following:

(1) The questions to be submitted to the electors;

(2) The rate of the school district income tax;

(3) The principal amount of the proposed bond issue;

(4) The permanent improvements for which the bonds are to be
issued;

(5) The maximum number of years over which the principal of
the bonds may be paid;

(6) The estimated additional average annual property tax rate
to pay the debt charges on the bonds, as certified by the county
auditor;

(7) The time and place of the special election.

(D) The form of the ballot on a question submitted to the
electors under this section shall be as follows:

"Shall the school district be authorized to do both
of the following:

(1) Impose an annual income tax of (state the proposed

rate of tax) on the school district income of individuals and of
 estates, for (state the number of years the tax would be
 levied, or that it would be levied for a continuing period of
 time), beginning (state the date the tax would first take
 effect), for the purpose of (state the purpose of the
 tax)?

(2) Issue bonds for the purpose of in the principal
 amount of \$....., to be repaid annually over a maximum period of
 years, and levy a property tax outside the ten-mill
 limitation estimated by the county auditor to average over the
 bond repayment period mills for each one dollar of tax
 valuation, which amounts to (rate expressed in cents or
 dollars and cents, such as "36 cents" or "\$1.41") for each \$100 of
 tax valuation, to pay the annual debt charges on the bonds, and to
 pay debt charges on any notes issued in anticipation of those
 bonds?

	FOR THE INCOME TAX AND BOND ISSUE
	AGAINST THE INCOME TAX AND BOND ISSUE

"

(E) If the question submitted to electors proposes a school
 district income tax only on the taxable income of individuals as
 defined in division (E)(1)(b) of section 5748.01 of the Revised
 Code, the form of the ballot shall be modified by stating that the
 tax is to be levied on the "earned income of individuals residing
 in the school district" in lieu of the "school district income of
 individuals and of estates."

~~(E)~~(F) The board of elections promptly shall certify the
 results of the election to the tax commissioner and the county
 auditor of the county in which the school district is located. If
 a majority of the electors voting on the question vote in favor of

it, the income tax and the applicable provisions of Chapter 5747. 83772
of the Revised Code shall take effect on the date specified in the 83773
resolution, and the board of education may proceed with issuance 83774
of the bonds and with the levy and collection of the property 83775
taxes to pay debt charges on the bonds, at the additional rate or 83776
any lesser rate in excess of the ten-mill limitation. Any 83777
securities issued by the board of education under this section are 83778
Chapter 133. securities, as that term is defined in section 133.01 83779
of the Revised Code. 83780

~~(F)~~(G) After approval of a question under this section, the 83781
board of education may anticipate a fraction of the proceeds of 83782
the school district income tax in accordance with section 5748.05 83783
of the Revised Code. Any anticipation notes under this division 83784
shall be issued as provided in section 133.24 of the Revised Code, 83785
shall have principal payments during each year after the year of 83786
their issuance over a period not to exceed five years, and may 83787
have a principal payment in the year of their issuance. 83788

~~(G)~~(H) The question of repeal of a school district income tax 83789
levied for more than five years may be initiated and submitted in 83790
accordance with section 5748.04 of the Revised Code. 83791

~~(H)~~(I) No board of education shall submit a question under 83792
this section to the electors of the school district more than 83793
twice in any calendar year. If a board submits the question twice 83794
in any calendar year, one of the elections on the question shall 83795
be held on the date of the general election. 83796

Sec. 5749.02. (A) For the purpose of providing revenue to 83797
administer the state's coal mining and reclamation regulatory 83798
program, to meet the environmental and resource management needs 83799
of this state, and to reclaim land affected by mining, an excise 83800
tax is hereby levied on the privilege of engaging in the severance 83801
of natural resources from the soil or water of this state. The tax 83802

shall be imposed upon the severer and shall be:	83803
(1) Seven cents per ton of coal;	83804
(2) Four cents per ton of salt;	83805
(3) Two cents per ton of limestone or dolomite;	83806
(4) Two cents per ton of sand and gravel;	83807
(5) Ten cents per barrel of oil;	83808
(6) Two and one-half cents per thousand cubic feet of natural gas;	83809 83810
(7) One cent per ton of clay, sandstone or conglomerate, shale, gypsum, or quartzite.	83811 83812
(B) Of the moneys received by the treasurer of state from the tax levied in division (A)(1) of this section, six and three-tenths per cent shall be credited to the geological mapping fund created in section 1505.09 of the Revised Code, fourteen and two-tenths per cent shall be credited to the reclamation forfeiture fund created in section 1513.18 of the Revised Code, fifty-seven and nine-tenths per cent shall be credited to the coal mining administration and reclamation reserve fund created in section 1513.181 of the Revised Code, and the remainder shall be credited to the unreclaimed lands fund created in section 1513.30 of the Revised Code. When, at any time during a fiscal year, the chief of the division of mineral resources management finds that the balance of the coal mining administration and reclamation reserve fund is below two million dollars, the chief shall certify that fact to the director of budget and management. Upon receipt of the chief's certification, the director shall direct the treasurer of state <u>tax commissioner</u> to instead credit to the coal mining administration and reclamation reserve fund during the remainder of the fiscal year for which the certification is made the fourteen and two-tenths per cent of the moneys collected from	83813 83814 83815 83816 83817 83818 83819 83820 83821 83822 83823 83824 83825 83826 83827 83828 83829 83830 83831 83832

the tax levied in division (A)(1) of this section and otherwise 83833
required by this division to be credited to the reclamation 83834
forfeiture fund. 83835

Fifteen per cent of the moneys received by the treasurer of 83836
state from the tax levied in division (A)(2) of this section shall 83837
be credited to the geological mapping fund and the remainder shall 83838
be credited to the unreclaimed lands fund. 83839

Of the moneys received by the treasurer of state from the tax 83840
levied in divisions (A)(3) and (4) of this section, seven and 83841
five-tenths per cent shall be credited to the geological mapping 83842
fund, forty-two and five-tenths per cent shall be credited to the 83843
unreclaimed lands fund, and the remainder shall be credited to the 83844
surface mining fund created in section 1514.06 of the Revised 83845
Code. 83846

Of the moneys received by the treasurer of state from the tax 83847
levied in divisions (A)(5) and (6) of this section, ninety per 83848
cent shall be credited to the oil and gas well fund created in 83849
section 1509.02 of the Revised Code and ten per cent shall be 83850
credited to the geological mapping fund. All of the moneys 83851
received by the treasurer of state from the tax levied in division 83852
(A)(7) of this section shall be credited to the surface mining 83853
fund. 83854

(C) For the purpose of paying the state's expenses for 83855
reclaiming mined lands that the operator failed to reclaim under a 83856
coal mining and reclamation permit issued under Chapter 1513. of 83857
the Revised Code, or under a surface mining permit issued under 83858
Chapter 1514. of the Revised Code, for which the operator's bond 83859
is not sufficient to pay the state's expense for reclamation, 83860
there is hereby levied an excise tax on the privilege of engaging 83861
in the severance of coal from the soil or water of this state in 83862
addition to the taxes levied by divisions (A)(1) and (D) of this 83863
section. The tax shall be imposed at the rate of one cent per ton 83864

of coal. Moneys received by the treasurer of state from the tax 83865
levied under this division shall be credited to the reclamation 83866
forfeiture fund created in section 1513.18 of the Revised Code. 83867

(D) For the purpose of paying the state's expenses for 83868
reclaiming coal mined lands that the operator failed to reclaim in 83869
accordance with Chapter 1513. of the Revised Code under a coal 83870
mining and reclamation permit issued after April 10, 1972, but 83871
before September 1, 1981, for which the operator's bond is not 83872
sufficient to pay the state's expense for reclamation and paying 83873
the expenses for administering the state's coal mining and 83874
reclamation regulatory program, there is hereby levied an excise 83875
tax on the privilege of engaging in the severance of coal from the 83876
soil or water of this state in addition to the taxes levied by 83877
divisions (A)(1) and (C) of this section. The tax shall be imposed 83878
at the rate of one cent per ton of coal as prescribed in this 83879
division. Moneys received by the treasurer of state from the tax 83880
levied by this division shall be credited to the reclamation 83881
forfeiture fund created in section 1513.18 of the Revised Code. 83882

When, at the close of any fiscal year, the chief finds that 83883
the balance of the reclamation forfeiture fund, plus estimated 83884
transfers to it from the coal mining and reclamation reserve fund 83885
under section 1513.181 of the Revised Code, plus the estimated 83886
revenues from the tax levied by this division for the remainder of 83887
the calendar year that includes the close of the fiscal year, are 83888
sufficient to complete the reclamation of such lands, the purposes 83889
for which the tax under this division is levied shall be deemed 83890
accomplished at the end of that calendar year. The chief, within 83891
thirty days after the close of the fiscal year, shall certify 83892
those findings to the tax commissioner, and the tax shall cease to 83893
be imposed after the last day of that calendar year. 83894

(E) On the day fixed for the payment of the severance taxes 83895
required to be paid by this section, the taxes with any penalties 83896

or interest on them shall become a lien on all property of the taxpayer in this state whether the property is employed by the taxpayer in the prosecution of its business or is in the hands of an assignee, trustee, or receiver for the benefit of creditors or stockholders. The lien shall continue until the taxes and any penalties or interest thereon are paid.

Upon failure of the taxpayer to pay a tax on the day fixed for payment, the tax commissioner may file, for which no filing fee shall be charged, in the office of the county recorder in each county in this state in which the taxpayer owns or has a beneficial interest in real estate, notice of the lien containing a brief description of the real estate. The lien shall not be valid as against any mortgagee, purchaser, or judgment creditor whose rights have attached prior to the time the notice is filed in the county in which the real estate that is the subject of the mortgage, purchase, or judgment lien is located. The notice shall be recorded in a book kept by the recorder called the "severance tax lien record" and indexed under the name of the taxpayer charged with the tax. When the tax has been paid, the tax commissioner shall furnish to the taxpayer an acknowledgement of payment, which the taxpayer may record with the recorder of each county in which notice of the lien has been filed.

Sec. 5751.01. As used in this chapter:

(A) "Person" means, but is not limited to, individuals, combinations of individuals of any form, receivers, assignees, trustees in bankruptcy, firms, companies, joint-stock companies, business trusts, estates, partnerships, limited liability partnerships, limited liability companies, associations, joint ventures, clubs, societies, for-profit corporations, S corporations, qualified subchapter S subsidiaries, qualified subchapter S trusts, trusts, entities that are disregarded for

federal income tax purposes, and any other entities. "Person" does 83928
not include nonprofit organizations or the state, its agencies, 83929
its instrumentalities, and its political subdivisions. 83930

(B) "Consolidated elected taxpayer" means a group of two or 83931
more persons treated as a single taxpayer for purposes of this 83932
chapter as the result of an election made under section 5751.011 83933
of the Revised Code. 83934

(C) "Combined taxpayer" means a group of two or more persons 83935
treated as a single taxpayer for purposes of this chapter under 83936
section 5751.012 of the Revised Code. 83937

(D) "Taxpayer" means any person, or any group of persons in 83938
the case of a consolidated elected taxpayer or combined taxpayer 83939
treated as one taxpayer, required to register or pay tax under 83940
this chapter. "Taxpayer" does not include excluded persons. 83941

(E) "Excluded person" means any of the following: 83942

(1) Any person with not more than one hundred fifty thousand 83943
dollars of taxable gross receipts during the calendar year. 83944
Division (E)(1) of this section does not apply to a person that is 83945
a member of a group that is a consolidated elected taxpayer or a 83946
combined taxpayer; 83947

(2) A public utility that paid the excise tax imposed by 83948
section 5727.24 or 5727.30 of the Revised Code based on one or 83949
more measurement periods that include the entire tax period under 83950
this chapter, except that a public utility that is a combined 83951
company is a taxpayer with regard to the following gross receipts: 83952

(a) Taxable gross receipts directly attributed to a public 83953
utility activity, but not directly attributed to an activity that 83954
is subject to the excise tax imposed by section 5727.24 or 5727.30 83955
of the Revised Code; 83956

(b) Taxable gross receipts that cannot be directly attributed 83957

to any activity, multiplied by a fraction whose numerator is the taxable gross receipts described in division (E)(2)(a) of this section and whose denominator is the total taxable gross receipts that can be directly attributed to any activity; 83958
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(c) Except for any differences resulting from the use of an accrual basis method of accounting for purposes of determining gross receipts under this chapter and the use of the cash basis method of accounting for purposes of determining gross receipts under section 5727.24 of the Revised Code, the gross receipts directly attributed to the activity of a natural gas company shall be determined in a manner consistent with division (D) of section 5727.03 of the Revised Code. 83962
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As used in division (E)(2) of this section, "combined company" and "public utility" have the same meanings as in section 5727.01 of the Revised Code. 83970
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(3) A financial institution, as defined in section 5725.01 of the Revised Code, that paid the corporation franchise tax charged by division (D) of section 5733.06 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter; 83973
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(4) A dealer in intangibles, as defined in section 5725.01 of the Revised Code, that paid the dealer in intangibles tax levied by division (D) of section 5707.03 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter; 83978
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(5) A financial holding company as defined in the "Bank Holding Company Act," 12 U.S.C. 1841(p); 83983
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(6) A bank holding company as defined in the "Bank Holding Company Act," 12 U.S.C. 1841(a); 83985
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(7) A savings and loan holding company as defined in the 83987

"Home Owners Loan Act," 12 U.S.C. 1467a(a)(1)(D) that is engaging 83988
only in activities or investments permissible for a financial 83989
holding company under 12 U.S.C. 1843(k); 83990

(8) A person directly or indirectly owned by one or more 83991
financial institutions, financial holding companies, bank holding 83992
companies, or savings and loan holding companies described in 83993
division (E)(3), (5), (6), or (7) of this section that is engaged 83994
in activities permissible for a financial holding company under 12 83995
U.S.C. 1843(k), except that any such person held pursuant to 83996
merchant banking authority under 12 U.S.C. 1843(k)(4)(H) or 12 83997
U.S.C. 1843(k)(4)(I) is not an excluded person, or a person 83998
directly or indirectly owned by one or more insurance companies 83999
described in division (E)(9) of this section that is authorized to 84000
do the business of insurance in this state. 84001

For the purposes of division (E)(8) of this section, a person 84002
owns another person under the following circumstances: 84003

(a) In the case of corporations issuing capital stock, one 84004
corporation owns another corporation if it owns fifty per cent or 84005
more of the other corporation's capital stock with current voting 84006
rights; 84007

(b) In the case of a limited liability company, one person 84008
owns the company if that person's membership interest, as defined 84009
in section 1705.01 of the Revised Code, is fifty per cent or more 84010
of the combined membership interests of all persons owning such 84011
interests in the company; 84012

(c) In the case of a partnership, trust, or other 84013
unincorporated business organization other than a limited 84014
liability company, one person owns the organization if, under the 84015
articles of organization or other instrument governing the affairs 84016
of the organization, that person has a beneficial interest in the 84017
organization's profits, surpluses, losses, or distributions of 84018

fifty per cent or more of the combined beneficial interests of all 84019
persons having such an interest in the organization; 84020

(d) In the case of multiple ownership, the ownership 84021
interests of more than one person may be aggregated to meet the 84022
fifty per cent ownership tests in this division only when each 84023
such owner is described in division (E)(3), (5), (6), or (7) of 84024
this section and is engaged in activities permissible for a 84025
financial holding company under 12 U.S.C. 1843(k) or is a person 84026
directly or indirectly owned by one or more insurance companies 84027
described in division (E)(9) of this section that is authorized to 84028
do the business of insurance in this state; 84029

(9) A domestic insurance company or foreign insurance 84030
company, as defined in section 5725.01 of the Revised Code, that 84031
paid the insurance company premiums tax imposed by section 5725.18 84032
or Chapter 5729. of the Revised Code based on one or more 84033
measurement periods that include the entire tax period under this 84034
chapter; 84035

(10) A person that solely facilitates or services one or more 84036
securitizations or similar transactions for any person described 84037
in division (E)(3), (5), (6), (7), (8), or (9) of this section. 84038
For purposes of this division, "securitization" means transferring 84039
one or more assets to one or more persons and then issuing 84040
securities backed by the right to receive payment from the asset 84041
or assets so transferred. 84042

(11) Except as otherwise provided in this division, a 84043
pre-income tax trust as defined in division (FF)(4) of section 84044
5747.01 of the Revised Code and any pass-through entity in which 84045
such pre-income tax trust owns, directly, indirectly, or 84046
constructively through related interests by common owners, more 84047
than five per cent of the ownership or equity interests. If the 84048
pre-income tax trust has made a qualifying pre-income tax trust 84049

election under division (FF)(3) of section 5747.01 of the Revised Code, then the trust and the pass-through entities in which it owns, directly, indirectly, or constructively through related interests by common owners, more than five per cent of the ownership or equity interests, shall not be excluded persons for purposes of the tax imposed under section 5751.02 of the Revised Code. 84050
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(F) Except as otherwise provided in divisions (F)(2), (3), (4), and (5) of this section, "gross receipts" means the total amount realized by a person, without deduction for the cost of goods sold or other expenses incurred, that contributes to the production of gross income of the person, including the fair market value of any property and any services received, and any debt transferred or forgiven as consideration. 84057
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(1) The following are examples of gross receipts: 84064

(a) Amounts realized from the sale, exchange, or other disposition of the taxpayer's property to or with another; 84065
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(b) Amounts realized from the taxpayer's performance of services for another; 84067
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(c) Amounts realized from another's use or possession of the taxpayer's property or capital; 84069
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(d) Any combination of the foregoing amounts. 84071

(2) "Gross receipts" excludes the following amounts: 84072

(a) Interest income except interest on credit sales; 84073

(b) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the Revised Code; 84074
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(c) Receipts from the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue 84078
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<u>Code, without regard to the length of time the person held the</u>	84080
<u>asset;</u>	84081
<u>(d) Proceeds received attributable to the repayment,</u>	84082
<u>maturity, or redemption of the principal of a loan, bond, mutual</u>	84083
<u>fund, certificate of deposit, or marketable instrument;</u>	84084
<u>(e) The principal amount received under a repurchase</u>	84085
<u>agreement or on account of any transaction properly characterized</u>	84086
<u>as a loan to the person;</u>	84087
<u>(f) Contributions received by a trust, plan, or other</u>	84088
<u>arrangement, any of which is described in section 501(a) of the</u>	84089
<u>Internal Revenue Code, or to which Title 26, Subtitle A, Chapter</u>	84090
<u>1, Subchapter (D) of the Internal Revenue Code applies;</u>	84091
<u>(g) Compensation, whether current or deferred, and whether in</u>	84092
<u>cash or in kind, received or to be received by an employee, former</u>	84093
<u>employee, or the employee's legal successor for services rendered</u>	84094
<u>to or for an employer, including reimbursements received by or for</u>	84095
<u>an individual for medical or education expenses, health insurance</u>	84096
<u>premiums, or employee expenses, or on account of a dependent care</u>	84097
<u>spending account, legal services plan, any cafeteria plan</u>	84098
<u>described in section 125 of the Internal Revenue Code, or any</u>	84099
<u>similar employee reimbursement;</u>	84100
<u>(h) Proceeds received from the issuance of the taxpayer's own</u>	84101
<u>stock, options, warrants, puts, or calls, or from the sale of the</u>	84102
<u>taxpayer's treasury stock;</u>	84103
<u>(i) Proceeds received on the account of payments from life</u>	84104
<u>insurance policies;</u>	84105
<u>(j) Gifts or charitable contributions received, membership</u>	84106
<u>dues received, and payments received for educational courses,</u>	84107
<u>meetings, meals, or similar payments to a trade, professional, or</u>	84108
<u>other similar association; fundraising receipts received by any</u>	84109

<u>person when any excess receipts are donated or used exclusively</u>	84110
<u>for charitable purposes; and proceeds received by a nonprofit</u>	84111
<u>organization including proceeds realized with regard to its</u>	84112
<u>unrelated business taxable income;</u>	84113
<u>(k) Damages received as the result of litigation in excess of</u>	84114
<u>amounts that, if received without litigation, would be gross</u>	84115
<u>receipts;</u>	84116
<u>(l) Property, money, and other amounts received or acquired</u>	84117
<u>by an agent on behalf of another in excess of the agent's</u>	84118
<u>commission, fee, or other remuneration;</u>	84119
<u>(m) Tax refunds and other tax benefit recoveries;</u>	84120
<u>(n) Pension reversions;</u>	84121
<u>(o) Contributions to capital;</u>	84122
<u>(p) Sales or use taxes collected as a vendor or an</u>	84123
<u>out-of-state seller on behalf of the taxing jurisdiction from a</u>	84124
<u>consumer;</u>	84125
<u>(q) In the case of receipts from the sale of cigarettes or</u>	84126
<u>tobacco products by a wholesale dealer, retail dealer,</u>	84127
<u>distributor, manufacturer, or seller, all as defined in section</u>	84128
<u>5743.01 of the Revised Code, an amount equal to the federal and</u>	84129
<u>state excise taxes paid by any person on or for such cigarettes or</u>	84130
<u>tobacco products under subtitle E of the Internal Revenue Code or</u>	84131
<u>Chapter 5743. of the Revised Code;</u>	84132
<u>(r) In the case of receipts from the sale of motor fuel by a</u>	84133
<u>licensed motor fuel dealer, licensed retail dealer, or licensed</u>	84134
<u>permissive motor fuel dealer, all as defined in section 5735.01 of</u>	84135
<u>the Revised Code, an amount equal to federal and state excise</u>	84136
<u>taxes paid by any person on such motor fuel under section 4081 of</u>	84137
<u>the Internal Revenue Code or Chapter 5735. of the Revised Code;</u>	84138
<u>(s) In the case of receipts from the sale of beer or</u>	84139

intoxicating liquor, as defined in section 4301.01 of the Revised Code, by a person holding a permit issued under Chapter 4301. or 4303. of the Revised Code, an amount equal to federal and state excise taxes paid by any person on or for such beer or intoxicating liquor under subtitle E of the Internal Revenue Code or Chapter 4301. or 4305. of the Revised Code;

(t) Receipts realized by a new motor vehicle dealer or used motor vehicle dealer, as defined in section 4517.01 of the Revised Code, from the sale or other transfer of a motor vehicle, as defined in that section, to another motor vehicle dealer for the purpose of resale by the transferee motor vehicle dealer, but only if the sale or other transfer was based upon the transferee's need to meet a specific customer's preference for a motor vehicle;

(u) Receipts from a financial institution described in division (E)(3) of this section for services provided to the financial institution in connection with the issuance, processing, servicing, and management of loans or credit accounts, if such financial institution and the recipient of such receipts have at least fifty per cent of their ownership interests owned or controlled, directly or constructively through related interests, by common owners;

(v) Receipts realized from administering anti-neoplastic drugs and other cancer chemotherapy, biologicals, therapeutic agents, and supportive drugs in a physician's office to patients with cancer;

(w) Funds received or used by a mortgage broker that is not a dealer in intangibles, other than fees or other consideration, pursuant to a table-funding mortgage loan or warehouse-lending mortgage loan. Terms used in division (F)(2)(x) of this section have the same meanings as in section 1322.01 of the Revised Code, except "mortgage broker" means a person assisting a buyer in

obtaining a mortgage loan for a fee or other consideration paid by the buyer or a lender, or a person engaged in table-funding or warehouse-lending mortgage loans that are first lien mortgage loans. 84171
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(x) Property, money, and other amounts received by a professional employer organization, as defined in 4125.01 of the Revised Code, from a client employer, as defined in that section, in excess of the administrative fee charged by the professional employer organization to the client employer; 84175
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(y) In the case of amounts retained as commissions by a permit holder under Chapter 3769. of the Revised Code, an amount equal to the amounts specified under that chapter that must be paid to or collected by the tax commissioner as a tax and the amounts specified under that chapter to be used as purse money; 84180
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(z) Any receipts for which the tax imposed by this chapter is prohibited by the constitution or laws of the United States or the constitution of this state. 84185
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(3) In the case of a taxpayer when acting as a real estate broker, "gross receipts" includes only the portion of any fee for the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code. 84188
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(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall 84196
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<u>be changed accordingly.</u>	84202
<u>In calculating gross receipts, the following shall be</u>	84203
<u>deducted:</u>	84204
<u>(a) Cash discounts allowed and taken;</u>	84205
<u>(b) Returns and allowances;</u>	84206
<u>(c) Bad debts from receipts upon which the tax imposed by</u>	84207
<u>this chapter was paid in a prior quarterly tax payment period. For</u>	84208
<u>the purposes of this division, "bad debts" mean any debts that</u>	84209
<u>have become worthless or uncollectible between the preceding and</u>	84210
<u>current quarterly tax payment periods, have been uncollected for</u>	84211
<u>at least six months, and may be claimed as a deduction under</u>	84212
<u>section 166 of the Internal Revenue Code and the regulations</u>	84213
<u>adopted pursuant thereto, or that could be claimed as such if the</u>	84214
<u>taxpayer kept its accounts on the accrual basis. "Bad debts" does</u>	84215
<u>not include uncollectible amounts on property that remains in the</u>	84216
<u>possession of the taxpayer until the full purchase price is paid,</u>	84217
<u>expenses in attempting to collect any account receivable or for</u>	84218
<u>any portion of the debt recovered, and repossessed property;</u>	84219
<u>(d) Any amount realized from the sale of an account</u>	84220
<u>receivable but only to the extent the receipts from the underlying</u>	84221
<u>transaction giving rise to the account receivable were included in</u>	84222
<u>the gross receipts of the taxpayer.</u>	84223
<u>(G) "Taxable gross receipts" means gross receipts situated to</u>	84224
<u>this state under section 5751.033 of the Revised Code.</u>	84225
<u>(H) A person has "substantial nexus with this state" if any</u>	84226
<u>of the following applies. The person:</u>	84227
<u>(1) Owns or uses a part or all of its capital in this state;</u>	84228
<u>(2) Holds a certificate of compliance with the laws of this</u>	84229
<u>state authorizing the person to do business in this state;</u>	84230
<u>(3) Has bright-line presence in this state;</u>	84231

(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the constitution of the United States. 84232
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(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person: 84235
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(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge. 84238
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(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following: 84243
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(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code; 84246
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(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and 84248
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(c) Any amount the person pays for services performed in this state on its behalf by another. 84251
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(3) Has during the calendar year taxable gross receipts in this state of at least five hundred thousand dollars. 84253
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(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total sales. 84255
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(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes. 84258
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(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code. 84260
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(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes. 84262
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(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December. 84270
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(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter. 84273
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(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year. 84276
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(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter. 84278
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(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following: 84280
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(1) A person receiving a fee to sell financial instruments; 84283

(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person; 84284
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(3) A person issuing licenses and permits under section 1533.13 of the Revised Code; 84287
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(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code; 84289
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(5) A person acting as an agent of the division of liquor 84291

control under section 4301.17 of the Revised Code. 84292

(O) "Received" includes amounts accrued under the accrual method of accounting. 84293
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Sec. 5751.011. (A) A group of two or more persons may elect to be a consolidated elected taxpayer for the purposes of this chapter if the group satisfies all of the following requirements: 84295
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(1) The group elects to include all persons, including persons enumerated in divisions (E)(2) to (10) of section 5751.01 of the Revised Code, having at least eighty per cent, or having at least fifty per cent, of the value of their ownership interests owned or controlled, directly or constructively through related interests, by common owners during all or any portion of the tax period, together with the common owners. At the election of the group, all foreign corporations meeting the elected ownership test shall either be included in the group or all shall be excluded from the group. The group shall notify the tax commissioner of the foregoing elections at the time of filing the initial registration required under section 5751.04 of the Revised Code. If fifty per cent of the value of a person's ownership interests is owned or controlled by each of two consolidated elected taxpayer groups formed under the fifty per cent ownership or control test, that person is a member of each group for the purposes of this section, and each group shall include in the group's taxable gross receipts fifty per cent of that person's taxable gross receipts. Otherwise, all of that person's taxable gross receipts shall be included in the taxable gross receipts of the consolidated elected taxpayer group of which the person is a member. In no event shall the ownership or control of fifty per cent of the value of a person's ownership interests by two otherwise unrelated groups form the basis for consolidating the groups into a single consolidated elected taxpayer group or permit any exclusion under division (C) 84298
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of this section of taxable gross receipts between members of the 84323
two groups. Division (A)(3) of this section applies with respect 84324
to the elections described in this division. 84325

(2) The group applies to the tax commissioner for approval to 84326
be treated as a consolidated elected taxpayer pursuant to division 84327
(D) of this section. 84328

(3) The group agrees that if the commissioner approves the 84329
election, all of the following apply: 84330

(a) The group shall file reports as a single taxpayer for at 84331
least the next eight calendar quarters following the election so 84332
long as at least two or more of the members of the group meet the 84333
requirements of division (A)(1) of this section. 84334

(b) Before the expiration of the eighth such calendar 84335
quarter, the group shall notify the commissioner if it elects to 84336
cancel its designation as a consolidated elected taxpayer. If the 84337
group does not so notify the tax commissioner, the election 84338
remains in effect for another eight calendar quarters. 84339

(c) If, at any time during any of those eight calendar 84340
quarters following the election, a former member of the group no 84341
longer meets the requirements under division (A)(1) of this 84342
section, that member shall report and pay the tax imposed under 84343
this chapter separately, as a member of a combined taxpayer, or, 84344
if the former member satisfies such requirements with respect to 84345
another consolidated elected group, as a member of that 84346
consolidated elected group. 84347

(d) The group agrees to the application of division (B) of 84348
this section. 84349

(B) A group of persons making the election under this section 84350
shall report and pay tax on all of the group's taxable gross 84351
receipts even if substantial nexus with this state does not exist 84352

for one or more persons in the group.

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(C)(1) A consolidated elected taxpayer shall exclude taxable gross receipts between its members and taxable gross receipts received by a person enumerated in divisions (E)(2) to (10) of section 5751.01 of the Revised Code, except for taxable gross receipts received by a member described in division (E)(4) of section 5751.01 of the Revised Code that is not a qualifying dealer as defined in section 5725.24 of the Revised Code. Except as provided in division (C)(2) of this section, nothing in this section shall have the effect of excluding taxable gross receipts received from persons that are not members of the group.

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(2) Gross receipts related to the sale or transmission of electricity through the use of an intermediary regional transmission organization approved by the federal energy regulatory commission shall be excluded from taxable gross receipts under division (C)(1) of this section if all other requirements of that division are met, even if the receipts are from and to the same member of the group.

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(D) To make the election to be a consolidated elected taxpayer, a group of persons shall apply to the tax commissioner and pay the commissioner a registration fee equal to the lesser of two hundred dollars or twenty dollars for each person in the group. No additional fee shall be imposed for the addition of new members to the group once the group has remitted a fee in the amount of two hundred dollars. The application shall be filed and the fee paid before the later of the beginning of the first calendar quarter to which the election applies or November 15, 2005. The fee shall be collected and used in the same manner as provided in section 5751.04 of the Revised Code.

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The election shall be made on a form prescribed by the tax commissioner for that purpose and shall be signed by one or more

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individuals with authority, separately or together, to make a 84384
binding election on behalf of all persons in the group. The tax 84385
commissioner shall approve a group's election if the group 84386
satisfies the requirements of division (A) of this section. 84387

Any person acquired or formed after the filing of the 84388
registration shall be included in the group if the person meets 84389
the requirements of division (A)(1) of this section, and the group 84390
shall notify the tax commissioner of any additions to the group 84391
with the next tax return it files with the commissioner. 84392

(E) Each member of a consolidated elected taxpayer is jointly 84393
and severally liable for the tax imposed by this chapter and any 84394
penalties or interest thereon. The tax commissioner may require 84395
one person in the group to be the taxpayer for purposes of 84396
registration and remittance of the tax, but all members of the 84397
group are subject to assessment under section 5751.09 of the 84398
Revised Code. 84399

Sec. 5751.012. (A) All persons, other than persons enumerated 84400
in divisions (E)(2) to (10) of section 5751.01 of the Revised 84401
Code, having more than fifty per cent of the value of their 84402
ownership interest owned or controlled, directly or constructively 84403
through related interests, by common owners during all or any 84404
portion of the tax period, together with the common owners, shall 84405
be members of a combined taxpayer if those persons are not members 84406
of a consolidated elected taxpayer pursuant to an election under 84407
section 5751.011 of the Revised Code. 84408

(B) A combined taxpayer shall register, file returns, and pay 84409
taxes under this chapter as a single taxpayer. 84410

(C) A combined taxpayer shall neither exclude taxable gross 84411
receipts between its members nor from others that are not members. 84412

(D) A combined taxpayer shall pay to the tax commissioner a 84413

registration fee equal to the lesser of two hundred dollars or 84414
twenty dollars for each person in the group. No additional fee 84415
shall be imposed for the addition of new members to the group once 84416
the group has remitted a fee in the amount of two hundred dollars. 84417
The fee shall be timely paid before the later of the beginning of 84418
the first calendar quarter or November 15, 2005. The fee shall be 84419
collected and used in the same manner as provided in section 84420
5751.04 of the Revised Code. 84421

Any person acquired or formed after the filing of the 84422
registration shall be included in the group if the person meets 84423
the requirements of division (A) of this section, and the group 84424
must notify the tax commissioner of any additions with the next 84425
quarterly tax return it files with the commissioner. 84426

(E) Each member of a combined taxpayer is jointly and 84427
severally liable for the tax imposed by this chapter and any 84428
penalties or interest thereon. The tax commissioner may require 84429
one person in the group to be the taxpayer for purposes of 84430
registration and remittance of the tax, but all members of the 84431
group are subject to assessment under section 5751.09 of the 84432
Revised Code. 84433

Sec. 5751.013. (A) Except as provided in division (B) of this 84434
section: 84435

(1) A person shall include as taxable gross receipts the 84436
value of property the person transfers into this state for the 84437
person's own use within one year after the person receives the 84438
property outside this state; and 84439

(2) In the case of an elected consolidated taxpayer or a 84440
combined taxpayer, the taxpayer shall include as taxable gross 84441
receipts the value of property that any of the taxpayer's members 84442
transferred into this state for the use of any of the taxpayer's 84443

members within one year after the taxpayer receives the property 84444
outside this state. 84445

(B) Property brought into this state within one year after it 84446
is received outside this state by a person or group described in 84447
division (A)(1) or (2) of this section shall not be included as 84448
taxable gross receipts as required under those divisions if the 84449
tax commissioner ascertains that the property's receipt outside 84450
this state by the person or group followed by its transfer into 84451
this state within one year was not intended in whole or in part to 84452
avoid in whole or in part the tax imposed under this chapter. 84453

(C) The tax commissioner may adopt rules necessary to 84454
administer this section. 84455

Sec. 5751.02. (A) For the purpose of funding the needs of 84456
this state and its local governments beginning with the tax period 84457
that commences July 1, 2005, and continuing for every tax period 84458
thereafter, there is hereby levied a commercial activity tax on 84459
each person with taxable gross receipts for the privilege of doing 84460
business in this state. For the purposes of this chapter, "doing 84461
business" means engaging in any activity, whether legal or 84462
illegal, that is conducted for, or results in, gain, profit, or 84463
income, at any time during the calendar year. Persons on which the 84464
commercial activity tax is levied include, but are not limited to, 84465
persons with substantial nexus with this state. The tax imposed 84466
under this section is not a transactional tax and is not subject 84467
to Public Law No. 86-272, 73 Stat. 555. The tax imposed under this 84468
section is in addition to any other taxes or fees imposed under 84469
the Revised Code. The tax levied under this section is imposed on 84470
the person receiving the gross receipts and is not a tax imposed 84471
directly on a purchaser. The tax imposed by this section is an 84472
annual privilege tax for the calendar year that, in the case of 84473
calendar year taxpayers, is the annual tax period and, in the case 84474

of calendar quarter taxpayers, contains all quarterly tax periods 84475
in the calendar year. A taxpayer is subject to the annual 84476
privilege tax for doing business during any portion of such 84477
calendar year. 84478

(B) The tax imposed by this section is a tax on the taxpayer 84479
and, except as otherwise provided in this section, shall not be 84480
billed or invoiced to another person. Even if the tax or any 84481
portion thereof is billed or invoiced and separately stated, such 84482
amounts remain part of the price for purposes of the sales and use 84483
taxes levied under Chapters 5739. and 5741. of the Revised Code. 84484
Nothing in division (B) of this section prohibits a person from 84485
including in the price charged for a good or service an amount 84486
sufficient to recover the tax imposed by this section or from 84487
recovering the amount of the tax imposed by this section as a 84488
combined or separately stated overhead charge or other charge as 84489
part of any legal contract, including an existing, an amended, or 84490
a future contract. 84491

Sec. 5751.03. (A) Except as provided in divisions (B) and (D) 84492
of this section and in sections 5751.031 and 5751.032 of the 84493
Revised Code, the tax levied under this section for each tax 84494
period shall be the product of two and six-tenths mills per dollar 84495
times the remainder of the taxpayer's taxable gross receipts for 84496
the tax period after subtracting the exclusion amount provided for 84497
in division (C) of this section. 84498

(B) Notwithstanding division (C) of this section, the tax on 84499
the first one million dollars in taxable gross receipts each 84500
calendar year shall be one hundred fifty dollars. For calendar 84501
year 2006, the tax imposed under this division shall be paid not 84502
later than May 10, 2006, by both calendar year taxpayers and 84503
calendar quarter taxpayers. For calendar year 2007 and thereafter, 84504

the tax imposed under this division shall be paid with the 84505
fourth-quarter tax return or annual tax return for the prior 84506
calendar year by both calendar year taxpayers and calendar quarter 84507
taxpayers. 84508

(C)(1) Each calendar quarter taxpayer may exclude the first 84509
two hundred fifty thousand dollars of taxable gross receipts for a 84510
calendar quarter and may carry forward and apply any unused 84511
exclusion amount to the three subsequent calendar quarters. Each 84512
calendar year taxpayer may exclude the first one million dollars 84513
of taxable gross receipts for a calendar year. 84514

(2) A taxpayer switching from a calendar year tax period to a 84515
calendar quarter tax period may, for the first quarter of the 84516
change, apply the prior calendar quarter exclusion amounts to the 84517
first calendar quarter return the taxpayer files that calendar 84518
year. The tax rate shall be based on the rate imposed that 84519
calendar quarter when the taxpayer switches from a calendar year 84520
to a calendar quarter tax period. 84521

(D) There is hereby allowed a credit against the tax imposed 84522
under this chapter for each of the following calendar years if a 84523
transfer was made in the preceding calendar year from the general 84524
revenue fund to the commercial activity tax refund fund under 84525
division (D) of section 5751.032 of the Revised Code: calendar 84526
years 2008, 2010, and 2012. The credit is allowed for taxpayers 84527
that paid in full the tax imposed under this chapter for the 84528
calendar year in which the transfer was made. The amount of a 84529
taxpayer's credit equals the amount computed under division (D) of 84530
section 5751.032 of the Revised Code. 84531

Sec. 5751.031. This section applies only to calendar quarter 84532
taxpayers. The tax imposed per calendar quarter under division (A) 84533
of section 5751.03 of the Revised Code shall be computed as 84534
follows: 84535

<u>(A) From January 1, 2006, to March 31, 2006, by multiplying</u>	84536
<u>the tax otherwise due under that division by twenty-three per</u>	84537
<u>cent;</u>	84538
<u>(B) From April 1, 2006, to March 31, 2007, by multiplying the</u>	84539
<u>tax otherwise due under that division by forty per cent;</u>	84540
<u>(C) From April 1, 2007, to March 31, 2008, by multiplying the</u>	84541
<u>tax otherwise due under that division by sixty per cent;</u>	84542
<u>(D) From April 1, 2008, to March 31, 2009, by multiplying the</u>	84543
<u>tax otherwise due under that division by eighty per cent;</u>	84544
<u>(E) After March 31, 2009, one hundred per cent of the tax due</u>	84545
<u>under that division.</u>	84546
<u>Sec. 5751.032. As used in this section:</u>	84547
<u>(1) "CAT" refers to the tax levied by this chapter.</u>	84548
<u>(2) "CAT collected" means, with regard to a CAT test period,</u>	84549
<u>the net amount of CAT, exclusive of registration fees, received in</u>	84550
<u>the period after subtracting any CAT refunded in the period.</u>	84551
<u>(3) "First CAT test period" means the twenty-four month</u>	84552
<u>period beginning July 1, 2005, and ending June 30, 2007.</u>	84553
<u>(4) "Second CAT test period" means the twelve-month period</u>	84554
<u>beginning July 1, 2008, and ending June 30, 2009.</u>	84555
<u>(5) "Third CAT test period" means the twelve-month period</u>	84556
<u>beginning July 1, 2010, and ending June 30, 2011.</u>	84557
<u>(B) Not later than the last day of September immediately</u>	84558
<u>following the end of each CAT test period, the tax commissioner</u>	84559
<u>shall compute the amount of CAT collected during that test period.</u>	84560
<u>If the amount is less than ninety per cent or greater than one</u>	84561
<u>hundred ten per cent of the prescribed CAT collections for that</u>	84562
<u>period, the commissioner shall proceed as provided in division (C)</u>	84563
<u>or (D) of this section, as applicable. For the purposes of</u>	84564

division (B) of this section, the prescribed CAT collections for 84565
the CAT test periods are as follows: 84566

(1) For the first CAT test period, eight hundred fifteen 84567
million dollars; 84568

(2) For the second CAT test period, one billion one hundred 84569
ninety million dollars less any amount credited to the commercial 84570
activity tax reduction fund with regard to the first CAT test 84571
period; 84572

(3) For the third CAT test period, one billion six hundred 84573
ten million dollars less any amount credited to the commercial 84574
activity tax reduction fund with regard to the second CAT test 84575
period. 84576

(C)(1) If the amount of CAT collected during a CAT test 84577
period is less than ninety per cent of the prescribed CAT 84578
collections for that test period, the tax commissioner shall 84579
determine a new tax rate equal to the tax rate that would have 84580
yielded the prescribed CAT collections during that test period. 84581
The tax rate shall be the rate that would have to be imposed under 84582
division (A) of section 5751.03 of the Revised Code before any 84583
applicable phase-in percentages under section 5751.031 of the 84584
Revised Code or otherwise provided by law to yield the prescribed 84585
CAT collection after applying any applicable phase-in percentages. 84586

(2) If the amount of CAT collected during a CAT test period 84587
exceeds one hundred ten per cent of the prescribed CAT collections 84588
for that test period, the tax commissioner shall determine a new 84589
tax rate equal to the tax rate that would have yielded the 84590
prescribed CAT collections during that test period less one-half 84591
of the amount of the excess that was certified to the director of 84592
budget and management for the test period under division (D) of 84593
this section. The tax rate shall be the rate that would have to be 84594
imposed under division (A) of section 5751.03 of the Revised Code 84595

before any applicable phase-in percentages under section 5751.031 84596
of the Revised Code or otherwise provided by law to yield the 84597
prescribed CAT collection after applying any applicable phase-in 84598
percentages. 84599

(3) A new tax rate computed under division (C)(1) or (2) of 84600
this section shall be expressed as a number of mills per dollar, 84601
rounded to the nearest one-hundredth of one mill. The rate shall 84602
be rounded upward by one-hundredth of one mill only if the next 84603
decimal digit is five or more. 84604

(4) Not later than the last day of September following the 84605
end of the CAT test period on the basis of which a new tax rate is 84606
computed, the tax commissioner shall certify the new tax rate to 84607
the governor, the president of the senate, the speaker of the 84608
house of representatives, and all other members of the general 84609
assembly. The commissioner shall publish the new tax rate by 84610
journal entry and provide notice of the new tax rate to taxpayers. 84611
The new tax rate shall be the rate imposed under division (A) of 84612
section 5751.03 of the Revised Code beginning with the ensuing 84613
calendar year, and is subject to any applicable phase-in 84614
percentages provided for under section 5751.031 of the Revised 84615
Code. 84616

(D) If the amount of CAT collected during a CAT test period 84617
exceeds one hundred ten per cent of the prescribed CAT collections 84618
for that test period, the tax commissioner shall certify the 84619
excess amount to the director of budget and management not later 84620
than the last day of September immediately following the end of 84621
that test period. The director shall forthwith transfer from the 84622
general revenue fund one-half of the amount of the excess so 84623
certified to the commercial activity tax refund fund, which is 84624
hereby created in the state treasury, and the remaining one-half 84625
of the amount of the excess to the budget stabilization fund. All 84626
money credited to the commercial activity tax refund fund shall be 84627

applied to reimburse the general revenue fund, school district 84628
tangible property tax replacement fund, and local government 84629
tangible property tax replacement fund for the diminution in 84630
revenue caused by the credit provided under division (D) of 84631
section 5751.03 of the Revised Code. On or before the last day of 84632
May, August, and October of the calendar year that begins after 84633
the end of the test period, and on or before the last day of 84634
February of the following calendar year, the director of budget 84635
and management shall transfer one-fourth of the amount that had 84636
been transferred to the commercial activity tax refund fund to 84637
each of those funds in the proportions specified under division 84638
(B) of section 5751.21 of the Revised Code. 84639

In the calendar year that begins immediately after the year 84640
in which a transfer is made to the commercial activity tax refund 84641
fund, the tax commissioner shall compute the amount to be 84642
credited, under division (D) of section 5751.03 of the Revised 84643
Code, to each taxpayer that paid in full the tax imposed under 84644
this chapter for the calendar year in which the transfer was made. 84645
The credit allowed to each such taxpayer shall equal the amount 84646
transferred to the commercial activity tax refund fund multiplied 84647
by a fraction, the numerator of which is the amount of tax paid by 84648
that taxpayer for that calendar year and the denominator of which 84649
is the total of the taxes paid by all such taxpayers for which the 84650
credit is allowed. The credit applies only to the calendar year 84651
that begins immediately after the year in which a transfer is made 84652
to the commercial activity tax refund fund under this division." 84653

(E) It is the intent of the General Assembly to conduct a 84654
review of the prescribed CAT collections and rate adjustments 84655
provided for under divisions (A) to (D) of this section every two 84656
years in conjunction with its biennial budget deliberations, and 84657
to establish lower prescribed CAT collections or reduce the rate 84658
of tax levied under this chapter on the basis of the following 84659

<u>three factors:</u>	84660
<u>(1) The revenue yield of the tax;</u>	84661
<u>(2) The condition of the Ohio economy;</u>	84662
<u>(3) Savings realized by ongoing reform to medicaid and other policy initiatives.</u>	84663 84664
<u>Sec. 5751.033. For the purposes of this chapter, gross receipts shall be sitused to this state as follows:</u>	84665 84666
<u>(A) Gross rents and royalties from real property located in this state shall be sitused to this state.</u>	84667 84668
<u>(B) Gross rents and royalties from tangible personal property shall be sitused to this state to the extent the tangible personal property is located or used in this state.</u>	84669 84670 84671
<u>(C) Gross receipts from the sale of electricity and electric transmission and distribution services shall be sitused to this state in the manner provided under section 5733.059 of the Revised Code.</u>	84672 84673 84674 84675
<u>(D) Gross receipts from the sale of real property located in this state shall be sitused to this state.</u>	84676 84677
<u>(E) Gross receipts from the sale of tangible personal property shall be sitused to this state if the property is received in this state by the purchaser. In the case of delivery of tangible personal property by common carrier or by other means of transportation, the place at which such property is ultimately received after all transportation has been completed shall be considered the place where the purchaser receives the property. For purposes of this section, the phrase "delivery of tangible personal property by common carrier or by other means of transportation" includes the situation in which a purchaser accepts the property in this state and then transports the</u>	84678 84679 84680 84681 84682 84683 84684 84685 84686 84687 84688

property directly or by other means to a location outside this 84689
state. Direct delivery in this state, other than for purposes of 84690
transportation, to a person or firm designated by a purchaser 84691
constitutes delivery to the purchaser in this state, and direct 84692
delivery outside this state to a person or firm designated by a 84693
purchaser does not constitute delivery to the purchaser in this 84694
state, regardless of where title passes or other conditions of 84695
sale. 84696

(F) Gross receipts from the sale, exchange, disposition, or 84697
other grant of the right to use trademarks, trade names, patents, 84698
copyrights, and similar intellectual property shall be sitused to 84699
this state to the extent that the receipts are based on the amount 84700
of use of the property in this state. If the receipts are not 84701
based on the amount of use of the property, but rather on the 84702
right to use the property, and the payor has the right to use the 84703
property in this state, then the receipts from the sale, exchange, 84704
disposition, or other grant of the right to use such property 84705
shall be sitused to this state to the extent the receipts are 84706
based on the right to use the property in this state. 84707

(G) Gross receipts from the sale of transportation services 84708
by a common or contract carrier shall be sitused to this state in 84709
proportion to the mileage traveled by the carrier during the tax 84710
period on roadways, waterways, airways, and railways in this state 84711
to the mileage traveled by the carrier during the tax period on 84712
roadways, waterways, airways, and railways everywhere. With prior 84713
written approval of the tax commissioner, a common or contract 84714
carrier may use an alternative situsing procedure for 84715
transportation services. 84716

(H) Gross receipts from dividends, interest, and other 84717
sources of income from financial instruments described in division 84718
(F)(4), (5), (6), (7), (8), (9), (10), (11), and (13) of section 84719
5733.056 of the Revised Code shall be sitused to this state in 84720

accordance with the situsing provisions set forth in those 84721
divisions. When applying the provisions of divisions (F)(6), (8), 84722
and (13) of section 5733.056 of the Revised Code, "gross receipts" 84723
shall be substituted for "net gains" wherever "net gains" appears 84724
in those divisions. Nothing in this division limits or modifies 84725
the exclusions enumerated in divisions (E) and (F)(2) of section 84726
5751.01 of the Revised Code. The tax commissioner may promulgate 84727
rules to further specify the manner in which to situs gross 84728
receipts subject to this division. 84729

(I) Gross receipts from the sale of all other services, and 84730
all other gross receipts not otherwise sitused under this section, 84731
shall be sitused to this state in the proportion that the 84732
purchaser's benefit in this state with respect to what was 84733
purchased bears to the purchaser's benefit everywhere with respect 84734
to what was purchased. The physical location where the purchaser 84735
ultimately uses or receives the benefit of what was purchased 84736
shall be paramount in determining the proportion of the benefit in 84737
this state to the benefit everywhere. 84738

(J) If the situsing provisions of divisions (A) to (H) of 84739
this section do not fairly represent the extent of a person's 84740
activity in this state, the person may request, or the tax 84741
commissioner may require or permit, an alternative method. Such 84742
request by a person must be made within the applicable statute of 84743
limitations set forth in this chapter. 84744

(K) The tax commissioner may adopt rules to provide 84745
additional guidance to the application of this section, and 84746
provide alternative methods of situsing gross receipts that apply 84747
to all persons, or subset of persons, that are engaged in similar 84748
business or trade activities. 84749

Sec. 5751.04. (A) Not later than the later of November 15, 84750
2005, or thirty days after a person first has more than one 84751

<u>hundred fifty thousand dollars in taxable gross receipts in a</u>	84752
<u>calendar year, each person subject to this chapter shall register</u>	84753
<u>with the tax commissioner on the form prescribed by the</u>	84754
<u>commissioner. The form shall include the following:</u>	84755
<u>(1) The person's name;</u>	84756
<u>(2) If applicable, the name of the state or country under the</u>	84757
<u>laws of which the person is incorporated;</u>	84758
<u>(3) If applicable, the location of a person's principal</u>	84759
<u>office, and, in the case of a foreign corporation, the location of</u>	84760
<u>its principal place of business in this state and the name and</u>	84761
<u>address of the officer or agent of the corporation in charge of</u>	84762
<u>the business in this state;</u>	84763
<u>(4) If applicable, the names of the person's president,</u>	84764
<u>secretary, treasurer, and statutory agent designated pursuant to</u>	84765
<u>section 1703.041 of the Revised Code, with the post office address</u>	84766
<u>of each;</u>	84767
<u>(5) The kind of business in which the person is engaged,</u>	84768
<u>including applicable business or industry codes;</u>	84769
<u>(6) The date of the beginning of the person's annual</u>	84770
<u>accounting period that includes the first day of January of the</u>	84771
<u>taxable calendar year;</u>	84772
<u>(7) If the person is not a corporation or a sole proprietor,</u>	84773
<u>the names of all the person's owners and officers;</u>	84774
<u>(8) The person's federal employer identification number or</u>	84775
<u>numbers or, if those are not applicable, the person's social</u>	84776
<u>security number or equivalent;</u>	84777
<u>(9) All other information that the commissioner requires to</u>	84778
<u>administer and enforce this chapter.</u>	84779
<u>(B) Except as otherwise provided in this division, each</u>	84780
<u>person registering with the tax commissioner as required by</u>	84781

division (A) of this section shall pay a registration fee. The fee shall be in the amount of fifteen dollars if a person registers electronically and twenty dollars if a person does not register electronically. The registration fee shall be paid in the manner prescribed by the tax commissioner at the same time the registration is due if a person is subject to the tax imposed under this chapter before January 1, 2006. If a person first becomes subject to the tax after that date, the registration fee is payable with the first tax period return the person is required to file as prescribed by section 5751.051 of the Revised Code. If a registration fee is not paid when due, an additional fee is imposed in the amount of one hundred dollars per month or part thereof the fee is outstanding, not to exceed one thousand dollars. The tax commissioner may abate the additional fee. The fee imposed under this division may be assessed in the same manner as the tax imposed under this chapter. Proceeds from the fee shall be credited to the commercial activity tax administrative fund, which is hereby created in the state treasury for the commissioner to use in implementing and administering the tax imposed under this chapter.

No registration fee is payable by a person for a calendar year if the person first begins business operations in this state after the thirtieth day of November of that calendar year or if the person's taxable gross receipts for the calendar year exceed one hundred fifty thousand dollars but do not exceed one hundred fifty thousand dollars as of the first day of December of the calendar year.

Registration fees paid under this section, excluding any additional fee imposed for late payment of the registration fee, shall be credited against the first payment of tax payable under section 5751.03 of the Revised Code after the registration fee is paid.

(C) If a person that has registered under this section is no longer a taxpayer subject to this chapter, including no longer being a taxpayer because of the application of division (E)(1) of section 5751.01 of the Revised Code, the person shall notify the commissioner that the person's registration should be cancelled.

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Sec. 5751.05. (A) If a person subject to this chapter anticipates that the person's taxable gross receipts will be less than one million dollars in calendar year 2006, the person may elect to be a calendar year taxpayer. If a person is not required to be registered under this section for calendar year 2006 and anticipates that the person's taxable gross receipts will be less than one million dollars in the first calendar year the person is required to register under this section, the person may elect to be a calendar year taxpayer.

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(B) Any person that is a calendar year taxpayer pursuant to an election under division (A) of this section shall become a calendar quarter taxpayer in the subsequent calendar year if the person's taxable gross receipts for the prior calendar year are one million dollars or more, and shall remain a calendar quarter taxpayer until the person notifies the tax commissioner, and receives approval in writing from the tax commissioner, to switch back to being a calendar year taxpayer. Nothing in this division prohibits a person that has elected to be a calendar year taxpayer from notifying the tax commissioner, using the procedures prescribed by the commissioner, that it is switching back to being a calendar quarter taxpayer.

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(C) Any taxpayer that is not a calendar year taxpayer pursuant to this section is a calendar quarter taxpayer. The tax commissioner may grant written approval for a calendar quarter taxpayer to use an alternative reporting schedule or estimate the amount of tax due for a calendar quarter if the taxpayer

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demonstrates to the commissioner the need for such a deviation. 84845
The commissioner may adopt a rule to apply division (C) of this 84846
section to a group of taxpayers without the taxpayers having to 84847
receive written approval from the commissioner. 84848

Sec. 5751.051. (A)(1) Not later than forty days after the end 84849
of each calendar quarter, every taxpayer other than a calendar 84850
year taxpayer shall file with the tax commissioner a tax return in 84851
such form as the commissioner prescribes. The return shall 84852
include, but is not limited to, the amount of the taxpayer's 84853
taxable gross receipts for the calendar quarter and shall indicate 84854
the amount of tax due under section 5751.03 of the Revised Code 84855
for the calendar quarter. 84856

(2)(a) Subject to division (C) of section 5751.05 of the 84857
Revised Code, a calendar quarter taxpayer shall report the taxable 84858
gross receipts for that calendar quarter. 84859

(b) With respect to taxable gross receipts incorrectly 84860
reported in a calendar quarter that has a lower tax rate, the tax 84861
shall be computed at the tax rate in effect for the quarterly 84862
return in which such receipts should have been reported. Nothing 84863
in division (A)(2)(b) of this section prohibits a taxpayer from 84864
filing an application for refund under section 5751.08 of the 84865
Revised Code with regard to the incorrect reporting of taxable 84866
gross receipts discovered after filing the annual return described 84867
in division (A)(3) of this section. 84868

A tax return shall not be deemed to be an incorrect reporting 84869
of taxable gross receipts for the purposes of division (A)(2)(b) 84870
of this section if the return reflects between ninety-five and one 84871
hundred five per cent of the actual taxable gross receipts for the 84872
calendar quarter. 84873

(3) The tax return filed for the fourth calendar quarter of a 84874

calendar year is the annual return for the privilege tax imposed 84875
by this chapter. Such return shall report any additional taxable 84876
gross receipts not previously reported in the calendar year and 84877
shall adjust for any over-reported taxable gross receipts in the 84878
calendar year. If the taxpayer ceases to be a taxpayer before the 84879
end of the calendar year, the last return the taxpayer is required 84880
to file shall be the annual return for the taxpayer and the 84881
taxpayer shall report any additional taxable gross receipts not 84882
previously reported in the calendar year and shall adjust for any 84883
over-reported taxable gross receipts in the calendar year. 84884

(4) Because the tax imposed by this chapter is a privilege 84885
tax, the tax rate with respect to taxable gross receipts for a 84886
calendar quarter is not fixed until the end of the measurement 84887
period for each calendar quarter. Subject to division (A)(2)(b) of 84888
this section, the total amount of taxable gross receipts reported 84889
for a given calendar quarter shall be subject to the tax rate in 84890
effect in that quarter. 84891

(5) Not later than forty days after the end of each calendar 84892
year, every calendar year taxpayer shall file with the tax 84893
commissioner a tax return in such form as the commissioner 84894
prescribes. The return shall include, but is not limited to, the 84895
amount of the taxpayer's taxable gross receipts for the calendar 84896
year and shall indicate the amount of tax due under section 84897
5751.03 of the Revised Code for the calendar year. 84898

(B) A person that first becomes subject to this chapter 84899
during a calendar quarter on or after January 1, 2006, shall pay 84900
the minimum tax imposed under division (B) of section 5751.03 of 84901
the Revised Code along with the registration fee imposed under 84902
this section on or before the day the return is required to be 84903
filed for that quarter under division (A)(1) of this section, 84904
regardless of whether the person elects to be a calendar year 84905
taxpayer under section 5751.05 of the Revised Code. 84906

The amount of the minimum tax shall be reduced to 84907
seventy-five dollars if the registration is timely filed after the 84908
first day of May and before the first day of December of the 84909
calendar year. 84910

Sec. 5751.06. (A) Any taxpayer that fails to file a return or 84911
pay the full amount of the tax due within the period prescribed 84912
therefor under this chapter shall pay a penalty in an amount not 84913
exceeding the greater of fifty dollars or ten per cent of the tax 84914
required to be paid for the tax period. 84915

(B)(1) If any additional tax is found to be due, the tax 84916
commissioner may impose an additional penalty of up to fifteen per 84917
cent on the additional tax found to be due. 84918

(2) Any delinquent payments of the tax made after a taxpayer 84919
is notified of an audit or a tax discrepancy by the commissioner 84920
is subject to the penalty imposed by division (B) of this section. 84921
If an assessment is issued under section 5751.10 of the Revised 84922
Code in connection with such delinquent payments, the payments 84923
shall be credited to the assessment. 84924

(C) After calendar year 2008, the tax commissioner may impose 84925
an additional penalty against a taxpayer that fails to switch to 84926
being a calendar quarter taxpayer at the time it had over two 84927
million in taxable gross receipts in the calendar year, as 84928
required under section 5751.04 of the Revised Code. The penalty 84929
may be imposed in an amount not to exceed ten per cent of the tax 84930
due above two million dollars in taxable gross receipts for the 84931
calendar year. Any penalty imposed under this division is in 84932
addition to any other penalties imposed under this section. 84933

(D) If the tax commissioner notifies a person required to 84934
register under section 5751.05 of the Revised Code of such 84935
requirement and of the requirement to remit the tax due under this 84936

chapter, and the person fails to so register and remit the tax 84937
within sixty days after such notice, the tax commissioner may 84938
impose an additional penalty of up to thirty-five per cent of the 84939
tax due. The penalty imposed under this division is in addition to 84940
any other penalties imposed under this section. 84941

(E) The tax commissioner may collect any penalty or interest 84942
imposed by this section in the same manner as the tax imposed 84943
under this chapter. Penalties and interest so collected shall be 84944
considered as revenue arising from the tax imposed under this 84945
chapter. 84946

(F) The tax commissioner may abate all or a portion of any 84947
penalties imposed under this section and may adopt rules governing 84948
such abatements. 84949

(G) If any tax due is not timely paid in accordance with this 84950
chapter, the taxpayer shall pay interest, calculated at the rate 84951
per annum prescribed by section 5703.47 of the Revised Code, from 84952
the date the tax payment was due to the date of payment or to the 84953
date an assessment was issued, whichever occurs first. 84954

(H) The tax commissioner may impose a penalty of up to ten 84955
per cent for any additional tax that is due under division 84956
(A)(2)(b) of section 5751.051 of the Revised Code from a taxpayer 84957
incorrectly reporting its taxable gross receipts. 84958

Sec. 5751.07. (A) Any person required to file returns for a 84959
calendar quarter shall remit each tax payment, and, if required by 84960
the tax commissioner, file the tax return or the annual report, 84961
electronically. The commissioner may require taxpayers to use the 84962
Ohio business gateway as defined in section 718.051 of the Revised 84963
Code to file returns and remit the tax, or may provide another 84964
means for taxpayers to file and remit the tax electronically. 84965

(B) A person required by this section to remit taxes or file 84966

returns electronically may apply to the tax commissioner, on the 84967
form prescribed by the commissioner, to be excused from that 84968
requirement. The commissioner may excuse a person from the 84969
requirements of this division for good cause. 84970

(C)(1) If a person required to remit taxes or file a return 84971
electronically under this section fails to do so, the commissioner 84972
may impose a penalty not to exceed the following: 84973

(a) For either of the first two calendar quarters the person 84974
so fails, five per cent of the amount of the payment that was 84975
required to be remitted; 84976

(b) For the third and any subsequent calendar quarters the 84977
person so fails, ten per cent of the amount of the payment that 84978
was required to be remitted. 84979

(2) The penalty imposed under division (C)(1) of this section 84980
is in addition to any other penalty imposed under this chapter and 84981
shall be considered as revenue arising from the tax imposed under 84982
this chapter. A penalty may be collected by assessment in the 84983
manner prescribed by section 5751.09 of the Revised Code. The tax 84984
commissioner may abate all or a portion of such a penalty. 84985

Sec. 5751.08. (A) An application for refund to the taxpayer 84986
of the amount of taxes imposed under this chapter that are 84987
overpaid, paid illegally or erroneously, or paid on any illegal or 84988
erroneous assessment shall be filed with the tax commissioner, on 84989
the form prescribed by the commissioner, within four years after 84990
the date of the illegal or erroneous payment of the tax. The 84991
applicant shall provide the amount of the requested refund along 84992
with the claimed reasons for, and documentation to support, the 84993
issuance of a refund. 84994

(B) On the filing of the refund application, the tax 84995
commissioner shall determine the amount of refund to which the 84996

applicant is entitled. If the amount is not less than that 84997
claimed, the commissioner shall certify the amount to the director 84998
of budget and management and treasurer of state for payment from 84999
the tax refund fund created under section 5703.052 of the Revised 85000
Code. If the amount is less than that claimed, the commissioner 85001
shall proceed in accordance with section 5703.70 of the Revised 85002
Code. 85003

(C) Interest on a refund applied for under this section, 85004
computed at the rate provided for in section 5703.47 of the 85005
Revised Code, shall be allowed from the later of the date the tax 85006
was paid or when the tax payment was due. 85007

(D) A calendar quarter taxpayer with more than one million 85008
dollars in taxable gross receipts in a calendar year other than 85009
calendar year 2005 and that is not able to exclude one million 85010
dollars in taxable gross receipts because of the operation of the 85011
taxpayer's business in that calendar year may file for a refund 85012
under this section to obtain the full exclusion of one million 85013
dollars in taxable gross receipts for that calendar year. 85014

(E) No person with an active registration as a taxpayer under 85015
this chapter may claim a refund under this section for the tax 85016
imposed under division (B) of section 5751.03 of the Revised Code 85017
unless the person cancelled the registration before the tenth day 85018
of February of the current calendar year pursuant to division (C) 85019
of section 5751.04 of the Revised Code. 85020

(F) Except as provided in section 5751.091 of the Revised 85021
Code, the tax commissioner may, with the consent of the taxpayer, 85022
provide for the crediting against tax due for a tax year the 85023
amount of any refund due the taxpayer under this chapter for a 85024
preceding tax year. 85025

Sec. 5751.081. As used in this section, "debt to this state" 85026

means unpaid taxes due the state, unpaid workers' compensation 85027
premiums due under section 4123.35 of the Revised Code, unpaid 85028
unemployment compensation contributions due under section 4141.25 85029
of the Revised Code, unpaid unemployment compensation payment in 85030
lieu of contribution under section 4141.241 of the Revised Code, 85031
unpaid fee payable to the state or to the clerk of courts pursuant 85032
to section 4505.06 of the Revised Code, incorrect medical 85033
assistance payments under section 5111.02 of the Revised Code, or 85034
any unpaid charge, penalty, or interest arising from any of the 85035
foregoing. 85036

If a taxpayer entitled to a refund under section 5751.08 of 85037
the Revised Code owes any debt to this state, the amount 85038
refundable may be applied in satisfaction of the debt. If the 85039
amount refundable is less than the amount of the debt, it may be 85040
applied in partial satisfaction of the debt. If the amount 85041
refundable is greater than the amount of the debt, the amount 85042
remaining after satisfaction of the debt shall be refunded. This 85043
section applies only to debts that have become final. For the 85044
purposes of this section, a debt becomes final when, under the 85045
applicable law, any time provided for petition for reassessment, 85046
request for reconsideration, or other appeal of the legality or 85047
validity of the amount giving rise to the debt expires without an 85048
appeal having been filed in the manner provided by law. 85049

Sec. 5751.09. (A) The tax commissioner may make an 85050
assessment, based on any information in the commissioner's 85051
possession, against any person that fails to file a return or pay 85052
any tax as required by this chapter. The commissioner shall give 85053
the person assessed written notice of the assessment as provided 85054
in section 5703.37 of the Revised Code. With the notice, the 85055
commissioner shall provide instructions on the manner in which to 85056
petition for reassessment and request a hearing with respect to 85057

the petition. 85058

(B) Unless the person assessed, within sixty days after 85059
service of the notice of assessment, files with the tax 85060
commissioner, either personally or by certified mail, a written 85061
petition signed by the person or the person's authorized agent 85062
having knowledge of the facts, the assessment becomes final, and 85063
the amount of the assessment is due and payable from the person 85064
assessed to the treasurer of state. The petition shall indicate 85065
the objections of the person assessed, but additional objections 85066
may be raised in writing if received by the commissioner prior to 85067
the date shown on the final determination. 85068

If a petition for reassessment has been properly filed, the 85069
commissioner shall proceed under section 5703.60 of the Revised 85070
Code. 85071

(C)(1) After an assessment becomes final, if any portion of 85072
the assessment, including accrued interest, remains unpaid, a 85073
certified copy of the tax commissioner's entry making the 85074
assessment final may be filed in the office of the clerk of the 85075
court of common pleas in the county in which the person resides or 85076
has its principal place of business in this state, or in the 85077
office of the clerk of court of common pleas of Franklin county. 85078

(2) Immediately upon the filing of the entry, the clerk shall 85079
enter judgment for the state against the person assessed in the 85080
amount shown on the entry. The judgment may be filed by the clerk 85081
in a loose-leaf book entitled, "special judgments for the 85082
commercial activity tax" and shall have the same effect as other 85083
judgments. Execution shall issue upon the judgment at the request 85084
of the tax commissioner, and all laws applicable to sales on 85085
execution shall apply to sales made under the judgment. 85086

(3) The portion of the assessment not paid within sixty days 85087

after the day the assessment was issued shall bear interest at the 85088
rate per annum prescribed by section 5703.47 of the Revised Code 85089
from the day the tax commissioner issues the assessment until it 85090
is paid. Interest shall be paid in the same manner as the tax and 85091
may be collected by the issuance of an assessment under this 85092
section. 85093

(D) If the tax commissioner believes that collection of the 85094
tax will be jeopardized unless proceedings to collect or secure 85095
collection of the tax are instituted without delay, the 85096
commissioner may issue a jeopardy assessment against the person 85097
liable for the tax. Immediately upon the issuance of the jeopardy 85098
assessment, the commissioner shall file an entry with the clerk of 85099
the court of common pleas in the manner prescribed by division (C) 85100
of this section. Notice of the jeopardy assessment shall be served 85101
on the person assessed or the person's authorized agent in the 85102
manner provided in section 5703.37 of the Revised Code within five 85103
days of the filing of the entry with the clerk. The total amount 85104
assessed is immediately due and payable, unless the person 85105
assessed files a petition for reassessment in accordance with 85106
division (B) of this section and provides security in a form 85107
satisfactory to the commissioner and in an amount sufficient to 85108
satisfy the unpaid balance of the assessment. Full or partial 85109
payment of the assessment does not prejudice the commissioner's 85110
consideration of the petition for reassessment. 85111

(E) The tax commissioner shall immediately forward to the 85112
treasurer of state all amounts the commissioner receives under 85113
this section, and such amounts shall be considered as revenue 85114
arising from the tax imposed under this chapter. 85115

(F) Except as otherwise provided in this division, no 85116
assessment shall be made or issued against a taxpayer for the tax 85117
imposed under this chapter more than four years after the due date 85118
for the filing of the return for the tax period for which the tax 85119

was reported, or more than four years after the return for the tax 85120
period was filed, whichever is later. Nothing in this division 85121
bars an assessment against a taxpayer that fails to file a return 85122
required by this chapter or that files a fraudulent return. 85123

(G) If the tax commissioner possesses information that 85124
indicates that the amount of tax a taxpayer is required to pay 85125
under this chapter exceeds the amount the taxpayer paid, the tax 85126
commissioner may audit a sample of the taxpayer's gross receipts 85127
over a representative period of time to ascertain the amount of 85128
tax due, and may issue an assessment based on the audit. The tax 85129
commissioner shall make a good faith effort to reach agreement 85130
with the taxpayer in selecting a representative sample. The tax 85131
commissioner may apply a sampling method only if the commissioner 85132
has prescribed the method by rule. 85133

(H) If the whereabouts of a person subject to this chapter is 85134
not known to the tax commissioner, the secretary of state is 85135
hereby deemed to be that person's agent for purposes of service of 85136
process of notice of any assessment, action, or proceedings 85137
instituted in this state against the person under this chapter. 85138
Such process or notice shall be served on such person by the 85139
commissioner or by one of the commissioner's agents by leaving at 85140
the office of the secretary of state, at least fifteen days before 85141
the return day of such process or notice, a true and attested copy 85142
of the notice, and by sending to such person by ordinary mail, 85143
with an endorsement thereon of the service upon the secretary of 85144
state, addressed to such person at the person's last known 85145
address. 85146

Sec. 5751.10. If any person liable for the tax imposed under 85147
this chapter sells the trade or business, disposes in any manner 85148
other than in the regular course of business at least seventy-five 85149
per cent of assets of the trade or business, or quits the trade or 85150

business, any tax owed by such person shall become due and payable 85151
immediately, and the person shall pay the tax under this section, 85152
including any applicable penalties and interest, within fifteen 85153
days after the date of selling or quitting the trade or business. 85154
The person's successor shall withhold a sufficient amount of the 85155
purchase money to cover the amount due and unpaid until the former 85156
owner produces a receipt from the tax commissioner showing that 85157
the amounts are paid or a certificate indicating that no taxes are 85158
due. If a purchaser fails to withhold purchase money, that person 85159
is personally liable up to the purchase money amount, for such 85160
amounts that are unpaid during the operation of the business by 85161
the former owner. 85162

The tax commissioner may adopt rules regarding the issuance 85163
of certificates under this section, including the waiver of the 85164
need for a certificate if certain criteria are met. 85165

Sec. 5751.11. If any person subject to this chapter fails to 85166
report or pay the tax as required under this chapter, or fails to 85167
pay any penalty imposed under this chapter within ninety days 85168
after the time prescribed for payment of the penalty, the attorney 85169
general, on the request of the tax commissioner, shall commence an 85170
action in quo warranto in the court of appeals of the county in 85171
which the person has its principal place of business to forfeit 85172
and annul its privileges or franchise within this state. If the 85173
court finds that the person is in default for the amount claimed, 85174
it shall render judgment revoking the person's privileges or 85175
franchise within this state and shall otherwise proceed as 85176
provided in Chapter 2733. of the Revised Code. 85177

Sec. 5751.12. The tax commissioner may prescribe requirements 85178
for the keeping of records and other pertinent documents, the 85179
filing of copies of federal income tax returns and determinations, 85180

and computations reconciling federal income tax returns with the 85181
returns and reports required by section 5751.05 of the Revised 85182
Code. The commissioner may require any person, by rule or notice 85183
served on that person, to keep those records that the commissioner 85184
considers necessary to show whether, and the extent to which, a 85185
person is subject to this chapter. Those records and other 85186
documents shall be open during business hours to the inspection of 85187
the commissioner, and shall be preserved for a period of four 85188
years unless the commissioner, in writing, consents to their 85189
destruction within that period, or by order requires that they be 85190
kept longer. If such records are normally kept by the person 85191
electronically, the person shall provide such records to the 85192
commissioner electronically at the commissioner's request. 85193

Any information required by the tax commissioner under this 85194
chapter is confidential as provided for in section 5703.21 of the 85195
Revised Code. However, the commissioner shall make public an 85196
electronic list of all actively registered persons required to 85197
remit the tax under this chapter, including legal names, trade 85198
names, addresses, and account numbers. In addition, such list 85199
shall include all persons that cancelled their registration at any 85200
time during the preceding four calendar years, including the date 85201
the registration was cancelled. 85202

Sec. 5751.20. (A) As used in sections 5751.20 to 5751.22 of 85203
the Revised Code: 85204

(1) "School district," "joint vocational school district," 85205
"local taxing unit," "state education aid," "recognized 85206
valuation," "fixed-rate levy," and "fixed-sum levy" have the same 85207
meanings as used in section 5727.84 of the Revised Code. 85208

(2) "State education aid offset" means the amount determined 85209
for each school district or joint vocational school district under 85210

<u>division (A)(1) of section 5751.21 of the Revised Code.</u>	85211
<u>(3) "Machinery and equipment property tax value loss" means the amount determined under division (C)(1) of this section.</u>	85212
<u>(4) "Inventory property tax value loss" means the amount determined under division (C)(2) of this section.</u>	85214
<u>(5) "Furniture and fixtures property tax value loss" means the amount determined under division (C)(3) of this section.</u>	85216
<u>(6) "Machinery and equipment fixed-rate levy loss" means the amount determined under division (D)(1) of this section.</u>	85218
<u>(7) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section.</u>	85220
<u>(8) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section.</u>	85222
<u>(9) "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.</u>	85224
<u>(10) "Fixed-sum levy loss" means the amount determined under division (E) of this section.</u>	85228
<u>(11) "Machinery and equipment" means personal property subject to the assessment rate specified in division (F) of section 5711.22 of the Revised Code.</u>	85230
<u>(12) "Inventory" means personal property subject to the assessment rate specified in division (E) of section 5711.22 of the Revised Code.</u>	85233
<u>(13) "Furniture and fixtures" means personal property subject to the assessment rate specified in division (G) of section 5711.22 of the Revised Code.</u>	85236
<u>(14) "Qualifying levies" are levies in effect for tax year</u>	85239

2004 or applicable to tax year 2005 or approved at an election 85240
conducted before September 1, 2005, and first levied in tax year 85241
2006. For the purpose of determining the rate of a qualifying levy 85242
authorized by section 5705.212 or 5705.213 of the Revised Code, 85243
the rate shall be the rate that would be in effect for tax year 85244
2010. 85245

(15) "Telephone property" means tangible personal property of 85246
a telephone, telegraph, or interexchange telecommunications 85247
company subject to an assessment rate specified in section 85248
5727.111 of the Revised Code in tax year 2004. 85249

(16) "Telephone property tax value loss" means the amount 85250
determined under division (C)(4) of this section. 85251

(17) "Telephone property fixed-rate levy loss" means the 85252
amount determined under division (D)(4) of this section. 85253

(B) The commercial activities tax receipts fund is hereby 85254
created in the state treasury and shall consist of money arising 85255
from the tax imposed under this chapter. All money in that fund 85256
shall be credited for each fiscal year in the following 85257
percentages to the general revenue fund, to the school district 85258
tangible property tax replacement fund, which is hereby created in 85259
the state treasury for the purpose of making the payments 85260
described in section 5751.21 of the Revised Code, and to the local 85261
government tangible property tax replacement fund, which is hereby 85262
created in the state treasury for the purpose of making the 85263
payments described in section 5751.22 of the Revised Code, in the 85264
following percentages: 85265

<u>Fiscal year</u>	<u>General Revenue</u>	<u>School District</u>	<u>Local Government</u>	
	<u>Fund</u>	<u>Tangible</u>	<u>Tangible</u>	
		<u>Property Tax</u>	<u>Property Tax</u>	
		<u>Replacement Fund</u>	<u>Replacement Fund</u>	
<u>2006</u>	<u>67.7%</u>	<u>22.6%</u>	<u>9.7%</u>	85267

<u>2007</u>	<u>0%</u>	<u>70.0%</u>	<u>30.0%</u>	85268
<u>2008</u>	<u>0%</u>	<u>70.0%</u>	<u>30.0%</u>	85269
<u>2009</u>	<u>0%</u>	<u>70.0%</u>	<u>30.0%</u>	85270
<u>2010</u>	<u>0%</u>	<u>70.0%</u>	<u>30.0%</u>	85271
<u>2011</u>	<u>0%</u>	<u>70.0%</u>	<u>30.0%</u>	85272
<u>2012</u>	<u>5.3%</u>	<u>70.0%</u>	<u>24.7%</u>	85273
<u>2013</u>	<u>19.4%</u>	<u>70.0%</u>	<u>10.6%</u>	85274
<u>2014</u>	<u>14.1%</u>	<u>70.0%</u>	<u>15.9%</u>	85275
<u>2015</u>	<u>17.6%</u>	<u>70.0%</u>	<u>12.4%</u>	85276
<u>2016</u>	<u>21.1%</u>	<u>70.0%</u>	<u>8.9%</u>	85277
<u>2017</u>	<u>24.6%</u>	<u>70.0%</u>	<u>5.4%</u>	85278
<u>2018</u>	<u>28.1%</u>	<u>70.0%</u>	<u>1.9%</u>	85279
<u>2019 and</u>	<u>100%</u>	<u>0%</u>	<u>0%</u>	85280
<u>thereafter</u>				

(C) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its machinery and equipment, inventory property, furniture and fixtures property, and telephone property tax value losses, which are the applicable amounts described in divisions (C)(1), (2), (3), and (4) of this section: 85281-85286

(1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by: 85287-85289

(a) For tax year 2006, thirty-three and eight-tenths per cent; 85290-85291

(b) For tax year 2007, sixty-one and three-tenths per cent; 85292

(c) For tax year 2008, eighty-three per cent; 85293

(d) For tax year 2009 and thereafter, one hundred per cent. 85294

(2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by: 85295-85297

<u>(a) For tax year 2006, a fraction, the numerator of which is</u>	85298
<u>five and three-fourths and the denominator of which is</u>	85299
<u>twenty-three;</u>	85300
<u>(b) For tax year 2007, a fraction, the numerator of which is</u>	85301
<u>nine and one-half and the denominator of which is twenty-three;</u>	85302
<u>(c) For tax year 2008, a fraction, the numerator of which is</u>	85303
<u>thirteen and one-fourth and the denominator of which is</u>	85304
<u>twenty-three;</u>	85305
<u>(d) For tax year 2009 and thereafter a fraction, the</u>	85306
<u>numerator of which is seventeen and the denominator of which is</u>	85307
<u>twenty-three.</u>	85308
<u>(3) Furniture and fixtures property tax value loss is the</u>	85309
<u>taxable value of furniture and fixture property as reported by</u>	85310
<u>taxpayers for tax year 2004 multiplied by:</u>	85311
<u>(a) For tax year 2006, twenty-five per cent;</u>	85312
<u>(b) For tax year 2007, fifty per cent;</u>	85313
<u>(c) For tax year 2008, seventy-five per cent;</u>	85314
<u>(d) For tax year 2009 and thereafter, one hundred per cent.</u>	85315
<u>The taxable value of property reported by taxpayers used in</u>	85316
<u>divisions (C)(1), (2), and (3) of this section shall be such</u>	85317
<u>values as determined to be final by the tax commissioner as of</u>	85318
<u>August 31, 2005. Such determinations shall be final except for any</u>	85319
<u>correction of a clerical error that was made prior to August 31,</u>	85320
<u>2005, by the tax commissioner.</u>	85321
<u>(4) Telephone property tax value loss is the taxable value of</u>	85322
<u>telephone property as taxpayers would have reported that property</u>	85323
<u>for tax year 2004 if the assessment rate for all telephone</u>	85324
<u>property for that year were twenty-five per cent, multiplied by:</u>	85325
<u>(a) For tax year 2006, zero per cent;</u>	85326

<u>(b) For tax year 2007, zero per cent;</u>	85327
<u>(c) For tax year 2008, zero per cent;</u>	85328
<u>(d) For tax year 2009, sixty per cent;</u>	85329
<u>(e) For tax year 2010, eighty per cent;</u>	85330
<u>(f) For tax year 2011 and thereafter, one hundred per cent.</u>	85331
<u>To facilitate the calculations required under division (C) of</u>	85332
<u>this section, the county auditor, upon request from the tax</u>	85333
<u>commissioner, shall provide by August 1, 2005, the values of</u>	85334
<u>machinery and equipment, inventory, and furniture and fixtures for</u>	85335
<u>all single-county personal property taxpayers for tax year 2004.</u>	85336
<u>(D) Not later than September 15, 2005, the tax commissioner</u>	85337
<u>shall determine for each tax year from 2006 through 2009 for each</u>	85338
<u>school district, joint vocational school district, and local</u>	85339
<u>taxing unit its machinery and equipment, inventory, and furniture</u>	85340
<u>and fixtures fixed-rate levy losses, and for each tax year from</u>	85341
<u>2006 through 2011 its telephone property fixed-rate levy loss,</u>	85342
<u>which are the applicable amounts described in divisions (D)(1),</u>	85343
<u>(2), (3), and (4) of this section:</u>	85344
<u>(1) The machinery and equipment fixed-rate levy loss is the</u>	85345
<u>machinery and equipment property tax value loss multiplied by the</u>	85346
<u>sum of the tax rates of fixed-rate qualifying levies.</u>	85347
<u>(2) The inventory fixed-rate loss is the inventory property</u>	85348
<u>tax value loss multiplied by the sum of the tax rates of</u>	85349
<u>fixed-rate qualifying levies.</u>	85350
<u>(3) The furniture and fixtures fixed-rate levy loss is the</u>	85351
<u>furniture and fixture property tax value loss multiplied by the</u>	85352
<u>sum of the tax rates of fixed-rate qualifying levies.</u>	85353
<u>(4) The telephone property fixed-rate levy loss is the</u>	85354
<u>telephone property tax value loss multiplied by the sum of the tax</u>	85355
<u>rates of fixed-rate qualifying levies.</u>	85356

(E) Not later than September 15, 2005, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-sum levy loss. The fixed-sum levy loss is the amount obtained by subtracting the amount described in division (E)(2) of this section from the amount described in division (E)(1) of this section:

(1) The sum of the machinery and equipment property tax value loss, the inventory property tax value loss, and the furniture and fixtures property tax value loss, and, for 2008 through 2017 the telephone property tax value loss of the district or unit multiplied by the sum of the fixed-sum tax rates of qualifying levies. For 2006 through 2010, this computation shall include all qualifying levies remaining in effect for the current tax year and any school district emergency levies that are qualifying levies not remaining in effect for the current year. For 2011 through 2017, this computation shall include only qualifying levies remaining in effect for the current year. For purposes of this computation, a qualifying school district emergency levy remains in effect in a year after 2010 only if, for that year, the board of education levies a school district emergency levy for an annual sum at least equal to the annual sum levied by the board in tax year 2004 less the amount of the payment certified under this division for 2006.

(2) The total taxable value in tax year 2004 less the sum of the machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses in each school district, joint vocational school district, and local taxing unit multiplied by one-half of one mill per dollar.

(3) For the calculations in divisions (E)(1) and (2) of this section, the tax value losses are those that would be calculated for tax year 2009 under divisions (C)(1), (2), and (3) of this section and for tax year 2011 under division (C)(4) of this

section. 85389

(4) To facilitate the calculation under divisions (D) and (E) 85390
of this section, not later than September 1, 2005, any school 85391
district, joint vocational school district, or local taxing unit 85392
that has a qualifying levy that was approved at an election 85393
conducted during 2005 before September 1, 2005, shall certify to 85394
the tax commissioner a copy of the county auditor's certificate of 85395
estimated property tax millage for such levy as required under 85396
division (B) of section 5705.03 of the Revised Code, which is the 85397
rate that shall be used in the calculations under such divisions. 85398

If the amount determined under division (E) of this section 85399
for any school district, joint vocational school district, or 85400
local taxing unit is greater than zero, that amount shall equal 85401
the reimbursement to be paid pursuant to division (D) of section 85402
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 85403
and the one-half of one mill that is subtracted under division 85404
(E)(2) of this section shall be apportioned among all contributing 85405
fixed-sum levies in the proportion that each levy bears to the sum 85406
of all fixed-sum levies within each school district, joint 85407
vocational school district, or local taxing unit. 85408

(F) Not later than October 1, 2005, the tax commissioner 85409
shall certify to the department of education for every school 85410
district and joint vocational school district the machinery and 85411
equipment, inventory, furniture and fixtures, and telephone 85412
property tax value losses determined under division (C) of this 85413
section, the machinery and equipment, inventory, furniture and 85414
fixtures, and telephone fixed-rate levy losses determined under 85415
division (D) of this section, and the fixed-sum levy losses 85416
calculated under division (E) of this section. The calculations 85417
under divisions (D) and (E) of this section shall separately 85418
display the levy loss for each levy eligible for reimbursement. 85419

(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. 85420
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Sec. 5751.21. (A) Not later than the thirty-first day of July of 2007 through 2017, the department of education shall determine the following for each school district and each joint vocational school district eligible for payment under division (B) of this section: 85425
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(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: 85430
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(a) The state education aid computed for the school district or joint vocational school district for the current fiscal year as of the thirty-first day of July; 85434
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(b) The state education aid that would be computed for the school district or joint vocational school district for the current fiscal year as of the thirty-first day of July if the recognized valuation included the machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses for the school district or joint vocational school district for the second preceding tax year. 85437
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(2) The greater of zero or the difference obtained by subtracting the state education aid offset determined under division (A)(1) of this section from the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, furniture and fixtures fixed-rate levy loss, and telephone property fixed-rate levy loss certified under division (F) of 85444
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section 5751.20 of the Revised Code for all taxing districts in 85450
each school district and joint vocational school district for the 85451
second preceding tax year. 85452

By the fifth day of August of each such year, the department 85453
of education shall certify the amount so determined under division 85454
(A)(1) of this section to the director of budget and management. 85455

(B) The department of education shall pay from the school 85456
district tangible property tax replacement fund to each school 85457
district and joint vocational school district all of the following 85458
for fixed-rate levy losses certified under division (F) of section 85459
5751.20 of the Revised Code: 85460

(1) On or before May 31, 2006, one-seventh of the total 85461
fixed-rate levy loss for tax year 2006; 85462

(2) On or before August 31, 2006, and October 31, 2006, 85463
one-half of six-sevenths of the total fixed-rate levy loss for tax 85464
year 2006; 85465

(3) On or before May 31, 2007, one-seventh of the total 85466
fixed-rate levy loss for tax year 2007; 85467

(4) On or before August 31, 2007, and October 31, 2007, 85468
forty-three per cent of the amount determined under division 85469
(A)(2) of this section for fiscal year 2008, but not less than 85470
zero, plus one-half of six-sevenths of the difference between the 85471
total fixed-rate levy loss for tax year 2007 and the total 85472
fixed-rate levy loss for tax year 2006. 85473

(5) On or before May 31, 2008, fourteen per cent of the 85474
amount determined under division (A)(2) of this section for fiscal 85475
year 2008, but not less than zero, plus one-seventh of the 85476
difference between the total fixed-rate levy loss for tax year 85477
2008 and the total fixed-rate levy loss for tax year 2006. 85478

(6) On or before August 31, 2008, and October 31, 2008, 85479

forty-three per cent of the amount determined under division 85480
(A)(2) of this section for fiscal year 2009, but not less than 85481
zero, plus one-half of six-sevenths of the difference between the 85482
total fixed-rate levy loss in tax year 2008 and the total 85483
fixed-rate levy loss in tax year 2007. 85484

(7) On or before May 31, 2009, fourteen per cent of the 85485
amount determined under division (A)(2) of this section for fiscal 85486
year 2009, but not less than zero, plus one-seventh of the 85487
difference between the total fixed-rate levy loss for tax year 85488
2009 and the total fixed-rate levy loss for tax year 2007. 85489

(8) On or before August 31, 2009, and October 31, 2009, 85490
forth-three per cent of the amount determined under division 85491
(A)(2) of this section for fiscal year 2010, but not less than 85492
zero, plus one-half of six-sevenths of the difference between the 85493
total fixed-rate levy loss in tax year 2009 and the total 85494
fixed-rate levy loss in tax year 2008. 85495

(9) On or before May 31, 2010, fourteen per cent of the 85496
amount determined under division (A)(2) of this section for fiscal 85497
year 2010, but not less than zero, plus one-seventh of the 85498
difference between the total fixed-rate levy loss in tax year 2010 85499
and the total fixed-rate levy loss in tax year 2008. 85500

(10) On or before August 31, 2010, and October 31, 2010, 85501
one-third of the amount determined under division (A)(2) of this 85502
section for fiscal year 2011, but not less than zero, plus 85503
one-half of six-sevenths of the difference between the telephone 85504
property fixed-rate levy loss for tax year 2010 and the telephone 85505
property fixed-rate levy loss for tax year 2009. 85506

(11) On or before May 31, 2011, fourteen per cent of the 85507
amount determined under division (A)(2) of this section for fiscal 85508
year 2011, but not less than zero, plus one-seventh of the 85509
difference between the telephone property fixed-rate levy loss for 85510

tax year 2011 and the telephone property fixed-rate levy loss for 85511
tax year 2009. 85512

(12) On or before August 31, 2011, October 31, 2011, and May 85513
31, 2012, the amount determined under division (A)(2) of this 85514
section multiplied by a fraction, the numerator of which is 85515
fourteen and the denominator of which is seventeen, but not less 85516
than zero, multiplied by one-third, plus one-half of six-sevenths 85517
of the difference between the telephone property fixed-rate levy 85518
loss for tax year 2011 and the telephone property fixed-rate levy 85519
loss for tax year 2010. 85520

(13) On or before May 31, 2012, fourteen per cent of the 85521
amount determined under division (A)(2) of this section for fiscal 85522
year 2012, multiplied by a fraction, the numerator of which is 85523
fourteen and the denominator of which is seventeen, plus 85524
one-seventh of the difference between the telephone property 85525
fixed-rate levy loss for tax year 2011 and the telephone property 85526
fixed-rate levy loss for tax year 2010. 85527

(14) On or before August 31, 2012, October 31, 2012, and May 85528
31, 2013, the amount determined under division (A)(2) of this 85529
section multiplied by a fraction, the numerator of which is eleven 85530
and the denominator of which is seventeen, but not less than zero, 85531
multiplied by one-third. 85532

(15) On or before August 31, 2013, October 31, 2013, and May 85533
31, 2014, the amount determined under division (A)(2) of this 85534
section multiplied by a fraction, the numerator of which is nine 85535
and the denominator of which is seventeen, but not less than zero, 85536
multiplied by one-third. 85537

(16) On or before August 31, 2014, October 31, 2014, and May 85538
31, 2015, the amount determined under division (A)(2) of this 85539
section multiplied by a fraction, the numerator of which is seven 85540
and the denominator of which is seventeen, but not less than zero, 85541

multiplied by one-third. 85542

(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. 85543
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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. 85548
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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. 85553
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(20) After May 31, 2018, no payments shall be made under this section. 85558
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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. 85560
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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. 85565
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(C) For taxes levied within the ten-mill limitation for debt purposes in tax year 2005, payments shall be made equal to one hundred per cent of the loss computed as if the tax were a fixed-rate levy, but those payments shall extend from fiscal year 85568
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2006 through fiscal year 2018, as long as the qualifying levy continues to be used for debt purposes. If the purpose of such a qualifying levy is changed, that levy becomes subject to the payments determined in division (B) of this section. 85572
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(D)(1) Not later than January 1, 2006, for each fixed-sum levy of each school district or joint vocational school district and for each year for which a determination is made under division (F) of section 5751.20 of the Revised Code that a fixed-sum levy loss is to be reimbursed, the tax commissioner shall certify to the department of education the fixed-sum levy loss determined under that division. The certification shall cover a time period sufficient to include all fixed-sum levies for which the commissioner made such a determination. The department shall pay from the school district property tax replacement fund to the school district or joint vocational school district one-third of the fixed-sum levy loss so certified for each year on or before the last day of May, August, and November of the current year. 85576
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(2) Beginning in 2006, by the first day of January of each year, the tax commissioner shall review the certification originally made under division (D)(1) of this section. If the commissioner determines that a debt levy that had been scheduled to be reimbursed in the current year has expired, a revised certification for that and all subsequent years shall be made to the department of education. 85589
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(E) Beginning in September 2007 and through June 2018, the director of budget and management shall transfer from the school district tangible property tax replacement fund to the general revenue fund each of the following: 85596
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(1) On the first day of September, the lesser of one-fourth of the amount certified for that fiscal year under division (A)(1) of this section or the balance in the school district tangible 85600
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property tax replacement fund; 85603

(2) On the first day of December, the lesser of one-fourth of 85604
the amount certified for that fiscal year under division (A)(1) of 85605
this section or the balance in the school district tangible 85606
property tax replacement fund; 85607

(3) On the first day of March, the lesser of one-fourth of 85608
the amount certified for that fiscal year under division (A)(1) of 85609
this section or the balance in the school district tangible 85610
property tax replacement fund; 85611

(4) On the first day of June, the lesser of one-fourth of the 85612
amount certified for that fiscal year under division (A)(1) of 85613
this section or the balance in the school district tangible 85614
property tax replacement fund. 85615

(F) For each of the fiscal years 2006 through 2018, if the 85616
total amount in the school district tangible property tax 85617
replacement fund is insufficient to make all payments under 85618
divisions (B), (C), or (D) of this section at the times the 85619
payments are to be made, the director of budget and management 85620
shall transfer from the general revenue fund to the school 85621
district tangible property tax replacement fund the difference 85622
between the total amount to be paid and the amount in the school 85623
district tangible property tax replacement fund. For each fiscal 85624
year after 2018, at the time payments under division (D) of this 85625
section are to be made, the director of budget and management 85626
shall transfer from the general revenue fund to the school 85627
district property tax replacement fund the amount necessary to 85628
make such payments. 85629

(G) On the fifteenth day of June of 2006 through 2011, the 85630
director of budget and management may transfer any balance in the 85631
school district tangible property tax replacement fund to the 85632
general revenue fund. At the end of fiscal years 2012 through 85633

2018, any balance in the school district tangible property tax replacement fund shall remain in the fund to be used in future fiscal years for school purposes. 85634
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(H) If all of the territory of a school district or joint vocational school district is merged with another district, or if a part of the territory of a school district or joint vocational school district is transferred to an existing or newly created district, the department of education, in consultation with the tax commissioner, shall adjust the payments made under this section as follows: 85637
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(1) For a merger of two or more districts, the machinery and equipment, inventory, furniture and fixtures, and telephone property fixed-rate levy losses and the fixed-sum levy losses of the successor district shall be equal to the sum of the machinery and equipment, inventory, furniture and fixtures, and telephone property fixed-rate levy losses and debt levy losses as determined in section 5751.20 of the Revised Code, for each of the districts involved in the merger. 85644
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(2) If property is transferred from one district to a previously existing district, the amount of machinery and equipment, inventory, furniture and fixtures, and telephone property fixed-rate levy losses that shall be transferred to the recipient district shall be an amount equal to the total machinery and equipment, inventory, furniture and fixtures, and telephone property fixed-rate levy losses times a fraction, the numerator of which is the value of business tangible personal property on the land being transferred in the most recent year for which data are available, and the denominator of which is the total value of business tangible personal property in the district from which the land is being transferred in the most recent year for which data are available. 85652
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(3) After December 31, 2004, if property is transferred from one or more districts to a district that is newly created out of the transferred property, the newly created district shall be deemed not to have any machinery and equipment, inventory, furniture and fixtures, or telephone property fixed-rate levy losses and the districts from which the property was transferred shall have no reduction in their machinery and equipment, inventory, furniture and fixtures, and telephone property fixed-rate levy losses.

(4) If the recipient district under division (H)(2) of this section or the newly created district under divisions (H)(3) of this section is assuming debt from one or more of the districts from which the property was transferred and any of the districts losing the property had fixed-sum levy losses, the department of education, in consultation with the tax commissioner, shall make an equitable division of the fixed-sum levy loss reimbursements.

Sec. 5751.22. (A) Not later than January 1, 2006, the tax commissioner shall compute the payments to be made to each local taxing unit for each year according to divisions (A)(1), (2), (3), and (4) of this section, and shall distribute the payments in the manner prescribed by division (C) of this section. The calculation of the fixed-sum levy loss shall cover a time period sufficient to include all fixed-sum levies for which the commissioner determined, pursuant to division (E) of section 5751.20 of the Revised Code, that a fixed-sum levy loss is to be reimbursed.

(1) Except as provided in division (A)(4) of this section, for machinery and equipment, inventory, and furniture and fixtures fixed-rate levy losses determined under division (D) of section 5751.20 of the Revised Code, payments shall be made in an amount equal to each of those losses multiplied by the following:

(a) For tax years 2006 through 2010, one hundred per cent;

<u>(b) For tax year 2011, a fraction, the numerator of which is</u>	85696
<u>fourteen and the denominator of which is seventeen;</u>	85697
<u>(c) For tax year 2012, a fraction, the numerator of which is</u>	85698
<u>eleven and the denominator of which is seventeen;</u>	85699
<u>(d) For tax year 2013, a fraction, the numerator of which is</u>	85700
<u>nine and the denominator of which is seventeen;</u>	85701
<u>(e) For tax year 2014, a fraction, the numerator of which is</u>	85702
<u>seven and the denominator of which is seventeen;</u>	85703
<u>(f) For tax year 2015, a fraction, the numerator of which is</u>	85704
<u>five and the denominator of which is seventeen;</u>	85705
<u>(g) For tax year 2016, a fraction, the numerator of which is</u>	85706
<u>three and the denominator of which is seventeen;</u>	85707
<u>(h) For tax year 2017, a fraction, the numerator of which is</u>	85708
<u>one and the denominator of which is seventeen;</u>	85709
<u>(i) For tax years 2018 and thereafter, no fixed-rate payments</u>	85710
<u>shall be made.</u>	85711
<u>Any qualifying levy that is a fixed-rate levy that is not</u>	85712
<u>applicable to a tax year after 2010 shall not qualify for any</u>	85713
<u>reimbursement after the tax year to which it is last applicable.</u>	85714
<u>(2) Except as provided in division (A)(4) of this section,</u>	85715
<u>for telephone property fixed-rate levy losses determined under</u>	85716
<u>division (D)(4) of section 5751.20 of the Revised Code, payments</u>	85717
<u>shall be made in an amount equal to each of those losses</u>	85718
<u>multiplied by the following:</u>	85719
<u>(a) For tax years 2009 through 2011, one hundred per cent;</u>	85720
<u>(b) For tax year 2012, seven-eighths;</u>	85721
<u>(c) For tax year 2013, six-eighths;</u>	85722
<u>(d) For tax year 2014, five-eighths;</u>	85723

<u>(e) For tax year 2015, four-eighths;</u>	85724
<u>(f) For tax year 2016, three-eighths;</u>	85725
<u>(g) For tax year 2017, two-eighths;</u>	85726
<u>(h) For tax year 2018, one-eighth;</u>	85727
<u>(i) For tax years 2019 and thereafter, no fixed-rate payments shall be made.</u>	85728 85729
<u>Any qualifying levy that is a fixed-rate levy that is not applicable to a tax year after 2011 shall not qualify for any reimbursement after the tax year to which it is last applicable.</u>	85730 85731 85732
<u>(3) For fixed-sum levy losses determined under division (E) of section 5751.20 of the Revised Code, payments shall be made in the amount of one hundred per cent of the fixed-sum levy loss for payments required to be made in 2006 and thereafter.</u>	85733 85734 85735 85736
<u>(4) For taxes levied within the ten-mill limitation for debt purposes in tax year 2005, payments shall be made based on the schedule in division (A)(1) of this section for each of the calendar years 2006 through 2010. For each of the calendar years 2011 through 2017, the percentages for calendar year 2010 shall be used, as long as the qualifying levy continues to be used for debt purposes. If the purpose of such a qualifying levy is changed, that levy becomes subject to the payment schedules in divisions (A)(1)(a) to (h) of this section. No payments shall be made for such levies after calendar year 2017.</u>	85737 85738 85739 85740 85741 85742 85743 85744 85745 85746
<u>(B) Beginning in 2007, by the thirty-first day of January of each year, the tax commissioner shall review the calculation originally made under division (A) of this section of the fixed-sum levy losses determined under division (E) of section 5751.20 of the Revised Code. If the commissioner determines that a fixed-sum levy that had been scheduled to be reimbursed in the current year has expired, a revised calculation for that and all</u>	85747 85748 85749 85750 85751 85752 85753

subsequent years shall be made. 85754

(C) Payments to local taxing units required to be made under 85755
division (A) of this section shall be paid from the local 85756
government tangible property tax replacement fund to the county 85757
undivided income tax fund in the proper county treasury. Beginning 85758
in May 2006, one-third of the amount certified under that division 85759
shall be paid by the last day of May, August, and October. Within 85760
forty-five days after receipt of such payments, the county 85761
treasurer shall distribute amounts determined under division (A) 85762
of this section to the proper local taxing unit as if they had 85763
been levied and collected as taxes, and the local taxing unit 85764
shall apportion the amounts so received among its funds in the 85765
same proportions as if those amounts had been levied and collected 85766
as taxes. 85767

(D) For each of the fiscal years 2006 through 2019, if the 85768
total amount in the local government tangible property tax 85769
replacement fund is insufficient to make all payments under 85770
division (C) of this section at the times the payments are to be 85771
made, the director of budget and management shall transfer from 85772
the general revenue fund to the local government tangible property 85773
tax replacement fund the difference between the total amount to be 85774
paid and the amount in the local government tangible property tax 85775
replacement fund. For each fiscal year after 2019, at the time 85776
payments under division (A)(2) of this section are to be made, the 85777
director of budget and management shall transfer from the general 85778
revenue fund to the local government property tax replacement fund 85779
the amount necessary to make such payments. 85780

(E) On the fifteenth day of June of each year from 2006 85781
through 2018, the director of budget and management may transfer 85782
any balance in the local government tangible property tax 85783
replacement fund to the general revenue fund. 85784

(F) If all or a part of the territories of two or more local taxing units are merged, or unincorporated territory of a township is annexed by a municipal corporation, the tax commissioner shall adjust the payments made under this section to each of the local taxing units in proportion to the tax value loss apportioned to the merged or annexed territory, or as otherwise provided by a written agreement between the legislative authorities of the local taxing units certified to the commissioner not later than the first day of June of the calendar year in which the payment is to be made. 85785
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Sec. 5751.23. (A) As used in this section: 85795

(1) "Administrative fees" means the dollar percentages allowed by the county auditor for services or by the county treasurer as fees, or paid to the credit of the real estate assessment fund, under divisions (A) and (B) of section 319.54 and division (A) of section 321.26 of the Revised Code. 85796
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(2) "Administrative fee loss" means a county's loss of administrative fees due to its tax value loss, determined as follows: 85801
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(a) For purposes of the determination made under division (B) of this section in the years 2006 through 2010, the administrative fee loss shall be computed by multiplying the amounts determined for all taxing districts in the county under divisions (D) and (E) of section 5751.20 of the Revised Code by nine thousand six hundred fifty-nine ten-thousandths of one per cent if total taxes collected in the county in 2004 exceeded one hundred fifty million dollars, or one and one thousand one hundred fifty-nine ten-thousandths of one per cent if total taxes collected in the county in 2004 were one hundred fifty million dollars or less; 85804
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(b) For purposes of the determination under division (B) of 85814

this section in the years after 2010, the administrative fee 85815
losses shall be determined by multiplying the administrative fee 85816
losses calculated for 2010 by the fractions in divisions (A)(1)(b) 85817
to (i) of section 5751.22 of the Revised Code. 85818

(3) "Total taxes collected" means all money collected on any 85819
tax duplicate of the county, other than the estate tax duplicates. 85820
"Total taxes collected" does not include amounts received pursuant 85821
to divisions (F) and (G) of section 321.24 or section 323.156 of 85822
the Revised Code. 85823

(B) Not later than December 31, 2005, the tax commissioner 85824
shall certify to each county auditor the tax levy losses 85825
calculated under divisions (D) and (E) of section 5751.20 of the 85826
Revised Code for each school district, joint vocational school 85827
district, and local taxing unit in the county. Not later than the 85828
thirty-first day of January of 2006 through 2017, the county 85829
auditor shall determine the administrative fee loss for the county 85830
and apportion that loss ratably among the school districts, joint 85831
vocational school districts, and local taxing units on the basis 85832
of the tax levy losses certified under this division. 85833

(C) On or before each of the days prescribed for the 85834
settlements under divisions (A) and (C) of section 321.24 of the 85835
Revised Code in the years 2006 through 2017, the county treasurer 85836
shall deduct one-half of the amount apportioned to each school 85837
district, joint vocational school district, and local taxing unit 85838
from the portions of revenue payable to them. 85839

(D) On or before each of the days prescribed for settlements 85840
under divisions (A) and (C) of section 321.24 of the Revised Code 85841
in the years 2006 through 2017, the county auditor shall cause to 85842
be deposited an amount equal to one-half of the amount of the 85843
administrative fee loss in the same funds as if allowed as 85844
administrative fees. 85845

Sec. 5751.31. Notwithstanding any section of law to the contrary, the tax commissioner may issue one or more final determinations under section 5703.60 of the Revised Code for which any appeal must be made directly to the supreme court within thirty days after the date the commissioner issued the determination if the primary issue raised by the petitioner is the constitutionality of division (H)(3) of section 5751.01 of the Revised Code or an issue arising under Section 3, 5a, or 13 of Article XII, Ohio Constitution. Such final determination shall clearly indicate that any appeal thereof must be made directly to the supreme court within the thirty-day period prescribed in this division.

Sec. 5751.50. (A) For tax periods beginning on or after January 1, 2008, a refundable credit granted by the tax credit authority under section 122.17 of the Revised Code may be claimed under this chapter in the order required under section 5751.98 of the Revised Code. For purposes of making tax payments under this chapter, taxes equal to the amount of the refundable credit shall be considered to be paid to this state on the first day of the tax period. A credit claimed in calendar year 2008 may not be applied against the tax otherwise due for a tax period beginning before July 1, 2008. The refundable credit shall not be claimed against the tax otherwise due for any tax period beginning after the date on which a relocation of employment positions occurs in violation of an agreement entered into under sections 122.17 or 122.171 of the Revised Code.

(B) For tax periods beginning on or after January 1, 2008, a nonrefundable credit granted by the tax credit authority under section 122.171 of the Revised Code may be claimed under this chapter in the order required under section 5751.98 of the Revised Code. A credit claimed in calendar year 2008 may not be applied

against the tax otherwise due under this chapter for a tax period 85877
beginning before July 1, 2008. The credit shall not be claimed 85878
against the tax otherwise due for any tax period beginning after 85879
the date on which a relocation of employment positions occurs in 85880
violation of an agreement entered into under sections 122.17 or 85881
122.171 of the Revised Code. No credit shall be allowed under this 85882
chapter if the credit was available against the tax imposed by 85883
section 5733.06 or 5747.02 of the Revised Code, except to the 85884
extent the credit was not applied against such tax. 85885

Sec. 5751.51. (A) As used in this section, "qualified 85886
research expenses" has the same meaning as in section 41 of the 85887
Internal Revenue Code. 85888

(B)(1) For tax periods beginning on or after January 1, 2008, 85889
a nonrefundable credit may be claimed under this chapter equal to 85890
seven per cent of the excess of (a) qualified research expenses 85891
incurred in this state by the taxpayer in the tax period for which 85892
the credit is claimed over (b) the taxpayer's average annual 85893
qualified research expenses incurred in this state for the three 85894
preceding tax periods. 85895

(2) The taxpayer shall claim the credit allowed under 85896
division (B)(1) of this section in the order required by section 85897
5751.98 of the Revised Code. A credit claimed in tax year 2008 may 85898
not be applied against the tax otherwise due under this chapter 85899
for a tax period beginning before July 1, 2008. Any credit amount 85900
in excess of the tax due under section 5751.03 of the Revised 85901
Code, after allowing for any other credits that precede the credit 85902
under this section in the order required under that section, may 85903
be carried forward for seven tax years, but the amount of the 85904
excess credit claimed against the tax for any tax period shall be 85905
deducted from the balance carried forward to the next tax period. 85906

(3) No credit shall be allowed under this chapter if the 85907

credit was available against the tax imposed by section 5733.06 of 85908
the Revised Code, except to the extent the credit was not applied 85909
against such tax. 85910

Sec. 5751.52. (A) As used in this section: 85911

(1) "Borrower" means any person that receives a loan from the 85912
director of development under section 166.21 of the Revised Code, 85913
regardless of whether the borrower is subject to the tax imposed 85914
by this chapter. 85915

(2) "Qualified research and development loan payments" has 85916
the same meaning as in section 166.21 of the Revised Code. 85917

(3) "Related member" has the same meaning as in section 85918
5733.042 of the Revised Code. 85919

(B) For tax periods beginning on or after January 1, 2008, a 85920
nonrefundable credit may be claimed under this chapter equal to a 85921
borrower's qualified research and development loan payments made 85922
during the calendar year immediately preceding the tax period for 85923
which the credit is claimed. The amount of the credit for a 85924
calendar year shall not exceed one hundred fifty thousand dollars. 85925
No taxpayer is entitled to claim a credit under this section 85926
unless the taxpayer has obtained a certificate issued by the 85927
director of development under division (D) of section 166.21 of 85928
the Revised Code. The credit shall be claimed in the order 85929
required under section 5151.98 of the Revised Code. A credit 85930
claimed in calendar year 2008 may not be applied against the tax 85931
otherwise due under this chapter for a tax period beginning before 85932
July 1, 2008. No credit shall be allowed under this chapter if the 85933
credit was available against the tax imposed by section 5733.06 or 85934
5747.02 of the Revised Code except to the extent the credit was 85935
not applied against such tax. The credit, to the extent it exceeds 85936
the taxpayer's tax liability for a tax period after allowance for 85937

any other credits that precede the credit under this section in that order, shall be carried forward to the next succeeding tax period or periods, but the amount of the excess credit claimed against the tax for any tax period shall be deducted from the balance carried forward to the next tax period. 85938
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(C) A borrower entitled to a credit under this section may assign the credit, or a portion thereof, to any of the following: 85943
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(1) A related member of that borrower; 85945

(2) The owner or lessee of the eligible research and development project; 85946
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(3) A related member of the owner or lessee of the eligible research and development project. 85948
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A borrower making an assignment under this division shall provide written notice of the assignment to the tax commissioner and the director of development, in such form as the commissioner prescribes, before the credit that was assigned is used. The assignor may not claim the credit to the extent it was assigned to an assignee. The assignee may claim the credit only to the extent the assignor has not claimed it. 85950
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(D) If any taxpayer is a partner in a partnership or a member in a limited liability company treated as a partnership for federal income tax purposes, the taxpayer shall be allowed the taxpayer's distributive or proportionate share of the credit available through the partnership or limited liability company. 85957
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Sec. 5751.53. (A) As used in this section: 85962

(1) "Net income" and "taxable year" have the same meanings as in section 5733.04 of the Revised Code. 85963
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(2) "Franchise tax year" means "tax year" as defined in section 5733.04 of the Revised Code. 85965
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(3) "Deductible temporary differences" and "taxable temporary differences" have the same meanings as those terms have for purposes of paragraph 13 of the statement of financial accounting standards, number 109. 85967
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(4) "Qualifying taxpayer" means a taxpayer under this chapter that has a qualifying Ohio net operating loss carryforward equal to or greater than the qualifying amount. 85971
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(5) "Qualifying Ohio net operating loss carryforward" means an Ohio net operating loss carryforward that the taxpayer could deduct in whole or in part for franchise tax year 2006 under section 5733.04 of the Revised Code but for the application of division (H) of this section. A qualifying Ohio net operating loss carryforward shall not exceed the amount of loss carryforward from franchise tax year 2005 as reported by the taxpayer either on a franchise tax report for franchise tax year 2005 pursuant to section 5733.02 of the Revised Code or on an amended franchise tax report prepared in good faith for such year and filed before July 1, 2006. 85974
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(6) "Disallowed Ohio net operating loss carryforward" means the lesser of the amounts described in division (A)(6)(a) or (b) of this section, but the amounts described in divisions (A)(6)(a) and (b) of this section shall each be reduced by the qualifying amount. 85985
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(a) The qualifying taxpayer's qualifying Ohio net operating loss carryforward; 85990
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(b) The Ohio net operating loss carryforward amount that the qualifying taxpayer used to compute the related deferred tax asset reflected on its books and records on the last day of its taxable year ending in 2004, adjusted for return to accrual, but this amount shall be reduced by the qualifying related valuation allowance amount. For the purposes of this section, the 85992
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"qualifying related valuation allowance amount" is the amount of 85998
Ohio net operating loss reflected in the qualifying taxpayer's 85999
computation of the valuation allowance account, as shown on its 86000
books and records on the last day of its taxable year ending in 86001
2004, with respect to the deferred tax asset relating to its Ohio 86002
net operating loss carryforward amount. 86003

(7) "Other net deferred tax items apportioned to this state" 86004
is the product of (a) the amount of net deferred tax items and (b) 86005
the fraction described in division (B)(2) of section 5733.05 for 86006
the qualifying taxpayer's franchise tax year 2005. 86007

(8)(a) Subject to divisions (A)(8)(b) to (d) of this section, 86008
the "amount of other net deferred tax items" is the difference 86009
between (i) the qualifying taxpayer's deductible temporary 86010
differences, net of related valuation allowance amounts, shown on 86011
the qualifying taxpayer's books and records on the last day of its 86012
taxable year ending in 2004, and (ii) the qualifying taxpayer's 86013
taxable temporary differences as shown on those books and records 86014
on that date. The amount of other net deferred tax items may be 86015
less than zero. 86016

(b) For the purposes of computing the amount of the 86017
qualifying taxpayer's other net deferred tax items described in 86018
division (A)(8)(a) of this section, any credit carryforward 86019
allowed under Chapter 5733. of the Revised Code shall be excluded 86020
from the amount of deductible temporary differences to the extent 86021
such credit carryforward amount, net of any related valuation 86022
allowance amount, is otherwise included in the qualifying 86023
taxpayer's deductible temporary differences, net of related 86024
valuation allowance amounts, shown on the qualifying taxpayer's 86025
books and records on the last day of the qualifying taxpayer's 86026
taxable year ending in 2004. 86027

(c) No portion of the disallowed Ohio net operating loss 86028

carryforward shall be included in the computation of the amount of 86029
the qualifying taxpayer's net deferred tax items described in 86030
division (A)(8)(a) of this section. 86031

(d) In no event shall the amount of other net deferred tax 86032
items apportioned to this state exceed twenty-five per cent of the 86033
qualifying Ohio net operating loss carryforward. 86034

(9) "Amortizable amount" means: 86035

(a) If the qualifying taxpayer's other net deferred tax items 86036
apportioned to this state is equal to or greater than zero, eight 86037
per cent of the sum of the qualifying taxpayer's disallowed Ohio 86038
net operating loss carryforward and the qualifying taxpayer's 86039
other net deferred tax items apportioned to this state; 86040

(b) If the amount of the qualifying taxpayer's other net 86041
deferred tax items apportioned to this state is less than zero and 86042
if the absolute value of the amount of qualifying taxpayer's other 86043
net deferred tax items apportioned to this state is less than the 86044
qualifying taxpayer's disallowed net operating loss, eight per 86045
cent of the difference between the qualifying taxpayer's 86046
disallowed net operating loss carryforward and the absolute value 86047
of the qualifying taxpayer's other net deferred tax items 86048
apportioned to this state; 86049

(c) If the amount of the qualifying taxpayer's other net 86050
deferred tax items apportioned to this state is less than zero and 86051
if the absolute value of the amount of qualifying taxpayer's other 86052
net deferred tax items apportioned to this state is equal to or 86053
greater than the qualifying taxpayer's disallowed net operating 86054
loss, zero. 86055

(10) "Books and records" means the qualifying taxpayer's 86056
books, records, and all other information, all of which the 86057
qualifying taxpayer maintains and uses to prepare and issue its 86058
financial statements in accordance with generally accepted 86059

accounting principles. 86060

(11)(a) Except as modified by division (A)(11)(b) of this section, "qualifying amount" means fifty million dollars per person. 86061
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(b) If for franchise tax year 2005 the person was a member of a combined franchise tax report, as provided by section 5733.052 of the Revised Code, the "qualifying amount" is, in the aggregate, fifty million dollars for all members of that combined franchise tax report, and for purposes of divisions (A)(6)(a) and (b) of this section, those members shall allocate to each member any portion of the fifty million dollar amount. The total amount allocated to the members who are qualifying taxpayers shall equal fifty million dollars. 86064
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(B) For each calendar period beginning prior to January 1, 2030, there is hereby allowed a nonrefundable tax credit against the tax levied each year by this chapter on each qualifying taxpayer, on each consolidated elected taxpayer having one or more qualifying taxpayers as a member, and on each combined taxpayer having one or more qualifying taxpayers as a member. The credit shall be claimed in the order specified in section 5751.98 of the Revised Code and is allowed only to reduce the first one-half of any tax remaining after allowance of the credits that precede it in section 5751.98 of the Revised Code. No credit under division (B) of this section shall be allowed against the second one-half of such remaining tax. 86073
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Except as otherwise limited by divisions (C) and (D) of this section, the maximum amount of the nonrefundable credit that may be used against the first one-half of the remaining tax for each calendar year is as follows: 86085
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(1) For calendar year 2010, ten per cent of the amortizable amount; 86089
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<u>(2) For calendar year 2011, twenty per cent of the</u>	86091
<u>amortizable amount, less all amounts previously used;</u>	86092
<u>(3) For calendar year 2012, thirty per cent of the</u>	86093
<u>amortizable amount, less all amounts previously used;</u>	86094
<u>(4) For calendar year 2013, forty per cent of the amortizable</u>	86095
<u>amount, less all amounts previously used;</u>	86096
<u>(5) For calendar year 2014, fifty per cent of the amortizable</u>	86097
<u>amount, less all amounts previously used;</u>	86098
<u>(6) For calendar year 2015, sixty per cent of the amortizable</u>	86099
<u>amount, less all amounts previously used;</u>	86100
<u>(7) For calendar year 2016, seventy per cent of the</u>	86101
<u>amortizable amount, less all amounts previously used;</u>	86102
<u>(8) For calendar year 2017, eighty per cent of the</u>	86103
<u>amortizable amount, less all amounts previously used;</u>	86104
<u>(9) For calendar year 2018, ninety per cent of the</u>	86105
<u>amortizable amount, less all amounts previously used;</u>	86106
<u>(10) For each of calendar years 2019 through 2029, one</u>	86107
<u>hundred per cent of the amortizable amount, less all amounts used</u>	86108
<u>in all previous years.</u>	86109
<u>In no event shall the cumulative credit used for calendar</u>	86110
<u>years 2010 through 2029 exceed one hundred per cent of the</u>	86111
<u>amortizable amount.</u>	86112
<u>(C)(1) Except as otherwise set forth in division (C)(2) of</u>	86113
<u>this section, a refundable credit is allowed in calendar year 2030</u>	86114
<u>for any portion of the qualifying taxpayer's amortizable amount</u>	86115
<u>that is not used in accordance with division (B) of this section</u>	86116
<u>against the tax levied by this chapter on all taxpayers.</u>	86117
<u>(2) Division (C)(1) of this section shall not apply and no</u>	86118
<u>refundable credit shall be available to any person if during any</u>	86119

portion of the calendar year 2030 the person is not subject to the 86120
tax imposed by this chapter. 86121

(D) Not later than June 30, 2006, each qualifying taxpayer, 86122
consolidated elected taxpayer, or combined taxpayer that will 86123
claim for any year the credit allowed in divisions (B) and (C) of 86124
this section shall file with the tax commissioner a report setting 86125
forth the amortizable amount available to such taxpayer and all 86126
other related information that the commissioner, by rule, 86127
requires. If the taxpayer does not timely file the report or fails 86128
to provide timely all information required by this division, the 86129
taxpayer is precluded from claiming any credit amounts described 86130
in divisions (B) and (C) of this section. Unless extended by 86131
mutual consent, the tax commissioner may, until June 30, 2010, 86132
audit the accuracy of the amortizable amount available to each 86133
taxpayer that will claim the credit, and adjust the amortizable 86134
amount or, if appropriate, issue any assessment necessary to 86135
correct any errors found upon audit. 86136

(E) For the purpose of calculating the amortizable amount, if 86137
the tax commissioner ascertains that any portion of that amount is 86138
the result of a sham transaction as described in section 5703.56 86139
of the Revised Code, the commissioner shall reduce the amortizable 86140
amount by two times the adjustment. 86141

(F) If one entity transfers all or a portion of its assets 86142
and equity to another entity as part of an entity organization or 86143
reorganization or subsequent entity organization or reorganization 86144
for which no gain or loss is recognized in whole or in part for 86145
federal income tax purposes under the Internal Revenue Code, the 86146
credits allowed by this section shall be computed in a manner 86147
consistent with that used to compute the portion, if any, of 86148
federal net operating losses allowed to the respective entities 86149
under the Internal Revenue Code. The tax commissioner may 86150
prescribe forms or rules for making the computations required by 86151

this division. 86152

(G)(1) Except as provided in division (F) of this section, no person shall pledge, collateralize, hypothecate, assign, convey, sell, exchange, or otherwise dispose of any or all tax credits, or any portion of any or all tax credits allowed under this section. 86153
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(2) No credit allowed under this section is subject to execution, attachment, lien, levy, or other judicial proceeding. 86157
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(H)(1)(a) Except as set forth in division (H)(1)(b) of this section and notwithstanding division (I)(1) of section 5733.04 of the Revised Code to the contrary, each person timely and fully complying with the reporting requirements set forth in division (D) of this section shall not claim, and shall not be entitled to claim, any deduction or adjustment for any Ohio net operating loss carried forward to any one or more franchise tax years after franchise tax year 2005. 86159
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(b) Division (H)(1)(a) of this section applies only to the portion of the Ohio net operating loss represented by the disallowed Ohio net operating loss carryforward. 86167
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(2) Notwithstanding division (I) of section 5733.04 of the Revised Code to the contrary, with respect to all franchise tax years after franchise tax year 2005, each person timely and fully complying with the reporting requirements set forth in division (D) of this section shall not claim, and shall not be entitled to claim, any deduction, exclusion, or adjustment with respect to deductible temporary differences reflected on the person's books and records on the last day of its taxable year ending in 2004. 86170
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(3)(a) Except as set forth in division (H)(3)(b) of this section and notwithstanding division (I) of section 5733.04 of the Revised Code to the contrary, with respect to all franchise tax years after franchise tax year 2005, each person timely and fully complying with the reporting requirements set forth in division 86178
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<u>(D) of this section shall exclude from Ohio net income all taxable</u>	86183
<u>temporary differences reflected on the person's books and records</u>	86184
<u>on the last day of its taxable year ending in 2004.</u>	86185
<u>(b) In no event shall the exclusion provided by division</u>	86186
<u>(H)(3)(a) of this section for any franchise tax year exceed the</u>	86187
<u>amount of the taxable temporary differences otherwise included in</u>	86188
<u>Ohio net income for that year.</u>	86189
<u>(4) Divisions (H)(2) and (3) of this section shall apply only</u>	86190
<u>to the extent such items were used in the calculations of the</u>	86191
<u>credit provided by this section.</u>	86192
<u>Sec. 5751.98. (A) To provide a uniform procedure for</u>	86193
<u>calculating the amount of tax due under this chapter, a taxpayer</u>	86194
<u>shall claim any credits to which it is entitled in the following</u>	86195
<u>order:</u>	86196
<u>(1) The nonrefundable jobs retention credit under division</u>	86197
<u>(B) of section 5751.50 of the Revised Code;</u>	86198
<u>(2) The nonrefundable credit for qualified research expenses</u>	86199
<u>under division (B) of section 5751.51 of the Revised Code;</u>	86200
<u>(3) The nonrefundable credit for a borrower's qualified</u>	86201
<u>research and development loan payments under division (B) of</u>	86202
<u>section 5751.52 of the Revised Code;</u>	86203
<u>(4) The nonrefundable credit for calendar years 2010 to 2029</u>	86204
<u>for unused net operating losses under division (B) of section</u>	86205
<u>5751.53 of the Revised Code;</u>	86206
<u>(5) The refundable credit for calendar year 2030 for unused</u>	86207
<u>net operating losses under division (C) of section 5751.53 of the</u>	86208
<u>Revised Code;</u>	86209
<u>(6) The refundable jobs creation credit under division (A) of</u>	86210
<u>section 5751.50 of the Revised Code.</u>	86211

(B) For any credit except the credit enumerated in division (A)(4) of this section, the amount of the credit for a tax period shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating the credit. 86212
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Sec. 5751.99. (A) Whoever files a fraudulent refund claim under section 5751.08 of the Revised Code shall be fined the greater of not more than one thousand dollars or the amount of the fraudulent refund requested or imprisoned not more than sixty days, or both. 86218
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(B) Except as provided in this section, whoever violates any section of this chapter, or any rule adopted by the tax commissioner under this chapter, shall be fined not more than five hundred dollars or imprisoned not more than thirty days, or both. 86223
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(C) The penalties provided in this section are in addition to any penalties imposed by the tax commissioner under section 5751.06 of the Revised Code. 86227
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Sec. 5907.15. There is hereby created in the state treasury the Ohio veterans' homes rental, service, and medicare reimbursement fund. Revenue generated from temporary use agreements of a veterans' home, from the sale of meals at a home's dining halls, from rental, lease, or sharing agreements for the use of facilities, supplies, equipment, utilities, or services provided by a home, and from medicare reimbursements shall be credited to the fund. The fund shall be used only for maintenance costs of the homes and for the purchase of medications, medication services, medical supplies, and medical equipment by the homes. 86230
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Sec. 5919.31. (A) If an active duty member of the Ohio 86240

national guard chooses to purchase life insurance pursuant to the 86241
"Servicemembers' Group Life Insurance Act," 79 Stat. 880 et seq. 86242
(1965), 38 U.S.C. 1965 et seq., the adjutant general shall 86243
reimburse the member in an amount equal to the monthly premium 86244
paid for each month or part of a month by the member pursuant to 86245
the act while being an active duty member. 86246

(B) The adjutant general may request additional money from 86247
the controlling board if the adjutant general does not have 86248
sufficient available unencumbered funds to reimburse active duty 86249
members for life insurance premiums pursuant to this section. 86250

(C) The adjutant general may prescribe and enforce 86251
regulations to implement the requirements of this section. In 86252
prescribing and enforcing those regulations, the adjutant general 86253
need not comply with section 111.15 or Chapter 119. of the Revised 86254
Code. 86255

(D) As used in this section, "active duty member" means a 86256
member of the Ohio national guard on active duty pursuant to an 86257
executive order of the president of the United States, the "Act of 86258
October 28, 2004," 118 Stat. 1878, 32 U.S.C. 901 to 908, as 86259
amended, another act of the congress of the United States, or a 86260
proclamation of the governor, but does not include a member 86261
performing full-time Ohio national guard duty or performing 86262
special work active duty under the "Act of October 3, 1964," 78 86263
Stat. 999, 32 U.S.C. 502(f). 86264

~~Sec. 5919.33. Upon certification of availability of funds by~~ 86265
~~the director of budget and management, the~~ (A) The adjutant 86266
general shall pay a death benefit of ~~twenty~~ one hundred thousand 86267
dollars from the appropriations ~~for operating expenses made for~~ 86268
the purpose to the beneficiary or beneficiaries of any active duty 86269
member of the Ohio national guard who dies while performing state 86270
active duty ~~under orders issued by the adjutant general on behalf~~ 86271

~~of the governor~~, if the beneficiary or beneficiaries has or have 86272
been so designated in a written statement as prescribed by the 86273
adjutant general. 86274

(B) As used in this section, "active duty member" means a 86275
member of the Ohio national guard on active duty pursuant to an 86276
executive order of the president of the United States, the "Act of 86277
October 28, 2004," 118 Stat. 1878, 32 U.S.C. 901 to 908, as 86278
amended, another act of the congress of the United States, or a 86279
proclamation of the governor, but does not include a member 86280
performing full-time Ohio national guard duty or performing special 86281
work active duty under the "Act of October 3, 1964," 78 Stat. 999, 86282
32 U.S.C. 502(f). 86283

Sec. 5919.341. There is hereby created in the state treasury 86284
the national guard scholarship reserve fund. Not later than the 86285
first day of July of each fiscal year, the Ohio board of regents 86286
shall certify to the director of budget and management the 86287
unencumbered balance of the general revenue fund appropriations 86288
made in the immediately preceding fiscal year for purposes of the 86289
Ohio national guard scholarship program created under division (B) 86290
of section 5919.34 of the Revised Code. Upon receipt of the 86291
certification, the director may transfer an amount not exceeding 86292
the certified amount from the general revenue fund to the national 86293
guard scholarship reserve fund. Moneys in the national guard 86294
scholarship reserve fund shall be used to pay scholarship 86295
obligations in excess of the general revenue fund appropriations 86296
made for that purpose. Upon request of the adjutant general, the 86297
Ohio board of regents shall seek controlling board approval to 86298
establish appropriations as necessary. 86299

The director may transfer any unencumbered balance from the 86300
national guard scholarship reserve fund to the general revenue 86301
fund. 86302

Sec. 5920.01. (A) The governor shall organize and maintain 86303
within this state on a cadre or reserve basis military forces 86304
capable of being expanded and trained to defend this state 86305
whenever the Ohio national guard, or a part thereof, is employed 86306
so as to leave this state without adequate defense. In case of an 86307
emergency proclaimed by the president, or the Congress of the 86308
United States, or the governor, or caused by enemy action or 86309
imminent danger thereof, the governor, as commander in chief, 86310
shall expand such forces as the exigency of the occasion requires. 86311
Such forces shall be organized and maintained under regulations 86312
which shall not be inconsistent with such regulations as the 86313
secretary of defense prescribes for discipline and training and 86314
shall be composed of officers commissioned and assigned, and such 86315
able-bodied citizens of the state as are accepted therein. Such 86316
forces shall be equipped with suitable uniforms not in violation 86317
of federal laws or contrary to the regulations of the secretary of 86318
defense. Such forces shall be known as the Ohio military reserve. 86319
During the period of organization on a cadre or reserve basis the 86320
commander in chief may fix lesser rates of pay for armory drill 86321
purposes or for service in encampments and maneuvers. In the event 86322
that the regulations of the department of defense are modified so 86323
as to recognize the Ohio military reserve as a part of the Ohio 86324
national guard not subject to induction into federal service, the 86325
laws pertaining to the Ohio national guard shall apply to the Ohio 86326
military reserve and it shall be known as a component of the Ohio 86327
national guard. 86328

(B) The commander of the Ohio military reserve shall report 86329
all expenditures and the use of all funds by the Ohio military 86330
reserve to the general assembly. The commander annually shall 86331
deliver the report, in writing, within three months of the end of 86332
the state fiscal year. 86333

Sec. 6109.21. (A) Except as provided in divisions (D) and (E) 86334
of this section, on and after January 1, 1994, no person shall 86335
operate or maintain a public water system in this state without a 86336
license issued by the director of environmental protection. A 86337
person who operates or maintains a public water system on January 86338
1, 1994, shall obtain an initial license under this section in 86339
accordance with the following schedule: 86340

(1) If the public water system is a community water system, 86341
not later than January 31, 1994; 86342

(2) If the public water system is not a community water 86343
system and serves a nontransient population, not later than 86344
January 31, 1994; 86345

(3) If the public water system is not a community water 86346
system and serves a transient population, not later than January 86347
31, 1995. 86348

A person proposing to operate or maintain a new public water 86349
system after January 1, 1994, in addition to complying with 86350
section 6109.07 of the Revised Code and rules adopted under it, 86351
shall submit an application for an initial license under this 86352
section to the director prior to commencing operation of the 86353
system. 86354

A license or license renewal issued under this section shall 86355
be renewed annually. Such a license or license renewal shall 86356
expire on the thirtieth day of January in the year following its 86357
issuance. A license holder that proposes to continue operating the 86358
public water system for which the license or license renewal was 86359
issued shall apply for a license renewal at least thirty days 86360
prior to that expiration date. 86361

The director shall adopt, and may amend and rescind, rules in 86362
accordance with Chapter 119. of the Revised Code establishing 86363

procedures governing and information to be included on 86364
applications for licenses and license renewals under this section. 86365
Through June 30, ~~2006~~ 2008, each application shall be accompanied 86366
by the appropriate fee established under division (M) of section 86367
3745.11 of the Revised Code, provided that an applicant for an 86368
initial license who is proposing to operate or maintain a new 86369
public water system after January 1, 1994, shall submit a fee that 86370
equals a prorated amount of the appropriate fee established under 86371
that division for the remainder of the licensing year. 86372

(B) Not later than thirty days after receiving a completed 86373
application and the appropriate license fee for an initial license 86374
under division (A) of this section, the director shall issue the 86375
license for the public water system. Not later than thirty days 86376
after receiving a completed application and the appropriate 86377
license fee for a license renewal under division (A) of this 86378
section, the director shall do one of the following: 86379

(1) Issue the license renewal for the public water system; 86380

(2) Issue the license renewal subject to terms and conditions 86381
that the director determines are necessary to ensure compliance 86382
with this chapter and rules adopted under it; 86383

(3) Deny the license renewal if the director finds that the 86384
public water system was not operated in substantial compliance 86385
with this chapter and rules adopted under it. 86386

(C) The director may suspend or revoke a license or license 86387
renewal issued under this section if the director finds that the 86388
public water system was not operated in substantial compliance 86389
with this chapter and rules adopted under it. The director shall 86390
adopt, and may amend and rescind, rules in accordance with Chapter 86391
119. of the Revised Code governing such suspensions and 86392
revocations. 86393

(D)(1) As used in division (D) of this section, "church" 86394

means a fellowship of believers, congregation, society,
corporation, convention, or association that is formed primarily
or exclusively for religious purposes and that is not formed or
operated for the private profit of any person.

(2) This section does not apply to a church that operates or
maintains a public water system solely to provide water for that
church or for a campground that is owned by the church and
operated primarily or exclusively for members of the church and
their families. A church that, on or before March 5, 1996, has
obtained a license under this section for such a public water
system need not obtain a license renewal under this section.

(E) This section does not apply to any public or nonpublic
school that meets minimum standards of the state board of
education that operates or maintains a public water system solely
to provide water for that school.

Sec. 6111.30. (A) Applications for a section 401 water
quality certification required under division (P) of section
6111.03 of the Revised Code shall be submitted on forms provided
by the director of environmental protection and shall include all
information required on those forms as well as all of the
following:

(1) A copy of a letter from the United States army corps of
engineers documenting its jurisdiction over the wetlands, streams,
or other waters of the state that are the subject of the section
401 water quality certification application;

(2) If the project involves impacts to a wetland, a wetland
characterization analysis consistent with the Ohio rapid
assessment method;

(3) If the project involves a stream for which a specific
aquatic life use designation has not been made, a use

<u>attainability analysis;</u>	86425
<u>(4) A specific and detailed mitigation proposal, including the location and proposed legal mechanism for protecting the property in perpetuity;</u>	86426
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	86428
<u>(5) Applicable fees;</u>	86429
<u>(6) Site photographs;</u>	86430
<u>(7) Adequate documentation confirming that the applicant has requested comments from the department of natural resources and the United States fish and wildlife service regarding threatened and endangered species, including the presence or absence of critical habitat;</u>	86431
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<u>(8) Descriptions, schematics, and appropriate economic information concerning the applicant's preferred alternative, nondegradation alternatives, and minimum degradation alternatives for the design and operation of the project;</u>	86436
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<u>(9) The applicant's investigation report of the waters of the United States in support of a section 404 permit application concerning the project;</u>	86440
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<u>(10) A copy of the United States army corps of engineers' public notice regarding the section 404 permit application concerning the project.</u>	86443
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	86445
<u>(B) Not later than fifteen business days after the receipt of an application for a section 401 water quality certification, the director shall review the application to determine if it is complete and shall notify the applicant in writing as to whether the application is complete. If the director fails to notify the applicant within fifteen business days regarding the completeness of the application, the application is considered complete. If the director determines that the application is not complete, the director shall include with the written notification an itemized</u>	86446
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list of the information or materials that are necessary to 86455
complete the application. If the applicant fails to provide the 86456
information or materials within sixty days after the director's 86457
receipt of the application, the director may return the incomplete 86458
application to the applicant and take no further action on the 86459
application. If the application is returned to the applicant 86460
because it is incomplete, the director shall return the review fee 86461
levied under division (A)(1), (2), or (3) of section 3745.114 of 86462
the Revised Code to the applicant, but shall retain the 86463
application fee levied under that section. 86464

(C) Not later than twenty-one days after a determination that 86465
an application is complete under division (B) of this section, the 86466
applicant shall publish public notice of the director's receipt of 86467
the complete application in a newspaper of general circulation in 86468
the county in which the project that is the subject of the 86469
application is located. The public notice shall be in a form 86470
acceptable to the director. The applicant shall promptly provide 86471
the director with proof of publication. The applicant may choose, 86472
subject to review by and approval of the director, to include in 86473
the public notice an advertisement for an antidegradation public 86474
hearing on the application pursuant to section 6111.12 of the 86475
Revised Code. There shall be a public comment period of thirty 86476
days following the publication of the public notice. 86477

(D) If the director determines that there is significant 86478
public interest in a public hearing as evidenced by the public 86479
comments received concerning the application and by other requests 86480
for a public hearing on the application, the director or the 86481
director's representative shall conduct a public hearing 86482
concerning the application. Notice of the public hearing shall be 86483
published by the applicant, subject to review and approval by the 86484
director, at least thirty days prior to the date of the hearing in 86485
a newspaper of general circulation in the county in which the 86486

project that is the subject of the application is to take place. 86487
If a public hearing is requested concerning an application, the 86488
director shall accept comments concerning the application until 86489
five business days after the public hearing. A public hearing 86490
conducted under this division shall take place not later than one 86491
hundred days after the application is determined to be complete. 86492

(E) The director shall forward all public comments concerning 86493
an application submitted under this section that are received 86494
through the public involvement process required by rules adopted 86495
under this chapter to the applicant not later than five business 86496
days after receipt of the comments by the director. 86497

(F) The applicant shall respond in writing to written 86498
comments or to deficiencies identified by the director during the 86499
course of reviewing the application not later than fifteen days 86500
after receiving or being notified of them. 86501

(G) The director shall issue or deny a section 401 water 86502
quality certification not later than one hundred eighty days after 86503
the complete application for the certification is received. The 86504
director shall provide an applicant for a section 401 water 86505
quality certification with an opportunity to review the 86506
certification prior to its issuance. 86507

(H) The director shall maintain an accessible database that 86508
includes environmentally beneficial water restoration and 86509
protection projects that may serve as potential mitigation 86510
projects for projects in the state for which a section 401 water 86511
quality certification is required. A project's inclusion in the 86512
database does not constitute an approval of the project. 86513

(I) As used in this section and sections 6111.31 and 6111.32 86514
of the Revised Code, "section 401 water quality certification" 86515
means certification pursuant to section 401 of the Federal Water 86516
Pollution Control Act and this chapter and rules adopted under it 86517

that any discharge, as set forth in section 401, will comply with 86518
sections 301, 302, 303, 306, and 307 of the Federal Water 86519
Pollution Control Act. 86520

Sec. 6111.31. All substantive wetland, stream, or lake 86521
mitigation standards, criteria, scientific methods, processes, or 86522
other procedures or policies that are used in a uniform manner by 86523
the director of environmental protection in evaluating the 86524
adequacy of a mitigation proposal contained in an application for 86525
a section 401 water quality certification shall be adopted and 86526
reviewed in accordance with sections 119.03 and 119.032 of the 86527
Revised Code before those standards, criteria, or scientific 86528
methods have the force of law. Until that time, any such 86529
mitigation standards, criteria, scientific methods, processes, or 86530
other procedures or policies that are used by or approved for use 86531
by the director to evaluate, measure, or determine the success, 86532
approval, or denial of a mitigation proposal, but that have not 86533
been subject to review under sections 119.03 and 119.032 of the 86534
Revised Code shall not be used as the basis for any certification 86535
or permit denial or as a standard applied to mitigation unless the 86536
applicant has been notified in advance that additional mitigation 86537
standards, criteria, scientific methods, processes, or procedures 86538
will be considered as part of the review process. 86539

Sec. 6111.32. (A) Mitigation for wetland or stream impacts 86540
for which a section 401 water quality certification has been 86541
issued under section 6111.30 of the Revised Code shall be 86542
conducted by the applicant for the certification in accordance 86543
with the following requirements: 86544

(1) For impacts to one acre or less of category 1 or category 86545
2 wetlands, the applicant shall conduct mitigation within the same 86546
United States army corps of engineers district as the impacts, 86547

provided that the mitigation is conducted within that portion of 86548
the district that is located within this state. 86549

(2) For all other wetland or stream impacts, mitigation shall 86550
occur in the following preferred order: 86551

(a) Practicable on-site mitigation; 86552

(b) Mitigation within the eight-digit United States 86553
geological survey watershed or mitigation within the service area 86554
of a wetland mitigation bank approved by a mitigation bank team; 86555

(c) Mitigation in an adjacent eight-digit United States 86556
geological survey watershed; 86557

(d) Mitigation within the same United States army corps of 86558
engineers district as the impacts, provided that the mitigation is 86559
conductd within that portion of the district that is located 86560
within this state. 86561

(B) As used in this section, "category 1 wetland" and 86562
"category 2 wetland" have the same meanings as in section 6111.02 86563
of the Revised Code. 86564

Sec. 6121.04. The Ohio water development authority may do any 86565
or all of the following: 86566

(A) Adopt bylaws for the regulation of its affairs and the 86567
conduct of its business; 86568

(B) Adopt an official seal; 86569

(C) Maintain a principal office and suboffices at places 86570
within the state that it designates; 86571

(D) Sue and plead in its own name and be sued and impleaded 86572
in its own name with respect to its contracts or torts of its 86573
members, employees, or agents acting within the scope of their 86574
employment, or to enforce its obligations and covenants made under 86575
sections 6121.06, 6121.08, and 6121.13 of the Revised Code. Any 86576

such actions against the authority shall be brought in the court 86577
of common pleas of the county in which the principal office of the 86578
authority is located or in the court of common pleas of the county 86579
in which the cause of action arose, provided that the county is 86580
located within this state, and all summonses, exceptions, and 86581
notices of every kind shall be served on the authority by leaving 86582
a copy thereof at the principal office with the person in charge 86583
thereof or with the secretary-treasurer of the authority. 86584

(E) Make loans and grants to governmental agencies for the 86585
acquisition or construction of water development projects by any 86586
such governmental agency and adopt rules and procedures for making 86587
such loans and grants; 86588

(F) Acquire, construct, reconstruct, enlarge, improve, 86589
furnish, equip, maintain, repair, operate, or lease or rent to, or 86590
contract for operation by, a governmental agency or person, water 86591
development projects, and establish rules for the use of those 86592
projects; 86593

(G) Make available the use or services of any water 86594
development project to one or more persons, one or more 86595
governmental agencies, or any combination thereof; 86596

(H) Issue water development revenue bonds and notes and water 86597
development revenue refunding bonds of the state, payable solely 86598
from revenues as provided in section 6121.06 of the Revised Code, 86599
unless the bonds are refunded by refunding bonds, for the purpose 86600
of paying any part of the cost of one or more water development 86601
projects or parts thereof; 86602

(I) Acquire by gift or purchase, hold, and dispose of real 86603
and personal property in the exercise of its powers and the 86604
performance of its duties under this chapter; 86605

(J) Acquire, in the name of the state, by purchase or 86606
otherwise, on terms and in the manner that it considers proper, or 86607

by the exercise of the right of condemnation in the manner 86608
provided by section 6121.18 of the Revised Code, public or private 86609
lands, including public parks, playgrounds, or reservations, or 86610
parts thereof or rights therein, rights-of-way, property, rights, 86611
easements, and interests that it considers necessary for carrying 86612
out this chapter, but excluding the acquisition by the exercise of 86613
the right of condemnation of any waste water facility or water 86614
management facility owned by any person or governmental agency, 86615
and compensation shall be paid for public or private lands so 86616
taken, except that a government-owned waste water facility may be 86617
appropriated in accordance with section 6121.041 of the Revised 86618
Code; 86619

(K) Adopt rules to protect augmented flow in waters of the 86620
state, to the extent augmented by a water development project, 86621
from depletion so it will be available for beneficial use, and to 86622
provide standards for the withdrawal from waters of the state of 86623
the augmented flow created by a water development project that is 86624
not returned to the waters of the state so augmented and to 86625
establish reasonable charges therefor if considered necessary by 86626
the authority; 86627

(L) Make and enter into all contracts and agreements and 86628
execute all instruments necessary or incidental to the performance 86629
of its duties and the execution of its powers under this chapter 86630
in accordance with the following requirements: 86631

(1) When the cost under any such contract or agreement, other 86632
than compensation for personal services, involves an expenditure 86633
of more than ~~ten~~ twenty-five thousand dollars, the authority shall 86634
make a written contract with the lowest responsive and responsible 86635
bidder, in accordance with section 9.312 of the Revised Code, 86636
after advertisement for not less than two consecutive weeks in a 86637
newspaper of general circulation in Franklin county, and in other 86638
publications that the authority determines, which shall state the 86639

general character of the work and the general character of the 86640
materials to be furnished, the place where plans and 86641
specifications therefor may be examined, and the time and place of 86642
receiving bids, provided that a contract or lease for the 86643
operation of a water development project constructed and owned by 86644
the authority or an agreement for cooperation in the acquisition 86645
or construction of a water development project pursuant to section 86646
6121.13 of the Revised Code or any contract for the construction 86647
of a water development project that is to be leased by the 86648
authority to, and operated by, persons who are not governmental 86649
agencies and the cost of the project is to be amortized 86650
exclusively from rentals or other charges paid to the authority by 86651
persons who are not governmental agencies is not subject to the 86652
foregoing requirements and the authority may enter into such a 86653
contract or lease or such an agreement pursuant to negotiation and 86654
upon terms and conditions and for the period that it finds to be 86655
reasonable and proper in the circumstances and in the best 86656
interests of proper operation or of efficient acquisition or 86657
construction of the project. 86658

(2) Each bid for a contract for the construction, demolition, 86659
alteration, repair, or reconstruction of an improvement shall 86660
contain the full name of every person interested in it and shall 86661
meet the requirements of section 153.54 of the Revised Code. 86662

(3) Each bid for a contract except as provided in division 86663
(L)(2) of this section shall contain the full name of every person 86664
or company interested in it and shall be accompanied by a 86665
sufficient bond or certified check on a solvent bank that if the 86666
bid is accepted, a contract will be entered into and the 86667
performance thereof secured. 86668

(4) The authority may reject any and all bids. 86669

(5) A bond with good and sufficient surety, approved by the 86670
authority, shall be required of every contractor awarded a 86671

contract except as provided in division (L)(2) of this section, in 86672
an amount equal to at least fifty per cent of the contract price, 86673
conditioned upon the faithful performance of the contract. 86674

(M) Employ managers, superintendents, and other employees and 86675
retain or contract with consulting engineers, financial 86676
consultants, accounting experts, architects, attorneys, and other 86677
consultants and independent contractors that are necessary in its 86678
judgment to carry out this chapter, and fix the compensation 86679
thereof. All expenses thereof shall be payable solely from the 86680
proceeds of water development revenue bonds or notes issued under 86681
this chapter, from revenues, or from funds appropriated for that 86682
purpose by the general assembly. 86683

(N) Receive and accept from any federal agency, subject to 86684
the approval of the governor, grants for or in aid of the 86685
construction of any water development project or for research and 86686
development with respect to waste water or water management 86687
facilities, and receive and accept aid or contributions from any 86688
source of money, property, labor, or other things of value, to be 86689
held, used, and applied only for the purposes for which the grants 86690
and contributions are made; 86691

(O) Engage in research and development with respect to waste 86692
water or water management facilities; 86693

(P) Purchase fire and extended coverage and liability 86694
insurance for any water development project and for the principal 86695
office and suboffices of the authority, insurance protecting the 86696
authority and its officers and employees against liability for 86697
damage to property or injury to or death of persons arising from 86698
its operations, and any other insurance the authority may agree to 86699
provide under any resolution authorizing its water development 86700
revenue bonds or in any trust agreement securing the same; 86701

(Q) Charge, alter, and collect rentals and other charges for 86702

the use or services of any water development project as provided 86703
in section 6121.13 of the Revised Code; 86704

(R) Provide coverage for its employees under Chapters 145., 86705
4123., and 4141. of the Revised Code; 86706

(S) Assist in the implementation and administration of the 86707
drinking water assistance fund and program created in section 86708
6109.22 of the Revised Code and the water pollution control loan 86709
fund and program created in section 6111.036 of the Revised Code, 86710
including, without limitation, performing or providing fiscal 86711
management for the funds and investing and disbursing moneys in 86712
the funds, and enter into all necessary and appropriate agreements 86713
with the director of environmental protection for those purposes; 86714

(T) Issue water development revenue bonds and notes of the 86715
state in principal amounts that are necessary for the purpose of 86716
raising moneys for the sole benefit of the water pollution control 86717
loan fund created in section 6111.036 of the Revised Code, 86718
including moneys to meet the requirement for providing matching 86719
moneys under division (D) of that section. The bonds and notes may 86720
be secured by appropriate trust agreements and repaid from moneys 86721
credited to the fund from payments of principal and interest on 86722
loans made from the fund, as provided in division (F) of section 86723
6111.036 of the Revised Code. 86724

(U) Issue water development revenue bonds and notes of the 86725
state in principal amounts that are necessary for the purpose of 86726
raising moneys for the sole benefit of the drinking water 86727
assistance fund created in section 6109.22 of the Revised Code, 86728
including moneys to meet the requirement for providing matching 86729
moneys under divisions (B) and (F) of that section. The bonds and 86730
notes may be secured by appropriate trust agreements and repaid 86731
from moneys credited to the fund from payments of principal and 86732
interest on loans made from the fund, as provided in division (F) 86733

of section 6109.22 of the Revised Code. 86734

(V) Make loans to and enter into agreements with boards of 86735
county commissioners for the purposes of section 1521.26 of the 86736
Revised Code and adopt rules establishing requirements and 86737
procedures for making the loans and entering into the agreements; 86738

(W) Do all acts necessary or proper to carry out the powers 86739
expressly granted in this chapter. 86740

Any instrument by which real property is acquired pursuant to 86741
this section shall identify the agency of the state that has the 86742
use and benefit of the real property as specified in section 86743
5301.012 of the Revised Code. 86744

Sec. 6123.04. For the purposes of this chapter, the Ohio 86745
water development authority may: 86746

(A) Adopt bylaws for the regulation of its affairs and the 86747
conduct of its business under this chapter; 86748

(B) Sue and plead in its own name; be sued and impleaded in 86749
its own name with respect to its contracts or torts of its 86750
members, employees, or agents acting within the scope of their 86751
employment, or to enforce its obligations and covenants made under 86752
sections 6123.06, 6123.08, and 6123.13 of the Revised Code. Any 86753
such actions against the authority shall be brought in the court 86754
of common pleas of the county in which the principal office of the 86755
authority is located, or in the court of common pleas of the 86756
county in which the cause of action arose, provided such county is 86757
located within this state, and all summonses, exceptions, and 86758
notices of every kind shall be served on the authority by leaving 86759
a copy thereof at the principal office with the person in charge 86760
thereof or with the secretary-treasurer of the authority. 86761

(C) Make loans and grants to governmental agencies for the 86762
acquisition or construction of development projects by any such 86763

governmental agency and adopt rules and procedures for making such 86764
loans and grants; 86765

(D) Acquire, construct, reconstruct, enlarge, improve, 86766
furnish, equip, maintain, repair, operate, lease or rent to, or 86767
contract for operation by, a person or governmental agency, 86768
development projects, and establish rules for the use of such 86769
projects; 86770

(E) Make available the use or services of any development 86771
project to one or more persons, one or more governmental agencies, 86772
or any combination thereof; 86773

(F) Issue development revenue bonds and notes and development 86774
revenue refunding bonds of the state, payable solely from revenues 86775
as provided in section 6123.06 of the Revised Code, unless the 86776
bonds be refunded by refunding bonds, for the purpose of paying 86777
any part of the cost of one or more development projects or parts 86778
thereof; 86779

(G) Acquire by gift or purchase, hold, and dispose of real 86780
and personal property in the exercise of the powers of the 86781
authority and the performance of its duties under this chapter; 86782

(H) Acquire, in the name of the state, by purchase or 86783
otherwise, on such terms and in such manner as the authority 86784
determines proper, public or private lands, or parts thereof or 86785
rights therein, rights-of-way, property, rights, easements, and 86786
interests as it finds necessary for carrying out this chapter; and 86787
compensation shall be paid for public or private lands so taken; 86788

(I) Make and enter into all contracts and agreements and 86789
execute all instruments necessary or incidental to the performance 86790
of its duties and the execution of its powers under this chapter: 86791

(1) When the cost under any such contract or agreement, other 86792
than compensation for personal services, involves an expenditure 86793

of more than ~~two~~ twenty-five thousand dollars, the authority shall
make a written contract with the lowest responsive and responsible
bidder, in accordance with section 9.312 of the Revised Code,
after advertisement for not less than two consecutive weeks in a
newspaper of general circulation in Franklin county, and in such
other publications as the authority determines, such notice shall
state the general character of the work and materials to be
furnished, the place where plans and specifications therefor may
be examined, and the time and place of receiving bids. Provided,
that a contract or lease for the operation of a development
project constructed and owned by the authority or an agreement for
cooperation in the acquisition or construction of a development
project pursuant to section 6123.13 of the Revised Code or any
contract for the construction of a development project that is to
be leased by the authority to, and operated by, persons who are
not governmental agencies and the cost of such project is to be
amortized exclusively from rentals or other charges paid to the
authority by persons who are not governmental agencies or by
governmental agencies that receive the use or services of such
project, including governmental agencies that are parties to an
agreement for cooperation in the acquisition or construction of
such development project pursuant to section 6123.13 of the
Revised Code, is not subject to the foregoing requirements and the
authority may enter into such contract or lease or such agreement
pursuant to negotiation and upon such terms and conditions and for
such period as it finds to be reasonable and proper in the
circumstances and in the best interests of proper operation or of
efficient acquisition or construction of such project.

(2) Each bid for a contract for the construction, demolition,
alteration, repair, or reconstruction of an improvement shall
contain the full name of every person interested in it and who
meets the requirements of section 153.54 of the Revised Code.

(3) Each bid for a contract, except as provided in division 86826
(I)(2) of this section, shall contain the full name of every 86827
person or company interested in it and shall be accompanied by a 86828
sufficient bond or certified check on a solvent bank that if the 86829
bid is accepted a contract will be entered into and the 86830
performance thereof secured. 86831

(4) The authority may reject any and all bids. 86832

(5) A bond with good and sufficient surety, approved by the 86833
authority, shall be required of every contractor awarded a 86834
contract except as provided in division (I)(2) of this section, in 86835
an amount equal to at least fifty per cent of the contract price, 86836
conditioned upon the faithful performance of the contract. 86837

(J) Employ managers, superintendents, and other employees and 86838
retain or contract with consulting engineers, financial 86839
consultants, accounting experts, architects, attorneys, and such 86840
other consultants and independent contractors as are necessary in 86841
its judgment to carry out this chapter, and fix the compensation 86842
thereof. All expenses thereof shall be payable solely from the 86843
proceeds of development revenue bonds or notes issued under this 86844
chapter, from revenues, or from funds appropriated for such 86845
purpose by the general assembly. 86846

(K) Receive and accept from any federal agency, subject to 86847
the approval of the governor, grants for or in aid of the 86848
construction of any development project or for research and 86849
development with respect to solid waste facilities or energy 86850
resource development facilities, and receive and accept aid or 86851
contributions from any source of money, property, labor, or other 86852
things of value, to be held, used, and applied only for the 86853
purposes for which such grants and contributions are made; 86854

(L) Engage in research and development with respect to solid 86855
waste facilities or energy resource development facilities; 86856

(M) Purchase fire and extended coverage and liability insurance for any development project and for the principal office and sub-offices of the authority, insurance protecting the authority and its officers and employees against liability for damage to property or injury to or death of persons arising from its operations, and any other insurance the authority may agree to provide under any resolution authorizing its development revenue bonds or in any trust agreement securing the same;

(N) Charge, alter, and collect rentals and other charges for the use or services of any development project as provided in section 6123.13 of the Revised Code;

(O) Provide coverage for its employees under Chapters 145., 4123., and 4141. of the Revised Code;

(P) Do all acts necessary or proper to carry out the powers expressly granted in this chapter.

Any instrument by which real property is acquired pursuant to this section shall identify the agency of the state that has the use and benefit of the real property as specified in section 5301.012 of the Revised Code.

Section 101.02. That existing sections 9.24, 9.833, 9.90, 9.981, 101.68, 102.02, 102.06, 108.05, 109.54, 109.57, 109.79, 109.91, 109.98, 117.10, 120.06, 120.13, 120.23, 120.52, 120.53, 121.37, 121.38, 122.011, 122.17, 122.171, 122.18, 122.40, 122.603, 122.71, 122.72, 122.73, 122.74, 122.75, 122.751, 122.76, 122.77, 122.78, 122.79, 122.82, 122.83, 122.95, 122.951, 123.01, 123.152, 123.17, 124.07, 124.321, 124.328, 125.041, 125.05, 125.11, 125.831, 125.832, 126.25, 127.16, 131.02, 131.23, 133.08, 133.081, 133.09, 140.01, 141.011, 141.04, 145.01, 145.33, 147.05, 147.10, 147.11, 147.12, 147.371, 149.30, 150.07, 150.10, 154.11, 173.26, 173.40, 173.99, 181.251, 181.51, 181.52, 181.54, 181.55, 181.56,

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5727.85, 5728.01, 5728.02, 5728.03, 5728.04, 5728.06, 5728.08, 86974
5729.08, 5731.01, 5731.05, 5731.131, 5731.14, 5731.18, 5731.181, 86975
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5733.33, 5733.351, 5733.352, 5733.40, 5733.41, 5733.49, 5733.98, 86977
5737.03, 5739.01, 5739.02, 5739.025, 5739.03, 5739.033, 5739.034, 86978
5739.035, 5739.08, 5739.09, 5739.10, 5739.12, 5739.16, 5739.17, 86979
5741.02, 5741.16, 5743.01, 5743.02, 5743.03, 5743.05, 5743.071, 86980
5743.08, 5743.10, 5743.111, 5743.112, 5743.14, 5743.15, 5743.16, 86981
5743.18, 5743.19, 5743.20, 5743.32, 5743.33, 5747.01, 5747.012, 86982

5747.02, 5747.05, 5747.08, 5747.113, 5747.212, 5747.331, 5747.70, 86983
 5747.80, 5747.98, 5748.01, 5748.02, 5748.03, 5748.04, 5748.08, 86984
 5749.02, 5907.15, 5919.33, 5920.01, 6109.21, 6121.04, and 6123.04 86985
 of the Revised Code are hereby repealed. Existing Section 41.36 of 86986
 Am. Sub. H.B. 95 of the 125th General Assembly is hereby repealed. 86987

Section 105.01. That sections 181.53, 339.77, 742.36, 86988
 1541.221, 3301.31, 3301.33, 3301.34, 3301.35, 3301.36, 3301.37, 86989
 3301.38, 3301.80, 3301.85, 3301.87, 3311.40, 3314.15, 3317.012, 86990
 3317.0212, 3317.0213, 3353.02, 3353.03, 3506.17, 3704.14, 86991
 3704.142, 3704.17, 3721.511, 3901.41, 3901.781, 3901.782, 86992
 3901.783, 3901.784, 4519.06, 4519.07, 5101.751, 5101.753, 86993
 5101.754, 5111.041, 5111.205, 5111.24, 5111.262, 5111.34, 5115.10, 86994
 5115.11, 5115.12, 5115.13, 5115.14, 5123.041, 5123.048, 5571.13, 86995
 5731.20, and 5733.122 of the Revised Code are hereby repealed. 86996

Section 200.01. Except as otherwise provided, all 86997
 appropriation items (AI) in this act are appropriated out of any 86998
 moneys in the state treasury to the credit of the designated fund 86999
 that are not otherwise appropriated. For all appropriations made 87000
 in this act, the amounts in the first column are for fiscal year 87001
 2006 and the amounts in the second column are for fiscal year 87002
 2007. 87003

FND AI	AI TITLE	APPROPRIATIONS	87004
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Section 203.03. ACC ACCOUNTANCY BOARD OF OHIO 87005

General Services Fund Group			87006
4J8 889-601	CPA Education	\$ 209,510 \$ 209,510	87007
	Assistance		
4K9 889-609	Operating Expenses	\$ 1,069,776 \$ 1,069,776	87008
TOTAL GSF General Services Fund			87009
Group		\$ 1,279,286 \$ 1,279,286	87010

TOTAL ALL BUDGET FUND GROUPS	\$	1,279,286	\$	1,279,286	87011
Section 203.06. PAY ACCRUED LEAVE LIABILITY					87013
Accrued Leave Liability Fund Group					87014
806 995-666 Accrued Leave Fund	\$	68,846,630	\$	77,950,372	87015
807 995-667 Disability Fund	\$	48,057,723	\$	50,955,496	87016
TOTAL ALF Accrued Leave Liability					87017
Fund Group	\$	116,904,353	\$	128,905,868	87018
Agency Fund Group					87019
808 995-668 State Employee Health	\$	480,879,258	\$	550,922,742	87020
Benefit Fund					
809 995-669 Dependent Care	\$	2,801,543	\$	2,969,635	87021
Spending Account					
810 995-670 Life Insurance	\$	1,943,789	\$	2,031,381	87022
Investment Fund					
811 995-671 Parental Leave Benefit	\$	4,040,434	\$	4,282,860	87023
Fund					
813 995-672 Health Care Spending	\$	8,000,000	\$	12,000,000	87024
Account					
TOTAL AGY Agency Fund Group	\$	497,665,024	\$	572,206,618	87025
TOTAL ALL BUDGET FUND GROUPS	\$	614,569,377	\$	701,112,486	87026
ACCRUED LEAVE LIABILITY FUND					87027
The foregoing appropriation item 995-666, Accrued Leave Fund,					87028
shall be used to make payments from the Accrued Leave Liability					87029
Fund (Fund 806), pursuant to section 125.211 of the Revised Code.					87030
If it is determined by the Director of Budget and Management that					87031
additional amounts are necessary, the amounts are appropriated.					87032
STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND					87033
The foregoing appropriation item 995-667, Disability Fund,					87034
shall be used to make payments from the State Employee Disability					87035
Leave Benefit Fund (Fund 807), pursuant to section 124.83 of the					87036

Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated. 87037
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STATE EMPLOYEE HEALTH BENEFIT FUND 87040

The foregoing appropriation item 995-668, State Employee Health Benefit Fund, shall be used to make payments from the State Employee Health Benefit Fund (Fund 808), pursuant to section 124.87 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated. 87041
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Effective July 1, 2005, or as soon thereafter as possible, the Director of Budget and Management may transfer up to \$70,000 in cash from the General Revenue Fund to the State Employee Health Benefit Fund (Fund 808). The amount of the transfer shall not exceed the amount of cash transferred from the State Employee Health Benefit Fund to the Health Care Spending Account Fund (Fund 813) during fiscal year 2005. 87047
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DEPENDENT CARE SPENDING ACCOUNT 87054

The foregoing appropriation item 995-669, Dependent Care Spending Account, shall be used to make payments from the Dependent Care Spending Account (Fund 809) to employees eligible for dependent care expenses. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are appropriated. 87055
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LIFE INSURANCE INVESTMENT FUND 87061

The foregoing appropriation item 995-670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 810) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director 87062
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of Budget and Management that additional amounts are necessary, 87067
the amounts are appropriated. 87068

PARENTAL LEAVE BENEFIT FUND 87069

The foregoing appropriation item 995-671, Parental Leave 87070
Benefit Fund, shall be used to make payments from the Parental 87071
Leave Benefit Fund (Fund 811) to employees eligible for parental 87072
leave benefits pursuant to section 124.137 of the Revised Code. If 87073
it is determined by the Director of Budget and Management that 87074
additional amounts are necessary, the amounts are appropriated. 87075

HEALTH CARE SPENDING ACCOUNT 87076

There is hereby established in the State Treasury the Health 87077
Care Spending Account Fund (Fund 813). The foregoing appropriation 87078
item 995-672, Health Care Spending Account, shall be used to make 87079
payments from the fund. The fund shall be under the supervision of 87080
the Department of Administrative Services and shall be used to 87081
make payments pursuant to state employees' participation in a 87082
flexible spending account for non-reimbursed health care expenses 87083
and pursuant to Section 125 of the Internal Revenue Code. All 87084
income derived from the investment of the fund shall accrue to the 87085
fund. If it is determined by the Director of Administrative 87086
Services that additional appropriation amounts are necessary, the 87087
Director of Administrative Services may request that the Director 87088
of Budget and Management increase such amounts. Such amounts are 87089
hereby appropriated. 87090

At the request of the Director of Administrative Services, 87091
the Director of Budget and Management shall transfer up to 87092
\$400,000 from the State Employee Health Benefit Fund (Fund 808) to 87093
the Health Care Spending Account Fund during fiscal years 2006 and 87094
2007. This cash shall be transferred as needed to provide adequate 87095
cash flow for the Health Care Spending Account Fund during fiscal 87096
year 2006 and fiscal year 2007. At the end of fiscal years 2006 87097

and 2007, the Director of Budget and Management shall transfer 87098
 cash up to the amount previously transferred in the respective 87099
 year back from the Health Care Spending Account (Fund 813) to the 87100
 State Employee Health Benefit Fund (Fund 808). If funds are not 87101
 available in the Health Care Spending Account Fund, the Director 87102
 of Administrative Services may request, and the Director of Budget 87103
 and Management may transfer, the balance of the funds needed from 87104
 the General Revenue Fund. 87105

Section 203.09. ADJ ADJUTANT GENERAL 87106

General Revenue Fund 87107

GRF 745-401 Ohio Military Reserve \$ 15,188 \$ 15,188 87108

GRF 745-404 Air National Guard \$ 1,939,762 \$ 1,939,762 87109

GRF 745-407 National Guard \$ 1,400,000 \$ 1,400,000 87110

Benefits

GRF 745-409 Central Administration \$ 3,949,590 \$ 3,949,590 87111

GRF 745-499 Army National Guard \$ 4,086,222 \$ 4,086,222 87112

GRF 745-502 Ohio National Guard \$ 102,973 \$ 102,973 87113

Unit Fund

TOTAL GRF General Revenue Fund \$ 11,493,735 \$ 11,493,735 87114

General Services Fund Group 87115

534 745-612 Armory Improvements \$ 534,304 \$ 534,304 87116

536 745-620 Camp Perry/Buckeye Inn \$ 1,094,970 \$ 1,094,970 87117

Operations

537 745-604 Ohio National Guard \$ 219,826 \$ 219,826 87118

Facility Maintenance

TOTAL GSF General Services Fund \$ 1,849,100 \$ 1,849,100 87119

Group

Federal Special Revenue Fund Group 87120

3E8 745-628 Air National Guard \$ 12,174,760 \$ 12,174,760 87121

Agreement

3R8 745-603 Counter Drug \$ 25,000 \$ 25,000 87122

		Operations				
341	745-615	Air National Guard	\$	2,424,740	\$	2,424,740 87123
		Base Security				
342	745-616	Army National Guard	\$	8,686,893	\$	8,686,893 87124
		Agreement				
	TOTAL FED	Federal Special Revenue	\$	23,311,393	\$	23,311,393 87125
	Fund Group					
	State Special Revenue Fund Group					87126
5U8	745-613	Community Match	\$	90,000	\$	91,800 87127
		Armories				
528	745-605	Marksmanship	\$	126,078	\$	128,600 87128
		Activities				
	TOTAL SSR	State Special Revenue	\$	216,078	\$	220,400 87129
	Fund Group					
	TOTAL ALL BUDGET FUND GROUPS		\$	36,870,306	\$	36,874,628 87130
	NATIONAL GUARD BENEFITS					87131
	The foregoing appropriation item 745-407, National Guard					87132
	Benefits, shall be used for purposes of sections 5919.31 and					87133
	5919.33 of the Revised Code, and for administrative costs of the					87134
	associated programs.					87135
	For active duty members of the Ohio National Guard who died					87136
	after October 7, 2001, while performing active duty, the death					87137
	benefit, pursuant to section 5919.33 of the Revised Code, shall be					87138
	paid to the beneficiary or beneficiaries designated on the					87139
	member's Servicemembers' Group Life Insurance Policy.					87140
	STATE ACTIVE DUTY COSTS					87141
	Of the foregoing appropriation item 745-409, Central					87142
	Administration, \$50,000 in each fiscal year shall be used for the					87143
	purpose of paying expenses related to state active duty of members					87144
	of the Ohio organized militia, in accordance with a proclamation					87145
	of the Governor. Expenses include, but are not limited to, the					87146

cost of equipment, supplies, and services, as determined by the 87147
Adjutant General's Department. 87148

Section 203.12. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 87149

General Revenue Fund 87150

GRF 100-403 Public School Employee \$ 1,200,000 \$ 1,500,000 87151
Benefits

GRF 100-404 CRP Procurement \$ 248,040 \$ 268,040 87152
Program

GRF 100-405 Agency Audit Expenses \$ 329,000 \$ 329,000 87153

GRF 100-406 County & University \$ 60,000 \$ 60,000 87154
Human Resources
Services

GRF 100-410 Veterans' Records \$ 69,000 \$ 48,600 87155
Conversion

GRF 100-418 Web Sites and Business \$ 3,275,280 \$ 3,275,280 87156
Gateway

GRF 100-419 IT Security \$ 1,636,247 \$ 1,636,247 87157
Infrastructure

GRF 100-421 OAKS Project \$ 484,000 \$ 410,839 87158
Implementation

GRF 100-433 State of Ohio Computer \$ 4,991,719 \$ 4,991,719 87159
Center

GRF 100-439 Equal Opportunity \$ 726,481 \$ 728,384 87160
Certification Programs

GRF 100-447 OBA - Building Rent \$ 115,740,400 \$ 116,091,300 87161
Payments

GRF 100-448 OBA - Building \$ 25,393,250 \$ 25,647,183 87162
Operating Payments

GRF 100-449 DAS - Building \$ 4,160,383 \$ 4,170,623 87163
Operating Payments

GRF 100-451 Minority Affairs \$ 47,000 \$ 47,000 87164

GRF 100-734	Major Maintenance - State Bldgs	\$	50,000	\$	50,000	87165
GRF 102-321	Construction Compliance	\$	1,190,959	\$	1,206,779	87166
GRF 130-321	State Agency Support Services	\$	2,693,788	\$	2,668,986	87167
TOTAL GRF	General Revenue Fund	\$	162,295,547	\$	163,129,980	87168
	General Services Fund Group					87169
112 100-616	DAS Administration	\$	5,221,393	\$	5,299,427	87170
115 100-632	Central Service Agency	\$	466,517	\$	485,178	87171
117 100-644	General Services Division - Operating	\$	6,834,247	\$	7,245,772	87172
122 100-637	Fleet Management	\$	4,025,043	\$	4,032,968	87173
125 100-622	Human Resources Division - Operating	\$	18,864,179	\$	19,220,614	87174
127 100-627	Vehicle Liability Insurance	\$	3,344,644	\$	3,344,644	87175
128 100-620	Collective Bargaining	\$	3,410,952	\$	3,410,952	87176
130 100-606	Risk Management Reserve	\$	223,904	\$	223,904	87177
131 100-639	State Architect's Office	\$	6,977,274	\$	7,047,427	87178
132 100-631	DAS Building Management	\$	10,721,430	\$	11,066,228	87179
133 100-607	IT Services Delivery	\$	81,418,432	\$	80,345,564	87180
188 100-649	Equal Opportunity Division - Operating	\$	993,378	\$	1,010,256	87181
201 100-653	General Services Resale Merchandise	\$	1,553,000	\$	1,553,000	87182
210 100-612	State Printing	\$	5,931,421	\$	5,931,421	87183
229 100-630	IT Governance	\$	18,531,812	\$	17,601,712	87184
4N6 100-617	Major IT Purchases	\$	10,617,166	\$	10,617,166	87185
4P3 100-603	DAS Information	\$	5,902,099	\$	6,117,004	87186

Services					
427	100-602	Investment Recovery	\$ 5,580,208	\$ 5,683,564	87187
5C2	100-605	MARCS Administration	\$ 9,268,178	\$ 9,268,178	87188
5C3	100-608	Skilled Trades	\$ 1,406,278	\$ 1,434,982	87189
5D7	100-621	Workforce Development	\$ 12,000,000	\$ 12,000,000	87190
5L7	100-610	Professional	\$ 2,700,000	\$ 2,700,000	87191
Development					
5V6	100-619	Employee Educational	\$ 936,129	\$ 936,129	87192
Development					
TOTAL GSF General Services Fund					87193
Group			\$ 216,927,684	\$ 216,576,090	87194
Federal Special Revenue Fund Group					87195
3AJ	100-623	Information Technology	\$ 82,048	\$ 82,048	87196
Grants					
TOTAL FSR Federal Special Revenue					87197
Fund Group					
Agency Fund Group					87198
124	100-629	Payroll Deductions	\$ 2,050,000,000	\$ 2,050,000,000	87199
TOTAL AGY Agency Fund Group			\$ 2,050,000,000	\$ 2,050,000,000	87200
Holding Account Redistribution Fund Group					87201
R08	100-646	General Services	\$ 20,000	\$ 20,000	87202
Refunds					
TOTAL 090 Holding Account					87203
Redistribution Fund Group			\$ 20,000	\$ 20,000	87204
TOTAL ALL BUDGET FUND GROUPS			\$ 2,429,325,279	\$ 2,429,808,118	87205
 Section 203.12.01. TRANSFERS OF STATE USE PROGRAM FROM THE					87207
DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES					87208
Effective July 1, 2005, or the earliest date thereafter					87209
permitted by law, the State Committee for the Purchase of Products					87210
and Services Provided by Persons with Severe Disabilities created					87211
by sections 4115.31 to 4115.35 of the Revised Code is part of the					87212

Department of Administrative Services. The committee's functions, 87213
assets, and liabilities, including, but not limited to, records 87214
regardless of form or medium, are transferred to the Department of 87215
Administrative Services. The Department of Administrative Services 87216
is thereupon and thereafter successor to, assumes the obligations 87217
of, and otherwise constitutes the continuation of the State 87218
Committee for the Purchase of Products and Services Provided by 87219
Persons with Severe Disabilities. The functions of the Executive 87220
Director of the committee are thereupon and thereafter transferred 87221
to the Department of Administrative Services. 87222

Any business commenced but not completed by the committee on 87223
June 30, 2005, shall be completed by the Department of 87224
Administrative Services, in the same manner, and with the same 87225
effect, as if completed by the committee. No validation, cure, 87226
right, privilege, remedy, obligation, or liability is lost or 87227
impaired by reason of the transfer required under this section and 87228
shall be administered by the Department of Administrative 87229
Services. All of the committee's rules, orders, and determinations 87230
continue in effect as rules, orders, and determinations of the 87231
Department of Administrative Services, until modified or rescinded 87232
by the Department of Administrative Services. If necessary to 87233
ensure the integrity of the Administrative Code numbering system, 87234
the Director of the Legislative Service Commission shall renumber 87235
the committee's rules to reflect their transfer to the Department 87236
of Administrative Services. 87237

Employees of the Department of Mental Retardation and 87238
Developmental Disabilities designated as staff for the committee 87239
shall be transferred to the Department of Administrative Services 87240
as necessary. Subject to lay-off provisions of sections 124.321 to 87241
124.328 of the Revised Code, as well as provisions of the contract 87242
between the state and all bargaining units affected, those 87243
employees so transferred to the Department of Administrative 87244

Services retain their positions and all benefits accruing thereto. 87245

No judicial or administrative action or proceeding to which 87246
the committee is a party that is pending on July 1, 2005, is 87247
affected by the transfer of functions. Such action or proceeding 87248
shall be prosecuted or defended in the name of the Director of the 87249
Department of Administrative Services. On application to the court 87250
or other tribunal, the Director of Administrative Services shall 87251
be substituted for the Director of Mental Retardation and 87252
Developmental Disabilities as a party to such action or 87253
proceeding. 87254

On and after July 1, 2005, notwithstanding any provision of 87255
law to the contrary, the Director of Budget and Management shall 87256
take the actions with respect to budget changes made necessary by 87257
the transfer, including administrative reorganization, program 87258
transfers, the creation of new funds, and the consolidation of 87259
funds as authorized by this section. The Director may cancel 87260
encumbrances and re-establish encumbrances or parts of 87261
encumbrances as needed in fiscal year 2006 in the appropriate fund 87262
and appropriation item for the same purpose and to the same 87263
vendor. The Director, as determined necessary, may re-establish 87264
such encumbrances in fiscal year 2006 in a different fund or 87265
appropriation item within an agency or between agencies. The 87266
re-established encumbrances are here by appropriated. The Director 87267
shall reduce each year's appropriation balances by the amount of 87268
the encumbrance canceled in their respective funds and 87269
appropriation item. 87270

Not later than sixty days after the transfer of the committee 87271
to the Department of Administrative Services, the Director of 87272
Mental Retardation and Developmental Disabilities shall certify to 87273
the Director of Budget and Management the amount of any unexpended 87274
balance of General Revenue Fund appropriations made to GRF 87275
appropriation item 322-405, State Use Program. Upon receipt of the 87276

certification, the Director of Budget and Management shall 87277
transfer the appropriations from GRF appropriation item 322-405, 87278
State Use Program, to GRF appropriation item 100-404, CRP 87279
Procurement Program. 87280

Section 203.12.02. PUBLIC SCHOOL EMPLOYEE BENEFITS 87281

The foregoing appropriation item 100-403, Public School 87282
Employee Benefits, shall be used by the Director of Administrative 87283
Services to hire an executive director and an assistant 87284
responsible for providing administrative support to the School 87285
Employee Health Care Board and the public school employee health 87286
insurance program established under section 9.901 of the Revised 87287
Code. 87288

At any time during the biennium, when the Director of 87289
Administrative Services certifies that there is a sufficient 87290
reserve available from premium payments made to the School 87291
Employees Health Care Fund (Fund 815), the Director of Budget and 87292
Management shall transfer \$2,700,000 from the School Employees 87293
Health Care Fund to the General Revenue Fund. 87294

Section 203.12.03. AGENCY AUDIT EXPENSES 87295

The foregoing appropriation item 100-405, Agency Audit 87296
Expenses, shall be used for auditing expenses designated in 87297
division (A)(1) of section 117.13 of the Revised Code for those 87298
state agencies audited on a biennial basis. 87299

Section 203.12.06. OHIO BUILDING AUTHORITY 87300

The foregoing appropriation item 100-447, OBA - Building Rent 87301
Payments, shall be used to meet all payments at the times they are 87302
required to be made during the period from July 1, 2005, to June 87303
30, 2007, by the Department of Administrative Services to the Ohio 87304
Building Authority pursuant to leases and agreements under Chapter 87305

152. of the Revised Code, but limited to the aggregate amount of 87306
\$231,831,700. These appropriations are the source of funds pledged 87307
for bond service charges on obligations issued pursuant to Chapter 87308
152. of the Revised Code. 87309

The foregoing appropriation item 100-448, OBA - Building 87310
Operating Payments, shall be used to meet all payments at the 87311
times that they are required to be made during the period from 87312
July 1, 2005, to June 30, 2007, by the Department of 87313
Administrative Services to the Ohio Building Authority pursuant to 87314
leases and agreements under Chapter 152. of the Revised Code, but 87315
limited to the aggregate amount of \$51,040,433. 87316

The payments to the Ohio Building Authority are for the 87317
purpose of paying the expenses of agencies that occupy space in 87318
the various state facilities. The Department of Administrative 87319
Services may enter into leases and agreements with the Ohio 87320
Building Authority providing for the payment of these expenses. 87321
The Ohio Building Authority shall report to the Department of 87322
Administrative Services and the Office of Budget and Management 87323
not later than five months after the start of a fiscal year the 87324
actual expenses incurred by the Ohio Building Authority in 87325
operating the facilities and any balances remaining from payments 87326
and rentals received in the prior fiscal year. The Department of 87327
Administrative Services shall reduce subsequent payments by the 87328
amount of the balance reported to it by the Ohio Building 87329
Authority. 87330

Section 203.12.09. DAS - BUILDING OPERATING PAYMENTS 87331

The foregoing appropriation item 100-449, DAS - Building 87332
Operating Payments, shall be used to pay the rent expenses of 87333
veterans organizations pursuant to section 123.024 of the Revised 87334
Code in fiscal years 2006 and 2007. 87335

The foregoing appropriation item, 100-449, DAS - Building Operating Payments, may be used to provide funding for the cost of property appraisals or building studies that the Department of Administrative Services may be required to obtain for property that is being sold by the state or property under consideration to be renovated or purchased by the state.

Notwithstanding section 125.28 of the Revised Code, the remaining portion of the appropriation may be used to pay the operating expenses of state facilities maintained by the Department of Administrative Services that are not billed to building tenants. These expenses may include, but are not limited to, the costs for vacant space and space undergoing renovation, and the rent expenses of tenants that are relocated due to building renovations. These payments shall be processed by the Department of Administrative Services through intrastate transfer vouchers and placed in the Building Management Fund (Fund 132).

Section 203.12.12. CENTRAL SERVICE AGENCY FUND

The Director of Budget and Management may transfer up to \$363,851 in fiscal year 2006 from the Occupational Licensing and Regulatory Fund (Fund 4K9) to the Central Service Agency Fund (Fund 115). The Director of Budget and Management may transfer up to \$45,184 in fiscal year 2006 from the State Medical Board Operating Fund (Fund 5C6) to the Central Service Agency Fund (Fund 115). The Director of Budget and Management may transfer up to \$625 in fiscal year 2006 from the Motor Vehicle Collision Repair Registration Fund (Fund 5H9) to the Central Service Agency Fund (Fund 115). The appropriation item 100-632, Central Service Agency, shall be used to purchase the necessary equipment, products, and services to maintain an automated application for the professional licensing boards, and to support their licensing functions in fiscal year 2006. The amount of the cash transfers is

appropriated to appropriation item 100-632, Central Service 87367
Agency. 87368

Section 203.12.15. COLLECTIVE BARGAINING ARBITRATION EXPENSES 87369
87370

With approval of the Director of Budget and Management, the 87371
Department of Administrative Services may seek reimbursement from 87372
state agencies for the actual costs and expenses the department 87373
incurs in the collective bargaining arbitration process. The 87374
reimbursements shall be processed through intrastate transfer 87375
vouchers and placed in the Collective Bargaining Fund (Fund 128). 87376

Section 203.12.18. OFFICE OF INFORMATION TECHNOLOGY 87377

The foregoing appropriation item 100-607, IT Service 87378
Delivery, shall be used by the Office of Information Technology to 87379
carry out its responsibilities under section 125.18 of the Revised 87380
Code. The foregoing appropriation item 100-630, IT Governance, 87381
shall be used by the Office of Information Technology to carry out 87382
its responsibilities under section 125.18 of the Revised Code. 87383

As soon as possible on or after July 1, 2005, the Director of 87384
Administrative Services shall certify to the Director of Budget 87385
and Management the amount of cash up to \$5,000,000 to be 87386
transferred from the IT Service Delivery Fund (Fund 133) to the IT 87387
Governance Fund (Fund 229). This amount represents a portion of 87388
the cash balance in the IT Service Delivery Fund attributable to 87389
IT Governance programs. The Director of Budget and Management 87390
shall transfer the certified amount. 87391

After final payments are made from fiscal year 2005 87392
encumbrances in the IT Service Delivery Fund (Fund 133), the 87393
Department of Administrative Services shall reconcile fiscal year 87394
2005 financial activity in the IT Service Delivery Fund and 87395
determine the amount of the fund cash balance due to the IT 87396

Governance Fund (Fund 229). The reconciliation shall be done in accordance with federal cost accounting regulations. Not later than June 30, 2006, the Director of Administrative Services shall make a determination of any additional transfers of cash necessary for reconciliation purposes. Upon concurrence with this determination, the Director of Budget and Management may transfer such cash between the IT Service Delivery Fund and the IT Governance Fund.

Section 203.12.21. EQUAL OPPORTUNITY PROGRAM

The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges for recovering the costs of administering the activities supported by the State EEO Fund (Fund 188). These charges shall be deposited to the credit of the State EEO Fund (Fund 188) upon payment made by state agencies, state-supported or state-assisted institutions of higher education, and tax-supported agencies, municipal corporations, and other political subdivisions of the state, for services rendered.

Section 203.12.24. MERCHANDISE FOR RESALE

The foregoing appropriation item 100-653, General Services Resale Merchandise, shall be used to account for merchandise for resale, which is administered by the General Services Division. Deposits to the fund may comprise the cost of merchandise for resale and shipping fees.

Section 203.12.27. DAS INFORMATION SERVICES

There is hereby established in the State Treasury the DAS Information Services Fund. The foregoing appropriation item 100-603, DAS Information Services, shall be used to pay the costs of providing information systems and services in the Department of

Administrative Services.	87426
The Department of Administrative Services shall establish	87427
user charges for all information systems and services that are	87428
allowable in the statewide indirect cost allocation plan submitted	87429
annually to the United States Department of Health and Human	87430
Services. These charges shall comply with federal regulations and	87431
shall be deposited to the credit of the DAS Information Services	87432
Fund (Fund 4P3).	87433
Section 203.12.30. INVESTMENT RECOVERY FUND	87434
Notwithstanding division (B) of section 125.14 of the Revised	87435
Code, cash balances in the Investment Recovery Fund (Fund 427) may	87436
be used to support the operating expenses of the Federal Surplus	87437
Operating Program created in sections 125.84 to 125.90 of the	87438
Revised Code.	87439
Notwithstanding division (B) of section 125.14 of the Revised	87440
Code, cash balances in the Investment Recovery Fund may be used to	87441
support the operating expenses of the State Property Inventory and	87442
Fixed Assets Management System Program.	87443
Of the foregoing appropriation item 100-602, Investment	87444
Recovery, up to \$2,147,024 in fiscal year 2006 and up to	87445
\$2,205,594 in fiscal year 2007 shall be used to pay the operating	87446
expenses of the State Surplus Property Program, the Surplus	87447
Federal Property Program, and the State Property Inventory and	87448
Fixed Assets Management System Program under Chapter 125. of the	87449
Revised Code and this section. If additional appropriations are	87450
necessary for the operations of these programs, the Director of	87451
Administrative Services shall seek increased appropriations from	87452
the Controlling Board under section 131.35 of the Revised Code.	87453
Of the foregoing appropriation item 100-602, Investment	87454
Recovery, \$3,433,184 in fiscal year 2006 and \$3,477,970 in fiscal	87455

year 2007 shall be used to transfer proceeds from the sale of 87456
surplus property from the Investment Recovery Fund to non-General 87457
Revenue Funds under division (A)(2) of section 125.14 of the 87458
Revised Code. If it is determined by the Director of 87459
Administrative Services that additional appropriations are 87460
necessary for the transfer of such sale proceeds, the Director of 87461
Administrative Services may request the Director of Budget and 87462
Management to increase the amounts. Such amounts are hereby 87463
appropriated. 87464

Notwithstanding division (B) of section 125.14 of the Revised 87465
Code, the Director of Budget and Management, at the request of the 87466
Director of Administrative Services, shall transfer up to \$500,000 87467
of the amounts held for transfer to the General Revenue Fund from 87468
the Investment Recovery Fund to the State Architect's Fund (Fund 87469
131) to provide operating cash. 87470

Section 203.12.33. MULTI-AGENCY RADIO COMMUNICATIONS SYSTEM 87471

Effective with the implementation of the Multi-Agency Radio 87472
Communications System, the Director of Administrative Services 87473
shall collect user fees from participants in the system. The 87474
Director of Administrative Services, with the advice of the 87475
Multi-Agency Radio Communications System Steering Committee and 87476
the Director of Budget and Management, shall determine the amount 87477
of the fees and the manner by which the fees shall be collected. 87478
Such user charges shall comply with the applicable cost principles 87479
issued by the federal Office of Management and Budget. All moneys 87480
from user charges and fees shall be deposited in the state 87481
treasury to the credit of the Multi-Agency Radio Communications 87482
System Administration Fund (Fund 5C2), which is hereby established 87483
in the state treasury. All interest income derived from the 87484
investment of the fund shall accrue to the fund. 87485

Section 203.12.36. WORKFORCE DEVELOPMENT FUND 87486

There is hereby established in the state treasury the 87487
Workforce Development Fund (Fund 5D7). The foregoing appropriation 87488
item 100-621, Workforce Development, shall be used to make 87489
payments from the fund. The fund shall be under the supervision of 87490
the Department of Administrative Services, which may adopt rules 87491
with regard to administration of the fund. The fund shall be used 87492
to pay the costs of the Workforce Development Program, established 87493
by Article 37 of the contract between the State of Ohio and 87494
OCSEA/AFSCME, Local 11, effective March 1, 2003, and as modified 87495
by any successor labor contract between the State of Ohio and 87496
OCSEA/AFSCME. The program shall be administered in accordance with 87497
the contract. Revenues shall accrue to the fund as specified in 87498
the contract. The fund may be used to pay direct and indirect 87499
costs of the program that are attributable to staff, consultants, 87500
and service providers. All income derived from the investment of 87501
the fund shall accrue to the fund. 87502

If it is determined by the Director of Administrative 87503
Services that additional appropriation amounts are necessary, the 87504
Director of Administrative Services may request that the Director 87505
of Budget and Management increase such amounts. Such amounts are 87506
hereby appropriated. 87507

Section 203.12.39. PROFESSIONAL DEVELOPMENT FUND 87508

The foregoing appropriation item 100-610, Professional 87509
Development, shall be used to make payments from the Professional 87510
Development Fund (Fund 5L7) under section 124.182 of the Revised 87511
Code. 87512

Section 203.12.42. EMPLOYEE EDUCATIONAL DEVELOPMENT 87513

There is hereby established in the state treasury the 87514

Employee Educational Development Fund (Fund 5V6). The foregoing 87515
appropriation item 100-619, Employee Educational Development, 87516
shall be used to make payments from the fund. The fund shall be 87517
used to pay the costs of the administration of educational 87518
programs per existing collective bargaining agreements with 87519
District 1199, the Health Care and Social Service Union; State 87520
Council of Professional Educators; Ohio Education Association and 87521
National Education Association; the Fraternal Order of Police Ohio 87522
Labor Council, Unit 2; and the Ohio State Troopers Association, 87523
Units 1 and 15. The fund shall be under the supervision of the 87524
Department of Administrative Services, which may adopt rules with 87525
regard to administration of the fund. The fund shall be 87526
administered in accordance with the applicable sections of the 87527
collective bargaining agreements between the State and the 87528
aforementioned unions. The Department of Administrative Services, 87529
with the approval of the Director of Budget and Management, shall 87530
establish charges for recovering the costs of administering the 87531
educational programs. Receipts for these charges shall be 87532
deposited into the Employee Educational Development Fund. All 87533
income derived from the investment of the funds shall accrue to 87534
the fund. 87535

If it is determined by the Director of Administrative 87536
Services that additional appropriation amounts are necessary, the 87537
Director of Administrative Services may request that the Director 87538
of Budget and Management increase such amounts. Such amounts are 87539
hereby appropriated with the approval of the Director of Budget 87540
and Management. 87541

Section 203.12.45. MAJOR IT PURCHASES 87542

The Director of Administrative Services shall compute the 87543
amount of revenue attributable to the amortization of all 87544
equipment purchases and capitalized systems from appropriation 87545

item 100-607, IT Service Delivery; appropriation item 100-617, 87546
Major IT Purchases; and appropriation item CAP-837, Major IT 87547
Purchases, which is recovered by the Department of Administrative 87548
Services as part of the rates charged by the IT Service Delivery 87549
Fund (Fund 133) created in section 125.15 of the Revised Code. The 87550
Director of Budget and Management may transfer cash in an amount 87551
not to exceed the amount of amortization computed from the IT 87552
Service Delivery Fund (Fund 133) to the Major IT Purchases Fund 87553
(Fund 4N6). 87554

Section 203.12.48. INFORMATION TECHNOLOGY ASSESSMENT 87555

The Director of Administrative Services, with the approval of 87556
the Director of Budget and Management, may establish an 87557
information technology assessment for the purpose of recovering 87558
the cost of selected infrastructure and statewide programs. Such 87559
assessment shall comply with applicable cost principles issued by 87560
the federal Office of Management and Budget. The information 87561
technology assessment shall be charged to all organized bodies, 87562
offices, or agencies established by the laws of the state for the 87563
exercise of any function of state government except for the 87564
General Assembly, any legislative agency, the Supreme Court, the 87565
other courts of record in Ohio, or any judicial agency, the 87566
Adjutant General, the Bureau of Workers' Compensation, and 87567
institutions administered by a board of trustees. Any state-entity 87568
exempted by this section may utilize the infrastructure or 87569
statewide program by participating in the information technology 87570
assessment. All charges for the information technology assessment 87571
shall be deposited to the credit of the IT Service Delivery Fund 87572
(Fund 133) created in section 125.15 of the Revised Code. 87573

Section 203.12.51. UNEMPLOYMENT COMPENSATION FUND 87574

Within thirty days after the effective date of this section, 87575

or as soon as possible thereafter, the Director of Administrative Services shall certify the remaining cash in the Unemployment Compensation Fund (Fund 113) to the Director of Budget and Management who shall transfer that amount to the General Revenue Fund and abolish the Unemployment Compensation Fund (Fund 113).

Section 203.12.54. PAYROLL WITHHOLDING FUND

The foregoing appropriation item 100-629, Payroll Deductions, shall be used to make payments from the Payroll Withholding Fund (Fund 124). If it is determined by the Director of Budget and Management that additional appropriation amounts are necessary, such amounts are hereby appropriated.

Section 203.12.57. GENERAL SERVICES REFUNDS

The foregoing appropriation item 100-646, General Services Refunds, shall be used to hold bid guarantee and building plans and specifications deposits until they are refunded. The Director of Administrative Services may request that the Director of Budget and Management transfer cash received for the costs of providing the building plans and specifications to contractors from the General Services Refunds Fund to the State Architect's Office Fund (Fund 131). Prior to the transfer of cash, the Director of Administrative Services shall certify that such amounts are in excess of amounts required for refunding deposits and are directly related to costs of producing building plans and specifications. If it is determined that additional appropriations are necessary, such amounts are hereby appropriated.

Section 203.12.60. MULTI-AGENCY RADIO COMMUNICATION SYSTEM

DEBT SERVICE PAYMENTS

The Director of Administrative Services, in consultation with the Multi-Agency Radio Communication System (MARCS) Steering

Committee and the Director of Budget and Management, shall 87605
determine the share of debt service payments attributable to 87606
spending for MARCS components that are not specific to any one 87607
agency and that shall be charged to agencies supported by the 87608
motor fuel tax. Such share of debt service payments shall be 87609
calculated for MARCS capital disbursements made beginning July 1, 87610
1997. Within thirty days of any payment made from appropriation 87611
item 100-447, OBA - Building Rent Payments, the Director of 87612
Administrative Services shall certify to the Director of Budget 87613
and Management the amount of this share. The Director of Budget 87614
and Management shall transfer such amounts to the General Revenue 87615
Fund from the State Highway Safety Fund (Fund 036) established in 87616
section 4501.06 of the Revised Code. 87617

The Director of Administrative Services shall consider 87618
renting or leasing existing tower sites at reasonable or current 87619
market rates, so long as these existing sites are equipped with 87620
the technical capabilities to support the MARCS project. 87621

Section 203.12.63. DIRECTOR'S DECLARATION OF PUBLIC EXIGENCY 87622

Whenever the Director of Administrative Services declares a 87623
"public exigency," as provided in division (C) of section 123.15 87624
of the Revised Code, the Director shall also notify the members of 87625
the Controlling Board. 87626

Section 203.12.66. GENERAL SERVICE CHARGES 87627

The Department of Administrative Services, with the approval 87628
of the Director of Budget and Management, shall establish charges 87629
for recovering the costs of administering the programs in the 87630
General Services Fund (Fund 117) and the State Printing Fund (Fund 87631
210). 87632

Section 203.15. AAM COMMISSION ON AFRICAN AMERICAN MALES 87633

General Revenue Fund				87634
GRF 036-100 Personal Services	\$	220,091	\$ 220,091	87635
GRF 036-200 Maintenance	\$	39,909	\$ 39,909	87636
GRF 036-300 Equipment	\$	1,000	\$ 1,000	87637
GRF 036-501 CAAM Awards and Scholarships	\$	1,000	\$ 1,000	87638
GRF 036-502 Community Projects	\$	20,000	\$ 20,000	87639
TOTAL GRF General Revenue Fund	\$	282,000	\$ 282,000	87640
State Special Revenue Fund Group				87641
4H3 036-601 Commission on African American Males - Gifts/Grants	\$	10,000	\$ 10,000	87642
TOTAL SSR State Special Revenue Fund Group	\$	10,000	\$ 10,000	87643
TOTAL ALL BUDGET FUND GROUPS	\$	292,000	\$ 292,000	87644
COMMISSION ON AFRICAN AMERICAN MALES PROGRESS REVIEW				87645
Annually, not later than the thirty-first day of December,				87646
the Commission on African American Males shall internally prepare				87647
and submit to the chairperson and ranking minority member of the				87648
Human Services Subcommittee of the Finance and Appropriations				87649
Committee of the House of Representatives a report that				87650
demonstrates the progress that has been made toward meeting the				87651
Commission's mission statement.				87652
Section 203.18. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW				87653
General Revenue Fund				87654
GRF 029-321 Operating Expenses	\$	379,769	\$ 387,364	87655
TOTAL GRF General Revenue Fund	\$	379,769	\$ 387,364	87656
TOTAL ALL BUDGET FUND GROUPS	\$	379,769	\$ 387,364	87657
OPERATING				87658
The Chief Administrative Officer of the House of				87659

Representatives and the Clerk of the Senate shall determine, by 87660
mutual agreement, which of them shall act as fiscal agent for the 87661
Joint Committee on Agency Rule Review. 87662

OPERATING EXPENSES 87663

The unencumbered balance of appropriation item 029-321, 87664
Operating Expenses, at the end of fiscal year 2006 shall be 87665
transferred to fiscal year 2007 for use under the same 87666
appropriation item. 87667

Section 203.21. AGE DEPARTMENT OF AGING 87668

General Revenue Fund 87669

GRF 490-321 Operating Expenses \$ 2,579,867 \$ 2,308,867 87670

GRF 490-403 PASSPORT \$ 112,045,715 \$ 121,009,372 87671

GRF 490-405 Golden Buckeye Card \$ 467,614 \$ 467,614 87672

GRF 490-406 Senior Olympics \$ 15,638 \$ 15,638 87673

GRF 490-409 Ohio Community Service \$ 203,647 \$ 193,465 87674

Council Operations

GRF 490-410 Long-Term Care \$ 689,437 \$ 689,437 87675

Ombudsman

GRF 490-411 Senior Community \$ 10,630,988 \$ 10,630,988 87676

Services

GRF 490-412 Residential State \$ 9,156,771 \$ 9,156,771 87677

Supplement

GRF 490-414 Alzheimers Respite \$ 4,085,888 \$ 4,085,888 87678

GRF 490-416 JCFS Elderly \$ 100,000 \$ 100,000 87679

Transportation

GRF 490-421 PACE \$ 11,354,145 \$ 10,214,809 87680

GRF 490-422 Assisted Living Waiver \$ 0 \$ 359,919 87681

GRF 490-506 National Senior \$ 352,943 \$ 352,943 87682

Service Corps

TOTAL GRF General Revenue Fund \$ 151,682,653 \$ 159,585,711 87683

General Services Fund Group				87684
480 490-606 Senior Community	\$	372,677	\$ 372,677	87685
Outreach and Education				
TOTAL GSF General Services Fund				87686
Group	\$	372,677	\$ 372,677	87687
Federal Special Revenue Fund Group				87688
3C4 490-607 PASSPORT	\$	198,683,143	\$ 218,196,387	87689
3C4 490-621 PACE-Federal	\$	10,854,083	\$ 14,586,135	87690
3C4 490-622 Assisted	\$	0	\$ 5,687,374	87691
Living-Federal				
3M3 490-611 Federal Aging	\$	27,622,693	\$ 28,037,034	87692
Nutrition				
3M4 490-612 Federal Independence	\$	27,907,287	\$ 28,325,896	87693
Services				
3R7 490-617 Ohio Community Service	\$	9,170,000	\$ 9,170,000	87694
Council Programs				
322 490-618 Federal Aging Grants	\$	14,834,354	\$ 15,014,494	87695
TOTAL FED Federal Special Revenue				87696
Fund Group	\$	289,071,560	\$ 319,017,320	87697
State Special Revenue Fund Group				87698
4C4 490-609 Regional Long-Term	\$	910,000	\$ 935,000	87699
Care Ombudsman Program				
4J4 490-610 PASSPORT/Residential	\$	33,263,984	\$ 33,263,984	87700
State Supplement				
4U9 490-602 PASSPORT Fund	\$	4,424,969	\$ 4,424,969	87701
5BA 490-620 Ombudsman Support	\$	615,000	\$ 0	87702
5CE 490-624 Special Projects	\$	350,000	\$ 0	87703
5K9 490-613 Long Term Care	\$	298,400	\$ 820,400	87704
Consumers Guide				
5W1 490-616 Resident Services	\$	262,500	\$ 262,500	87705
Coordinator Program				
624 490-604 OCSC Community Support	\$	2,500	\$ 2,500	87706

TOTAL SSR State Special Revenue				87707	
Fund Group	\$	40,127,353	\$	39,709,353	87708
TOTAL ALL BUDGET FUND GROUPS	\$	481,254,243	\$	518,685,061	87709

Section 203.21.03. PRE-ADMISSION REVIEW FOR NURSING FACILITY 87711
ADMISSION 87712

Pursuant to an interagency agreement, the Department of Job 87713
and Family Services shall designate the Department of Aging to 87714
perform assessments under sections 173.42 and 5111.204 of the 87715
Revised Code. Of the foregoing appropriation item 490-403, 87716
PASSPORT, the Department of Aging may use not more than \$2,586,648 87717
in fiscal year 2006 and \$2,651,315 in fiscal year 2007 to perform 87718
the assessments for persons not eligible for Medicaid under the 87719
department's interagency agreement with the Department of Job and 87720
Family Services and to assist individuals in planning for their 87721
long-term health care needs. 87722

Section 203.21.06. PASSPORT 87723

Of the foregoing appropriation item 490-607, PASSPORT, Fund 87724
3C4, up to \$200,000 in fiscal year 2006 shall be used for an 87725
evaluation of the PASSPORT Program. 87726

(A) There is hereby created the PASSPORT Evaluation Panel to 87727
oversee the performance of an evaluation of the PASSPORT Home and 87728
Community Based Waiver Program conducted by an independent 87729
contractor. The Panel shall be composed of the following members: 87730

(1) The Director of Aging or the Director's designee; 87731

(2) The Director of Job and Family Services or the Director's 87732
designee; 87733

(3) A representative of the Ohio Association of Area Agencies 87734
on Aging, appointed by the Association; 87735

(4) A representative of PASSPORT providers, appointed by the 87736

Director of Aging;	87737
(5) A representative of the Ohio Academy of Nursing Homes, appointed by the Academy;	87738 87739
(6) A representative of the Ohio Health Care Association, appointed by the Association;	87740 87741
(7) A representative of the Association for Ohio Philanthropic Homes and Housing for the Aging, appointed by the Association;	87742 87743 87744
(8) A representative of the American Association of Retired Persons, appointed by the Association;	87745 87746
(9) A representative of Scripps Gerontology Center at Miami University, appointed by the Center.	87747 87748
Panel members shall serve without compensation. The Department of Aging shall provide assistance to the PASSPORT Evaluation Panel, including support services and meeting space. The Panel shall convene not later than sixty days after the effective date of this section.	87749 87750 87751 87752 87753
(B) The Panel shall do all of the following:	87754
(1) Establish criteria to be used in selecting an independent contractor to evaluate the PASSPORT Program. The criteria shall specify that the independent contractor must not be affiliated with any state agency.	87755 87756 87757 87758
(2) In accordance with the request for proposal process administered by the Department of Administrative Services, accept and evaluate bids from potential contractors;	87759 87760 87761
(3) Select to evaluate the PASSPORT Program an independent contractor that meets the criteria established by the Panel and the Department.	87762 87763 87764
(C) The independent contractor selected by the PASSPORT	87765

Evaluation Panel shall, in conducting the evaluation of the
PASSPORT Program, do all of the following:

(1) Examine the implementation by the existing PASSPORT
system of the long-term care recommendations of the Ohio
Commission to Reform Medicaid and coordinate the work of the
PASSPORT evaluation with the Medicaid Transition Council and the
Medicaid Care Management Work Group;

(2) Evaluate the cost-effectiveness of services provided
under the program;

(3) Evaluate the population served and the appropriateness of
the program for that population;

(4) Evaluate program outcomes to determine the program's
effectiveness in preventing nursing home admissions;

(5) Evaluate the effectiveness of area agencies on aging in
efficiently linking older Ohioans to the appropriate level of
assistance based on the screening and assessment activities of the
PASSPORT system;

(6) Examine the cost effectiveness of increasing the care
management responsibilities of area agencies on aging to include
the management of the Medicaid state plan services;

(7) Evaluate the effectiveness of client-to-case management
ratios of area agencies on aging to assess whether clients receive
quality outcomes in a cost-effective manner;

(8) Evaluate and assess the effectiveness of the PASSPORT
program's authority to provide interventions that increase
enrollment and decrease disenrollment and increase flexibility to
provide quality, timely service to clients with special service
needs;

(9) Evaluate the PASSPORT program's rate structure and
contracting process to determine fair market rates and quality

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incentive indicators;	87796
(10) Evaluate the effectiveness of the PASSPORT program's current provider procurement process;	87797 87798
(11) Determine elements of the program that may be vulnerable to fraud;	87799 87800
(12) Any additional action requested by the PASSPORT Evaluation Panel.	87801 87802
The independent contractor shall issue to the Panel quarterly reports and, by not later than May 15, 2007, a final report, of its findings. By not later than June 30, 2007, the PASSPORT Evaluation Panel shall approve a final report.	87803 87804 87805 87806
Appropriation item 490-403, PASSPORT, and the amounts set aside for the PASSPORT Waiver Program in appropriation item 490-610, PASSPORT/Residential State Supplement, may be used to assess clients regardless of Medicaid eligibility.	87807 87808 87809 87810
The Director of Aging shall adopt rules under section 111.15 of the Revised Code governing the nonwaiver funded PASSPORT program, including client eligibility.	87811 87812 87813
The Department of Aging shall administer the Medicaid waiver-funded PASSPORT Home Care Program as delegated by the Department of Job and Family Services in an interagency agreement. The foregoing appropriation item 490-403, PASSPORT, and the amounts set aside for the PASSPORT Waiver Program in appropriation item 490-610, PASSPORT/Residential State Supplement, shall be used to provide the required state match for federal Medicaid funds supporting the Medicaid Waiver-funded PASSPORT Home Care Program. Appropriation item 490-403, PASSPORT, and the amounts set aside for the PASSPORT Waiver Program in appropriation item 490-610, PASSPORT/Residential State Supplement, may also be used to support the Department of Aging's administrative costs associated with	87814 87815 87816 87817 87818 87819 87820 87821 87822 87823 87824 87825

operating the PASSPORT program. 87826

The foregoing appropriation item 490-607, PASSPORT, shall be 87827
used to provide the federal matching share for all PASSPORT 87828
program costs determined by the Department of Job and Family 87829
Services to be eligible for Medicaid reimbursement. 87830

OHIO COMMUNITY SERVICE COUNCIL 87831

The foregoing appropriation items 490-409, Ohio Community 87832
Service Council Operations, and 490-617, Ohio Community Service 87833
Council Programs, shall be used in accordance with section 121.40 87834
of the Revised Code. 87835

TRANSFER OF RESIDENT PROTECTION FUNDS 87836

The Director of Budget and Management shall transfer, by 87837
intrastate transfer voucher, in fiscal year 2006, \$615,000 from 87838
Fund 4E3, Resident Protection Fund, in the Department of Job and 87839
Family Services, to Fund 5BA in the Department of Aging, to be 87840
used for program management for the Office of the State Long-Term 87841
Care Ombudsman created by the Department of Aging under division 87842
(M) of section 173.01 of the Revised Code. 87843

The Director of Budget and Management shall transfer, by 87844
intrastate transfer voucher, in fiscal year 2006, \$350,000 from 87845
Fund 4E3, Resident Protection Fund, in the Department of Job and 87846
Family Services to Fund 5CE in the Department of Aging to be used 87847
by the Alzheimer's Association to develop a pilot training program 87848
on person-centered dementia care for long term care staff who 87849
interact with people with dementia. 87850

SENIOR COMMUNITY SERVICES 87851

Appropriation item 490-411, Senior Community Services, shall 87852
be used for services designated by the Department of Aging, 87853
including, but not limited to, home-delivered and congregate 87854
meals, transportation services, personal care services, respite 87855

services, adult day services, home repair, care coordination, and 87856
decision support systems. Service priority shall be given to low 87857
income, frail, and cognitively impaired persons 60 years of age 87858
and over. The department shall promote cost sharing by service 87859
recipients for those services funded with block grant funds, 87860
including, when possible, sliding-fee scale payment systems based 87861
on the income of service recipients. 87862

ALZHEIMERS RESPITE 87863

The foregoing appropriation item 490-414, Alzheimers Respite, 87864
shall be used to fund only Alzheimer's disease services under 87865
section 173.04 of the Revised Code. 87866

JCFS ELDERLY TRANSPORTATION 87867

The foregoing appropriation item 490-416, JCFS Elderly 87868
Transportation, shall be used for noncapital expenses related to 87869
transportation services for the elderly that provide access to 87870
such things as healthcare services, congregate meals, 87871
socialization programs, and grocery shopping. The funds shall pass 87872
through and shall be administered by the Area Agencies on Aging. 87873

Agencies receiving funding from appropriation item 490-416, 87874
JCFS Elderly Transportation, shall coordinate services with other 87875
local service agencies. The appropriation shall be allocated to 87876
the following agencies: 87877

(A) \$30,000 in both fiscal years to Cincinnati Jewish 87878
Vocational Services; 87879

(B) \$20,000 in both fiscal years to Wexner Heritage Village; 87880

(C) \$20,000 in both fiscal years to Yassenoff Jewish 87881
Community Center; 87882

(D) \$30,000 in both fiscal years to Cleveland Jewish 87883
Community Center. 87884

RESIDENTIAL STATE SUPPLEMENT 87885

Under the Residential State Supplement Program, the amount	87886
used to determine whether a resident is eligible for payment and	87887
for determining the amount per month the eligible resident will	87888
receive shall be as follows:	87889
(A) \$900 for a residential care facility, as defined in	87890
section 3721.01 of the Revised Code;	87891
(B) \$900 for an adult group home, as defined in Chapter 3722.	87892
of the Revised Code;	87893
(C) \$800 for an adult foster home, as defined in Chapter 173.	87894
of the Revised Code;	87895
(D) \$800 for an adult family home, as defined in Chapter	87896
3722. of the Revised Code;	87897
(E) \$800 for an adult community alternative home, as defined	87898
in Chapter 3724. of the Revised Code;	87899
(F) \$800 for an adult residential facility, as defined in	87900
Chapter 5119. of the Revised Code;	87901
(G) \$600 for adult community mental health housing services,	87902
as defined in division (B)(5) of section 173.35 of the Revised	87903
Code.	87904
The Departments of Aging and Job and Family Services shall	87905
reflect these amounts in any applicable rules the departments	87906
adopt under section 173.35 of the Revised Code.	87907
LONG-TERM CARE OMBUDSMAN	87908
The foregoing appropriation item 490-410, Long-Term Care	87909
Ombudsman, shall be used for a program to fund ombudsman program	87910
activities in nursing homes, adult care facilities, boarding	87911
homes, and home and community care services.	87912
TRANSFER OF RESIDENTIAL STATE SUPPLEMENT APPROPRIATIONS	87913
The Department of Aging may transfer cash by intrastate	87914

transfer vouchers from the foregoing appropriation items 490-412, 87915
Residential State Supplement, and 490-610, PASSPORT/Residential 87916
State Supplement, to the Department of Job and Family Services' 87917
Fund 4J5, Home and Community-Based Services for the Aged Fund. The 87918
funds shall be used to make benefit payments to Residential State 87919
Supplement recipients. 87920

ALLOCATION OF PACE SLOTS 87921

For fiscal years 2006 and 2007, of the 880 slots approved by 87922
the Centers for Medicare and Medicaid Services for the PACE 87923
Program, the Department of Aging shall allocate, to the extent 87924
funding is available, 500 slots to Tri-Health Senior Link located 87925
in Cincinnati and 380 slots to Concordia Care located in 87926
Cleveland. In fiscal year 2007, the Department of Aging shall 87927
allocate, to the extent funding is available, up to 60 additional 87928
slots from Concordia Care to Tri-Health Senior Link if the 87929
Department projects Concordia Care will not fill all of its 87930
allotted slots. 87931

TRANSFER OF APPROPRIATIONS - FEDERAL AGING NUTRITION, FEDERAL 87932
INDEPENDENCE SERVICES, AND FEDERAL AGING GRANTS 87933

Upon written request of the Director of Aging, the Director 87934
of Budget and Management may transfer appropriation authority 87935
among appropriation items 490-611, Federal Aging Nutrition, 87936
490-612, Federal Independence Services, and 490-618, Federal Aging 87937
Grants, in amounts not to exceed 30 per cent of the appropriation 87938
from which the transfer is made. The Department of Aging shall 87939
report a transfer to the Controlling Board at the next regularly 87940
scheduled meeting of the board. 87941

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM 87942

The foregoing appropriation item 490-609, Regional Long-Term 87943
Care Ombudsman Program, shall be used solely to pay the costs of 87944
operating the regional long-term care ombudsman programs. 87945

PASSPORT/RESIDENTIAL STATE SUPPLEMENT 87946

Of the foregoing appropriation item 490-610, 87947
PASSPORT/Residential State Supplement, up to \$2,835,000 each 87948
fiscal year may be used to fund the Residential State Supplement 87949
Program. The remaining available funds shall be used to fund the 87950
PASSPORT program. 87951

TRANSITION PLAN FOR RESIDENTIAL STATE SUPPLEMENT 87952

Subject to approval by the Social Security Administration, of 87953
the foregoing appropriation items 490-412, Residential State 87954
Supplement, and 490-610, PASSPORT/Residential State Supplement, 87955
Fund 4J4, in fiscal year 2007 the Department of Aging shall 87956
transfer to the Ohio Department of Mental Health sufficient funds 87957
to make benefit payments for all Residential State Supplement 87958
recipients who are less than 60 years of age diagnosed with mental 87959
illness, mental retardation, or a developmental disability and are 87960
enrolled in the program on June 30, 2006. Upon the request of the 87961
Directors of Aging and of Mental Health, the Director of Budget 87962
and Management may transfer appropriations from GRF appropriation 87963
item 490-412, Residential State Supplement, in the Department of 87964
Aging to GRF appropriation item 335-505, Local Mental Health 87965
Systems of Care, in the Department of Mental Health. In addition, 87966
upon the request of the Directors of Aging and Mental Health, the 87967
Director of Budget and Management may transfer cash from Fund 4J4, 87968
PASSPORT Fund, into the General Revenue Fund and increase the 87969
appropriation in Department of Mental Health GRF appropriation 87970
item 335-505, Local Mental Health Systems of Care, by an equal 87971
amount. 87972

The departments of Aging and Mental Health shall jointly 87973
petition the Social Security Administration to approve changes to 87974
the Residential State Supplement program. Changes proposed by the 87975
two departments shall ensure that Residential State Supplement 87976

program recipients on June 30, 2006, continue to receive benefit 87977
payments as long as they remain in the program. Changes proposed 87978
by the departments of Aging and Mental Health may include 87979
provisions that improve local accountability to county boards of 87980
mental health, maximize available funding, and improve the quality 87981
of residential settings approved for recipients. If the Social 87982
Security Administration does not approve these changes, the 87983
Department of Aging shall continue to be responsible for the 87984
Residential State Supplement Program. 87985

Section 203.21.09. AGING AND DISABILITY RESOURCE CENTERS 87986

The Department of Aging shall apply for the 2005 Aging and 87987
Disability Resource Center Grant Initiative of the Administration 87988
on Aging and the Centers for Medicare and Medicaid Services. If 87989
the application is accepted, the Department shall create an Aging 87990
and Disability Resource Center beginning in fiscal year 2006. The 87991
Department of Job and Family Services shall endorse the 87992
Department's application to the extent required by the invitation 87993
to apply. 87994

Section 203.24. AGR DEPARTMENT OF AGRICULTURE 87995

General Revenue Fund 87996

GRF 700-321	Operating Expenses	\$	2,605,330	\$	2,605,330	87997
GRF 700-401	Animal Disease Control	\$	3,574,506	\$	3,574,506	87998
GRF 700-403	Dairy Division	\$	1,304,504	\$	1,304,504	87999
GRF 700-404	Ohio Proud	\$	185,395	\$	185,395	88000
GRF 700-405	Animal Damage Control	\$	60,000	\$	60,000	88001
GRF 700-406	Consumer Analytical	\$	819,907	\$	819,907	88002
	Lab					
GRF 700-407	Food Safety	\$	939,099	\$	939,099	88003
GRF 700-409	Farmland Preservation	\$	241,573	\$	241,573	88004
GRF 700-410	Plant Industry	\$	391,216	\$	50,000	88005

GRF 700-411	International Trade and Market Development	\$ 617,524	\$ 517,524	88006
GRF 700-412	Weights and Measures	\$ 1,100,000	\$ 1,300,000	88007
GRF 700-413	Gypsy Moth Prevention	\$ 200,000	\$ 200,000	88008
GRF 700-415	Poultry Inspection	\$ 325,000	\$ 325,000	88009
GRF 700-418	Livestock Regulation Program	\$ 1,428,496	\$ 1,428,496	88010
GRF 700-424	Livestock Testing and Inspections	\$ 115,946	\$ 115,946	88011
GRF 700-499	Meat Inspection Program - State Share	\$ 4,696,889	\$ 4,696,889	88012
GRF 700-501	County Agricultural Societies	\$ 358,226	\$ 358,226	88013
TOTAL GRF	General Revenue Fund	\$ 18,963,611	\$ 18,722,395	88014
Federal Special Revenue Fund Group				88015
3J4 700-607	Indirect Cost	\$ 1,500,027	\$ 1,500,027	88016
3R2 700-614	Federal Plant Industry	\$ 4,800,000	\$ 4,800,000	88017
326 700-618	Meat Inspection Program - Federal Share	\$ 5,201,291	\$ 5,201,291	88018
336 700-617	Ohio Farm Loan Revolving Fund	\$ 43,793	\$ 44,679	88019
382 700-601	Cooperative Contracts	\$ 4,300,000	\$ 4,300,000	88020
TOTAL FED	Federal Special Revenue Fund Group	\$ 15,845,111	\$ 15,845,997	88021 88022
State Special Revenue Fund Group				88023
4C9 700-605	Feed, Fertilizer, Seed, and Lime Inspection	\$ 1,922,857	\$ 1,891,395	88024
4D2 700-609	Auction Education	\$ 23,885	\$ 24,601	88025
4E4 700-606	Utility Radiological Safety	\$ 73,059	\$ 73,059	88026

4P7	700-610	Food Safety Inspection	\$	816,096	\$	858,096	88027
4R0	700-636	Ohio Proud Marketing	\$	38,300	\$	38,300	88028
4R2	700-637	Dairy Industry	\$	1,541,466	\$	1,621,460	88029
		Inspection					
4T6	700-611	Poultry and Meat	\$	47,294	\$	47,294	88030
		Inspection					
4T7	700-613	International Trade	\$	52,000	\$	54,000	88031
		and Market Development					
494	700-612	Agricultural Commodity	\$	170,220	\$	170,220	88032
		Marketing Program					
496	700-626	Ohio Grape Industries	\$	1,071,099	\$	1,071,054	88033
497	700-627	Commodity Handlers	\$	515,820	\$	529,978	88034
		Regulatory Program					
5B8	700-629	Auctioneers	\$	365,390	\$	365,390	88035
5H2	700-608	Metrology Lab and	\$	351,526	\$	362,526	88036
		Scale Certification					
5L8	700-604	Livestock Management	\$	30,000	\$	30,000	88037
		Program					
578	700-620	Ride Inspection Fees	\$	1,105,436	\$	1,115,436	88038
652	700-634	Animal Health and Food	\$	1,876,624	\$	1,831,232	88039
		Safety					
669	700-635	Pesticide Program	\$	2,993,232	\$	3,354,448	88040
TOTAL SSR		State Special Revenue					88041
Fund Group			\$	12,994,304	\$	13,438,489	88042
Clean Ohio		Fund Group					88043
057	700-632	Clean Ohio	\$	149,000	\$	149,000	88044
		Agricultural Easement					
TOTAL CLR		Clean Ohio Fund Group	\$	149,000	\$	149,000	88045
TOTAL ALL BUDGET FUND GROUPS			\$	47,952,026	\$	48,155,881	88046
		OHIO - ISRAEL AGRICULTURAL INITIATIVE					88047
		Of the foregoing General Revenue Fund appropriation item					88048
		700-411, International Trade and Market Development, \$100,000					88049

shall be used in fiscal year 2006 for the Ohio - Israel
Agricultural Initiative. 88050
88051

FAMILY FARM LOAN PROGRAM 88052

Notwithstanding Chapter 166. of the Revised Code, up to 88053
\$1,000,000 in each fiscal year shall be transferred from moneys in 88054
the Facilities Establishment Fund (Fund 037) to the Family Farm 88055
Loan Fund (Fund 5H1) in the Department of Development. These 88056
moneys shall be used for loan guarantees. The transfer is subject 88057
to Controlling Board approval. 88058

Financial assistance from the Family Farm Loan Fund (Fund 88059
5H1) shall be repaid to Fund 5H1. This fund is established in 88060
accordance with sections 166.031, 901.80, 901.81, 901.82, and 88061
901.83 of the Revised Code. 88062

When the Family Farm Loan Fund (Fund 5H1) ceases to exist, 88063
all outstanding balances, all loan repayments, and any other 88064
outstanding obligations shall revert to the Facilities 88065
Establishment Fund (Fund 037). 88066

Section 203.24.03. FERTILIZER-RELATED LICENSURE AND 88067
REGISTRATION 88068

To facilitate implementation of the new schedule for 88069
fertilizer-related licensure, registration, and reporting 88070
established under sections 905.32, 905.33, 905.331, and 905.36 of 88071
the Revised Code, as amended by this act, all of the following 88072
apply: 88073

(A) With regard to licenses for which applications for the 88074
license period beginning July 1, 2005, have been submitted under 88075
sections 905.32 and 905.331 of the Revised Code as those sections 88076
existed prior to their amendment by this act, a license shall be 88077
issued for a period beginning on July 1, 2005, and ending on 88078
November 30, 2005, and shall expire on November 30, 2005. 88079

(B) With regard to registrations of a specialty fertilizer 88080
for which applications for the registration period beginning July 88081
1, 2005, have been submitted under section 905.33 of the Revised 88082
Code as that section existed prior to its amendment by this act, a 88083
registration shall be issued for the period beginning on July 1, 88084
2005, and ending on November 30, 2005, and shall expire on 88085
November 30, 2005. 88086

(C) A person who is required to submit a tonnage report 88087
within thirty days of June 30, 2005, under section 905.36 of the 88088
Revised Code as that section existed prior to its amendments by 88089
this act shall submit the report by that date. However, the person 88090
also shall submit a tonnage report by November 30, 2005, for the 88091
period beginning on July 1, 2005, and ending on October 31, 2005 88092
as required by section 905.36 of the Revised Code as amended by 88093
this act. 88094

COMMERCIAL FEED, FERTILIZER, SEED, AND LIME INSPECTION AND 88095
LABORATORY FUND 88096

The Commercial Feed, Fertilizer, Seed, and Lime Inspection 88097
and Laboratory Fund created in section 905.38 of the Revised Code, 88098
as amended by this act, is a continuation of the Commercial Feed, 88099
Fertilizer, and Lime Inspection and Laboratory Fund that was 88100
created in that section prior to its amendment by this act. 88101
Notwithstanding any other provision of law to the contrary, the 88102
Seed Fund (5Z4) created in section 907.16 of the Revised Code 88103
shall cease to exist, effective July 1, 2005. All assets, 88104
liabilities, revenues, and obligations associated with the Seed 88105
Fund (5Z4) are hereby transferred to the Commercial Feed, 88106
Fertilizer, Seed, and Lime Inspection and Laboratory Fund (Fund 88107
4C9) on July 1, 2005. 88108

Effective July 1, 2005, or as soon thereafter as possible, 88109
the Director of Agriculture shall certify to the Director of 88110

Budget and Management the cash balance in the Seed Fund (5Z4), 88111
which was merged in section 907.16 of the Revised Code, as amended 88112
by this act. The Director of Budget and Management shall transfer 88113
the certified amount to the Commercial Feed, Fertilizer, Seed, and 88114
Lime Inspection and Laboratory Fund (Fund 4C9), which is created 88115
in section 907.16 of the Revised Code, formerly named the Seed 88116
Fund. The Director shall cancel any existing encumbrances against 88117
appropriation item 700-642, Seed Program, and re-establish them 88118
against appropriation item 700-605, Feed, Fertilizer, Seed, and 88119
Lime Inspection. The amounts of the re-established encumbrances 88120
are hereby appropriated. 88121

METROLOGY LAB AND SCALE CERTIFICATION FUND 88122

The Metrology and Scale Certification Fund created in section 88123
1327.511 of the Revised Code, as amended by this act, is a 88124
continuation of the Scale Certification Fund that was created in 88125
that section prior to its amendment by this act. Notwithstanding 88126
any other provision of law to the contrary, the Scale 88127
Certification Fund (Fund 579) created in section 1327.511 of the 88128
Revised Code shall cease to exist, effective July 1, 2005. All 88129
assets, liabilities, revenues, and obligations associated with the 88130
Scale Certification Fund (Fund 579) are hereby transferred to the 88131
Metrology Lab and Scale Certification Fund (Fund 5H2) on July 1, 88132
2005. 88133

Effective July 1, 2005, or as soon thereafter as possible, 88134
the Director of Agriculture shall certify to the Director of 88135
Budget and Management the cash balance in the Scale Certification 88136
Fund (Fund 579), which was merged in section 1327.511 of the 88137
Revised Code, as amended by this act. The Director of Budget and 88138
Management shall transfer the certified amount to the Metrology 88139
Laboratory and Scale Certification Fund (Fund 5H2) which is 88140
created in section 1327.511 of the Revised Code, formerly named 88141
the Scale Certification Laboratory Fund. The Director shall cancel 88142

any existing encumbrances against appropriation item 700-630, 88143
Scale Certification, and re-establish them against appropriation 88144
item 700-608, Metrology Lab. The amounts of the re-established 88145
encumbrances are hereby appropriated. 88146

ANIMAL HEALTH AND FOOD SAFETY 88147

Notwithstanding any other provision of law to the contrary, 88148
the Animal Industry Laboratory Fees Fund (Fund 4V5) created in 88149
division (E)(1) of section 901.43 of the Revised Code shall cease 88150
to exist, effective July 1, 2005. All assets, liabilities, 88151
revenues, and obligations associated with the Animal Industry 88152
Laboratory Fund (Fund 4V5) are hereby transferred to the Animal 88153
Health and Food Safety Fund (Fund 652) on July 1, 2005. 88154

Effective July 1, 2005, or as soon thereafter as possible, 88155
the Director of Agriculture shall certify to the Director of 88156
Budget and Management the cash balance in the Animal Industry 88157
Laboratory Fund (Fund 4V5), which was merged in division (E)(1) of 88158
section 901.43 of the Revised Code, as amended by this act. The 88159
Director of Budget and Management shall transfer the certified 88160
amount to the Animal Health and Food Safety Fund (Fund 652) which 88161
is created in division (E)(2) of section 901.43 of the Revised 88162
Code, formerly named the Animal Industry Laboratory Fund. The 88163
Director of Budget and Management shall cancel any existing 88164
encumbrances against appropriation item 700-615, Animal Industry 88165
Lab Fees, and re-establish them against appropriation item 88166
700-634, Laboratory Services. The amounts of the re-established 88167
encumbrances are hereby appropriated. 88168

PESTICIDE REGISTRATION AND INSPECTION FEE 88169

The registration and inspection fee established in rules 88170
adopted under section 921.16 of Revised Code for the purposes of 88171
section 921.02 of the Revised Code, as that section existed prior 88172
to its amendment by this act, that are in effect on January 1, 88173

2005, shall remain in effect until the new fees established in	88174
section 921.02 of the Revised Code as amended by this act take	88175
effect on January 1, 2007.	88176
CLEAN OHIO AGRICULTURAL EASEMENT	88177
The foregoing appropriation item 700-632, Clean Ohio	88178
Agricultural Easement, shall be used by the Department of	88179
Agriculture in administering sections 901.21, 901.22, and 5301.67	88180
to 5301.70 of the Revised Code.	88181
TRANSFER BETWEEN FUNDS	88182
For fiscal years 2006 and 2007, if the cash credited to the	88183
Commercial Feed, Fertilizer, Seed, and Lime Inspection and	88184
Laboratory Fund (Fund 4C9) or the Pesticide Program Fund (Fund	88185
669) exceeds the amount necessary to administer the programs for	88186
which they were intended, the Director of Agriculture may certify	88187
the amount to the Director of Budget and Management. The Director	88188
of Budget and Management may transfer the cash to any other fund	88189
administered by the Director of Agriculture.	88190
UNCLAIMED FUNDS TRANSFER	88191
Notwithstanding division (A) of section 169.05 of the Revised	88192
Code, upon the request of the Director of Budget and Management,	88193
the Director of Commerce, prior to June 30, 2006, shall transfer	88194
to the Food Safety Fund (Fund 4P7) up to \$21,790 of the unclaimed	88195
funds that have been reported by the holders of unclaimed funds	88196
under section 169.05 of the Revised Code, regardless of the	88197
allocation of the unclaimed funds described in that section.	88198
Notwithstanding division (A) of section 169.05 of the Revised	88199
Code, upon the request of the Director of Budget and Management,	88200
the Director of Commerce, prior to June 30, 2007, shall transfer	88201
to the Food Safety Fund (Fund 4P7) up to \$21,790 of the unclaimed	88202
funds that have been reported by the holders of unclaimed funds	88203

under section 169.05 of the Revised Code, regardless of the				88204
allocation of the unclaimed funds described in that section.				88205
Section 203.27. AIR AIR QUALITY DEVELOPMENT AUTHORITY				88206
General Revenue Fund				88207
GRF 898-402 Coal Development	\$	568,814	\$ 573,814	88208
Office				
GRF 898-901 Coal R&D General	\$	7,071,100	\$ 8,980,800	88209
Obligation Debt				
Service				
TOTAL GRF General Revenue Fund	\$	7,639,914	\$ 9,554,614	88210
Agency Fund Group				88211
4Z9 898-602 Small Business	\$	263,165	\$ 264,196	88212
Ombudsman				
5A0 898-603 Small Business	\$	71,087	\$ 71,087	88213
Assistance				
570 898-601 Operating Expenses	\$	256,875	\$ 263,693	88214
TOTAL AGY Agency Fund Group	\$	591,127	\$ 598,976	88215
Coal Research/Development Fund				88216
046 898-604 Coal Research and	\$	10,000,000	\$ 10,000,000	88217
Development Fund				
TOTAL 046 Coal	\$	10,000,000	\$ 10,000,000	88218
Research/Development Fund				
TOTAL ALL BUDGET FUND GROUPS	\$	18,231,041	\$ 20,153,590	88219
COAL DEVELOPMENT OFFICE				88220
The foregoing appropriation item GRF 898-402, Coal				88221
Development Office, shall be used for the administrative costs of				88222
the Coal Development Office.				88223
COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE				88224
The foregoing appropriation item GRF 898-901, Coal R & D				88225
General Obligation Debt Service, shall be used to pay all debt				88226

service and related financing costs at the times they are required 88227
to be made under sections 151.01 and 151.07 of the Revised Code 88228
during the period from July 1, 2005, to June 30, 2007. The Office 88229
of the Sinking Fund or the Director of Budget and Management shall 88230
effectuate the required payments by intrastate transfer voucher. 88231

SCIENCE AND TECHNOLOGY COLLABORATION 88232

The Air Quality Development Authority shall work in close 88233
collaboration with the Department of Development, the Board of 88234
Regents, and the Third Frontier Commission in relation to 88235
appropriation items and programs referred to as Alignment Programs 88236
in the following paragraph, and other technology-related 88237
appropriations and programs in the Department of Development, Air 88238
Quality Development Authority, and the Board of Regents as those 88239
agencies may designate, to ensure implementation of a coherent 88240
state strategy with respect to science and technology. 88241

To the extent permitted by law, the Air Quality Development 88242
Authority shall assure that coal research and development 88243
programs, proposals, and projects consider or incorporate 88244
appropriate collaborations with Third Frontier Project programs 88245
and grantees and with Alignment Programs and grantees. 88246

"Alignment Programs" means: appropriation items 195-401, 88247
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 88248
Third Frontier Action Fund; 898-604, Coal Research and Development 88249
Fund; 235-433, Economic Growth Challenge; 235-508, Air Force 88250
Institute of Technology; 235-510, Ohio Supercomputer Center; 88251
235-451, Eminent Scholars; 235-527, Ohio Aerospace Institute; 88252
235-535, Ohio Agricultural Research and Development Center; 88253
235-553, Dayton Area Graduate Studies Institute; 235-554, 88254
Priorities in Collaborative Graduate Education; 235-556, Ohio 88255
Academic Resources Network; and 195-435, Biomedical Research and 88256
Technology Transfer Trust. 88257

Consistent with the recommendations of the Governor's 88258
Commission on Higher Education and the Economy, Alignment Programs 88259
shall be managed and administered (1) to build on existing 88260
competitive research strengths, (2) to encourage new and emerging 88261
discoveries and commercialization of ideas and products that will 88262
benefit the Ohio economy, and (3) to assure improved collaboration 88263
among Alignment Programs, with programs administered by the Third 88264
Frontier Commission, and with other state programs that are 88265
intended to improve economic growth and job creation. 88266

As directed by the Third Frontier Commission, Alignment 88267
Program managers shall report to the Commission or to the Third 88268
Frontier Advisory Board on the contributions of their programs to 88269
achieving the objectives stated in the preceding paragraph. 88270

Each alignment program shall be reviewed annually by the 88271
Third Frontier Commission with respect to its development of 88272
complementary relationships within a combined state science and 88273
technology investment portfolio and its overall contribution to 88274
the state's science and technology strategy, including the 88275
adoption of appropriately consistent criteria for: (1) the 88276
scientific merit of activities supported by the program; (2) the 88277
relevance of the program's activities to commercial opportunities 88278
in the private sector; (3) the private sector's involvement in a 88279
process that continually evaluates commercial opportunities to use 88280
the work supported by the program; and (4) the ability of the 88281
program and recipients of grant funding from the program to engage 88282
in activities that are collaborative, complementary, and efficient 88283
with respect to the expenditure of state funds. Each alignment 88284
program shall provide annual reports to the Third Frontier 88285
Commission discussing existing, planned, or possible 88286
collaborations between programs and recipients of grant funding 88287
related to technology, development, commercialization, and 88288
supporting Ohio's economic development. The annual review by the 88289

Third Frontier Commission shall be a comprehensive review of the 88290
entire state science and technology program portfolio rather than 88291
a review of individual programs. 88292

Applicants for Third Frontier and Alignment Program funding 88293
shall identify their requirements for high-performance computing 88294
facilities and services, including both hardware and software, in 88295
all proposals. If an applicant's requirements exceed approximately 88296
\$100,000 for a proposal, the Ohio Supercomputer Center shall 88297
convene a panel of experts. The panel shall review the proposal to 88298
determine whether the proposal's requirements can be met through 88299
Ohio Supercomputer Center facilities or through other means and 88300
report its conclusion to the Third Frontier Commission. 88301

To ensure that the state receives the maximum benefit from 88302
its investment in the Third Frontier Project and the Third 88303
Frontier Network, organizations receiving Third Frontier awards 88304
and Alignment Program awards shall, as appropriate, be expected to 88305
have a connection to the Third Frontier Network that enables them 88306
and their collaborators to achieve award objectives through the 88307
Third Frontier Network. 88308

Section 203.30. ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION 88309
SERVICES 88310

General Revenue Fund 88311

GRF 038-321 Operating Expenses	\$	1,128,275	\$	1,128,275	88312
GRF 038-401 Treatment Services	\$	37,760,215	\$	39,494,113	88313
GRF 038-404 Prevention Services	\$	1,021,483	\$	1,052,127	88314
TOTAL GRF General Revenue Fund	\$	39,909,973	\$	41,674,515	88315

General Services Fund 88316

5T9 038-616 Problem Gambling	\$	285,000	\$	285,000	88317
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Services

TOTAL GSF General Services Fund	\$	285,000	\$	285,000	88318
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Group

Federal Special Revenue Fund Group				88319
3G3 038-603 Drug Free Schools	\$	3,500,000	\$ 3,500,000	88320
3G4 038-614 Substance Abuse Block Grant	\$	73,000,000	\$ 73,000,000	88321
3H8 038-609 Demonstration Grants	\$	7,093,075	\$ 7,093,075	88322
3J8 038-610 Medicaid	\$	42,000,000	\$ 46,000,000	88323
3N8 038-611 Administrative Reimbursement	\$	500,000	\$ 500,000	88324
TOTAL FED Federal Special Revenue Fund Group	\$	126,093,075	\$ 130,093,075	88325
State Special Revenue Fund Group				88327
475 038-621 Statewide Treatment and Prevention	\$	17,500,000	\$ 18,000,000	88328
5BR 038-406 Tobacco Use Prevention and Control Program	\$	265,000	\$ 205,000	88329
689 038-604 Education and Conferences	\$	350,000	\$ 350,000	88330
TOTAL SSR State Special Revenue Fund Group	\$	18,115,000	\$ 18,555,000	88331
TOTAL ALL BUDGET FUND GROUPS	\$	184,403,048	\$ 190,607,590	88333
TREATMENT SERVICES				88334
Of the foregoing appropriation item 038-401, Treatment Services, not more than \$8,190,000 shall be used by the Department of Alcohol and Drug Addiction Services for program grants for priority populations in each year of the biennium.				88335
				88336
				88337
				88338
SERVICES TO POOR MEDICATION DEPENDENT ADULTS				88339
Of the foregoing appropriation item 038-401, Treatment Services, \$2,166,950 in fiscal year 2006 and \$2,833,050 in fiscal year 2007 shall be used to provide services to persons who meet criteria that are consistent with the criteria for the Disability				88340
				88341
				88342
				88343

Medical Assistance Program.	88344
SUBSTANCE ABUSE SERVICES FOR FAMILIES OF AT RISK CHILDREN	88345
Of the foregoing appropriation item 038-401, Treatment	88346
Services, \$4 million in each fiscal year shall be used to provide	88347
substance abuse services to families involved in the child welfare	88348
system under the requirements of Am. Sub. H.B. 484 of the 122nd	88349
General Assembly.	88350
SERVICES FOR TANF-ELIGIBLE INDIVIDUALS	88351
Of the foregoing appropriation item 038-401, Treatment	88352
Services, \$5 million each year shall be used to fund TANF-eligible	88353
expenditures for substance abuse prevention and treatment services	88354
to children, or their families, whose income is at or below 200	88355
per cent of the official income poverty guideline. The Director of	88356
Alcohol and Drug Addiction Services and the Director of Job and	88357
Family Services shall develop operating and reporting guidelines	88358
for these programs.	88359
THERAPEUTIC COMMUNITIES	88360
Of the foregoing appropriation item 038-401, Treatment	88361
Services, \$750,000 shall be used in each fiscal year for expansion	88362
of the Therapeutic Communities Program in the Department of	88363
Rehabilitation and Correction.	88364
PARENT AWARENESS TASK FORCE	88365
The Parent Awareness Task Force shall study ways to engage	88366
more parents in activities, coalitions, and educational programs	88367
in Ohio relating to alcohol and other drug abuse prevention. Of	88368
the foregoing appropriation item 038-404, Prevention Services,	88369
\$30,000 in each fiscal year may be used to support the functions	88370
of the Parent Awareness Task Force.	88371
Section 203.36. ARC STATE BOARD OF EXAMINERS OF ARCHITECTS	88372

General Services Fund Group				88373
4K9 891-609 Operating Expenses	\$	489,197	\$ 489,197	88374
TOTAL GSF General Services Fund				88375
Group	\$	489,197	\$ 489,197	88376
TOTAL ALL BUDGET FUND GROUPS	\$	489,197	\$ 489,197	88377

Section 203.39. ART OHIO ARTS COUNCIL 88379

General Revenue Fund				88380
GRF 370-100 Personal Services	\$	1,798,235	\$ 1,798,235	88381
GRF 370-200 Maintenance	\$	459,746	\$ 459,746	88382
GRF 370-300 Equipment	\$	4,700	\$ 4,700	88383
GRF 370-502 Program Subsidies	\$	8,975,480	\$ 8,975,480	88384
TOTAL GRF General Revenue Fund	\$	11,238,161	\$ 11,238,161	88385

General Services Fund Group				88386
4B7 370-603 Per Cent for Art	\$	86,366	\$ 86,366	88387

Acquisitions

460 370-602 Gifts and Donations	\$	400,000	\$ 400,000	88388
TOTAL GSF General Services Fund	\$	486,366	\$ 486,366	88389

Group

Federal Special Revenue Fund Group				88390
314 370-601 Federal Programs	\$	1,537,200	\$ 1,537,200	88391
TOTAL FED Federal Special Revenue	\$	1,537,200	\$ 1,537,200	88392

Fund Group

TOTAL ALL BUDGET FUND GROUPS	\$	13,261,727	\$ 13,261,727	88393
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PROGRAM SUBSIDIES 88394

A museum is not eligible to receive funds from appropriation 88395
item 370-502, Program Subsidies, if \$8,000,000 or more in capital 88396
appropriations were appropriated by the state for the museum 88397
between January 1, 1986, and December 31, 2002. 88398

Section 203.45. ATH ATHLETIC COMMISSION 88399

General Services Fund Group				88400
4K9 175-609 Operating Expenses	\$	248,150	\$	0 88401
TOTAL GSF General Services Fund	\$	248,150	\$	0 88402
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	248,150	\$	0 88403
Section 203.48. AGO ATTORNEY GENERAL				88405
General Revenue Fund				88406
GRF 055-321 Operating Expenses	\$	42,118,150	\$	52,610,156 88407
GRF 055-411 County Sheriffs' Pay	\$	760,495	\$	779,509 88408
Supplement				
GRF 055-415 County Prosecutors'	\$	740,704	\$	759,222 88409
Pay Supplement				
TOTAL GRF General Revenue Fund	\$	43,619,349	\$	54,148,887 88410
General Services Fund Group				88411
106 055-612 General Reimbursement	\$	21,370,196	\$	21,370,196 88412
107 055-624 Employment Services	\$	850,000	\$	850,000 88413
195 055-660 Workers' Compensation	\$	7,769,628	\$	7,769,628 88414
Section				
4Y7 055-608 Title Defect	\$	250,000	\$	250,000 88415
Rescission				
4Z2 055-609 BCI Asset Forfeiture	\$	1,332,109	\$	1,332,109 88416
and Cost Reimbursement				
418 055-615 Charitable Foundations	\$	4,899,066	\$	4,899,066 88417
420 055-603 Attorney General	\$	446,449	\$	446,449 88418
Antitrust				
421 055-617 Police Officers'	\$	1,693,213	\$	1,693,213 88419
Training Academy Fee				
5A9 055-618 Telemarketing Fraud	\$	7,500	\$	7,500 88420
Enforcement				
590 055-633 Peace Officer Private	\$	98,370	\$	98,370 88421
Security Fund				

629	055-636	Corrupt Activity	\$	15,000	\$	15,000	88422
		Investigation and					
		Prosecution					
631	055-637	Consumer Protection	\$	1,373,832	\$	1,373,832	88423
		Enforcement					
TOTAL GSF General Services Fund							88424
Group			\$	40,105,363	\$	40,105,363	88425
Federal Special Revenue Fund Group							88426
3E5	055-638	Attorney General	\$	1,981,102	\$	1,981,102	88427
		Pass-Through Funds					
3R6	055-613	Attorney General	\$	3,842,097	\$	3,842,097	88428
		Federal Funds					
306	055-620	Medicaid Fraud Control	\$	2,799,000	\$	2,799,000	88429
381	055-611	Civil Rights Legal	\$	390,815	\$	390,815	88430
		Service					
383	055-634	Crime Victims	\$	18,439,313	\$	18,439,313	88431
		Assistance					
TOTAL FED Federal Special Revenue							88432
Fund Group			\$	27,452,327	\$	27,452,327	88433
State Special Revenue Fund Group							88434
4L6	055-606	DARE	\$	3,927,962	\$	3,927,962	88435
402	055-616	Victims of Crime	\$	30,000,000	\$	30,000,000	88436
419	055-623	Claims Section	\$	23,671,954	\$	15,149,954	88437
659	055-641	Solid and Hazardous	\$	621,159	\$	621,159	88438
		Waste Background					
		Investigations					
TOTAL SSR State Special Revenue							88439
Fund Group			\$	58,221,075	\$	49,699,075	88440
Holding Account Redistribution Fund Group							88441
R04	055-631	General Holding	\$	275,000	\$	275,000	88442
		Account					
R05	055-632	Antitrust Settlements	\$	1,000	\$	1,000	88443

R18 055-630 Consumer Frauds	\$	300,000	\$	300,000	88444
R42 055-601 Organized Crime	\$	25,025	\$	25,025	88445
Commission Account					
TOTAL 090 Holding Account					88446
Redistribution Fund Group	\$	601,025	\$	601,025	88447
TOTAL ALL BUDGET FUND GROUPS	\$	169,999,139	\$	172,006,677	88448
COUNTY SHERIFFS' PAY SUPPLEMENT					88449
The foregoing appropriation item 055-411, County Sheriffs'					88450
Pay Supplement, shall be used for the purpose of supplementing the					88451
annual compensation of county sheriffs as required by section					88452
325.06 of the Revised Code.					88453
COUNTY PROSECUTORS' PAY SUPPLEMENT					88454
The foregoing appropriation item 055-415, County Prosecutors'					88455
Pay Supplement, shall be used for the purpose of supplementing the					88456
annual compensation of certain county prosecutors as required by					88457
section 325.111 of the Revised Code.					88458
WORKERS' COMPENSATION SECTION					88459
The Workers' Compensation Section Fund (Fund 195) is entitled					88460
to receive payments from the Bureau of Workers' Compensation and					88461
the Ohio Industrial Commission at the beginning of each quarter of					88462
each fiscal year to fund legal services to be provided to the					88463
Bureau of Workers' Compensation and the Ohio Industrial Commission					88464
during the ensuing quarter. The advance payment shall be subject					88465
to adjustment.					88466
In addition, the Bureau of Workers' Compensation shall					88467
transfer payments at the beginning of each quarter for the support					88468
of the Workers' Compensation Fraud Unit.					88469
All amounts shall be mutually agreed upon by the Attorney					88470
General, the Bureau of Workers' Compensation, and the Ohio					88471
Industrial Commission.					88472

CORRUPT ACTIVITY INVESTIGATION AND PROSECUTION 88473

The foregoing appropriation item 055-636, Corrupt Activity 88474
Investigation and Prosecution, shall be used as provided by 88475
division (D)(2) of section 2923.35 of the Revised Code to dispose 88476
of the proceeds, fines, and penalties credited to the Corrupt 88477
Activity Investigation and Prosecution Fund, which is created in 88478
division (D)(1)(b) of section 2923.35 of the Revised Code. If it 88479
is determined that additional amounts are necessary for this 88480
purpose, the amounts are hereby appropriated. 88481

ATTORNEY GENERAL PASS-THROUGH FUNDS 88482

The foregoing appropriation item 055-638, Attorney General 88483
Pass-Through Funds, shall be used to receive federal grant funds 88484
provided to the Attorney General by other state agencies, 88485
including, but not limited to, the Department of Youth Services 88486
and the Department of Public Safety. 88487

ANTITRUST SETTLEMENTS 88488

The foregoing appropriation item 055-632, Antitrust 88489
Settlements, shall be used to distribute court-ordered antitrust 88490
settlements in which the Office of Attorney General represents the 88491
state or a political subdivision under section 109.81 of the 88492
Revised Code. If it is determined that additional amounts are 88493
necessary for this purpose, the amounts are hereby appropriated. 88494

CONSUMER FRAUDS 88495

The foregoing appropriation item 055-630, Consumer Frauds, 88496
shall be used for distribution of moneys from court-ordered 88497
judgments against sellers in actions brought by the Office of 88498
Attorney General under sections 1334.08 and 4549.48 and division 88499
(B) of section 1345.07 of the Revised Code. These moneys shall be 88500
used to provide restitution to consumers victimized by the fraud 88501
that generated the court-ordered judgments. If it is determined 88502

that additional amounts are necessary for this purpose, the 88503
amounts are hereby appropriated. 88504

ORGANIZED CRIME COMMISSION ACCOUNT 88505

The foregoing appropriation item 055-601, Organized Crime 88506
Commission Account, shall be used by the Organized Crime 88507
Investigations Commission, as provided by section 177.011 of the 88508
Revised Code, to reimburse political subdivisions for the expenses 88509
the political subdivisions incur when their law enforcement 88510
officers participate in an organized crime task force. If it is 88511
determined that additional amounts are necessary for this purpose, 88512
the amounts are hereby appropriated. 88513

Section 203.51. AUD AUDITOR OF STATE 88514

General Revenue Fund 88515

GRF 070-321	Operating Expenses	\$	29,014,425	\$	28,964,425	88516
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GRF 070-403	Fiscal Watch/Emergency	\$	500,000	\$	500,000	88517
	Technical Assistance					

GRF 070-405	Electronic Data	\$	823,193	\$	823,193	88518
	Processing - Auditing					
	and Administration					

GRF 070-406	Uniform Accounting	\$	1,588,538	\$	1,588,538	88519
	Network/Technology					
	Improvements Fund					

TOTAL GRF	General Revenue Fund	\$	31,926,156	\$	31,876,156	88520
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Auditor of State Fund Group 88521

R06 070-604	Continuous Receipts	\$	35,000	\$	35,000	88522
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109 070-601	Public Audit Expense -	\$	9,300,000	\$	9,300,000	88523
	Intra-State					

422 070-601	Public Audit Expense -	\$	31,104,840	\$	31,104,840	88524
	Local Government					

584 070-603	Training Program	\$	131,250	\$	131,250	88525
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675 070-605 Uniform Accounting	\$	3,317,336	\$	3,317,336	88526
Network					
TOTAL AUS Auditor of State Fund					88527
Group	\$	43,888,426	\$	43,888,426	88528
TOTAL ALL BUDGET FUND GROUPS	\$	75,814,582	\$	75,764,582	88529
BILLING PRACTICES PILOT REVIEW					88530
Of the foregoing appropriation item 070-321, Operating					88531
Expenses, \$50,000 shall be used by the Auditor of State to conduct					88532
a pilot review of the billing practices of facilities licensed by					88533
the Department of Mental Health and the Department of Job and					88534
Family Services that serve children in a residential setting for					88535
whom mental health treatment services are provided. In conducting					88536
this review, the Auditor of State shall have access to any					88537
information, records, or other data that would otherwise be					88538
available to any federal, state, or local public agency that					88539
provides funding to the facility.					88540
The Auditor of State shall prepare a report on the					88541
conclusions of the pilot review, and shall furnish copies of the					88542
report to the Governor, the Speaker of the House of					88543
Representatives, and the President of the Senate, as well as to					88544
the majority and minority leaders of the House of Representatives					88545
and the Senate, by June 30, 2006.					88546
FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE					88547
The foregoing appropriation item 070-403, Fiscal					88548
Watch/Emergency Technical Assistance, shall be used for all					88549
expenses incurred by the Office of the Auditor of State in its					88550
role relating to fiscal watch or fiscal emergency activities under					88551
Chapters 118. and 3316. of the Revised Code. Expenses include, but					88552
are not limited to, the following: duties related to the					88553
determination or termination of fiscal watch or fiscal emergency					88554
of municipal corporations, counties, or townships as outlined in					88555

Chapter 118. of the Revised Code and of school districts as	88556
outlined in Chapter 3316. of the Revised Code; development of	88557
preliminary accounting reports; performance of annual forecasts;	88558
provision of performance audits; and supervisory, accounting, or	88559
auditing services for the mentioned public entities and school	88560
districts. The unencumbered balance of appropriation item 070-403,	88561
Fiscal Watch/Emergency Technical Assistance, at the end of fiscal	88562
year 2006 is transferred to fiscal year 2007 for use under the	88563
same appropriation item.	88564
 ELECTRONIC DATA PROCESSING	88565
 The unencumbered balance of appropriation item 070-405,	88566
Electronic Data Processing - Auditing and Administration, at the	88567
end of fiscal year 2006 is transferred to fiscal year 2007 for use	88568
under the same appropriation item.	88569
 UNIFORM ACCOUNTING NETWORK/TECHNOLOGY IMPROVEMENTS FUND	88570
 The foregoing appropriation item 070-406, Uniform Accounting	88571
Network/Technology Improvements Fund, shall be used to pay the	88572
costs of developing and implementing the Uniform Accounting	88573
Network and technology improvements for the Office of the Auditor	88574
of State. The unencumbered balance of the appropriation at the end	88575
of fiscal year 2006 is transferred to fiscal year 2007 to pay the	88576
costs of developing and implementing the Uniform Accounting	88577
Network and technology improvements for the Office of the Auditor	88578
of State.	88579
 Section 203.54. BRB BOARD OF BARBER EXAMINERS	88580
 General Services Fund Group	88581
4K9 877-609 Operating Expenses \$ 568,126 \$ 0	88582
TOTAL GSF General Services Fund	88583
Group \$ 568,126 \$ 0	88584
TOTAL ALL BUDGET FUND GROUPS \$ 568,126 \$ 0	88585

Section 203.57.	OBM OFFICE OF BUDGET AND MANAGEMENT			88587
	General Revenue Fund			88588
GRF 042-321	Budget Development and Implementation	\$ 2,143,886	\$ 2,143,886	88589
GRF 042-410	National Association Dues	\$ 27,089	\$ 28,173	88590
GRF 042-412	Audit of Auditor of State	\$ 55,900	\$ 58,700	88591
GRF 042-435	Gubernatorial Transition	\$ 0	\$ 250,000	88592
TOTAL GRF	General Revenue Fund	\$ 2,226,875	\$ 2,480,759	88593
	General Services Fund Group			88594
105 042-603	Accounting and Budgeting	\$ 9,781,085	\$ 9,976,689	88595
TOTAL GSF	General Services Fund Group	\$ 9,781,085	\$ 9,976,689	88596
	State Special Revenue Fund Group			88597
5N4 042-602	OAKS Project Implementation	\$ 2,262,441	\$ 2,272,595	88598
TOTAL SSR	State Special Revenue Fund Group	\$ 2,262,441	\$ 2,272,595	88599
TOTAL ALL BUDGET FUND GROUPS		\$ 14,270,401	\$ 14,730,043	88600
	AUDIT COSTS			88601
	Of the foregoing appropriation item 042-603, Accounting and Budgeting, not more than \$420,000 in fiscal year 2006 and \$425,000 in fiscal year 2007 shall be used to pay for centralized audit costs associated with either Single Audit Schedules or financial statements prepared in conformance with generally accepted accounting principles for the state.			88602 88603 88604 88605 88606 88607
	OAKS PROJECT IMPLEMENTATION			88608

Notwithstanding section 126.25 of the Revised Code, in fiscal 88609
years 2006 and 2007, rebates or revenue shares received from any 88610
state payment card program established under division (B) of 88611
section 126.21 of the Revised Code may be deposited into the OAKS 88612
Project Implementation Fund (Fund 5N4). 88613

Section 203.60. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 88614

General Revenue Fund 88615

GRF 874-100 Personal Services \$ 1,900,000 \$ 1,900,000 88616

GRF 874-320 Maintenance and \$ 992,269 \$ 952,269 88617

Equipment

TOTAL GRF General Revenue Fund \$ 2,892,269 \$ 2,852,269 88618

General Services Fund Group 88619

4G5 874-603 Capitol Square \$ 15,000 \$ 15,000 88620

Maintenance Expenses

4S7 874-602 Statehouse Gift \$ 770,484 \$ 770,484 88621

Shop/Events

TOTAL GSF General Services 88622

Fund Group \$ 785,484 \$ 785,484 88623

Underground Parking Garage 88624

208 874-601 Underground Parking \$ 2,959,721 \$ 2,959,721 88625

Garage Operating

TOTAL UPG Underground Parking 88626

Garage \$ 2,959,721 \$ 2,959,721 88627

TOTAL ALL BUDGET FUND GROUPS \$ 6,637,474 \$ 6,597,474 88628

EXPANSION OF COMMITTEE HEARING ROOMS 88629

Of the foregoing appropriation item 874-320, Maintenance and 88630
Equipment, \$40,000 in fiscal year 2006 shall be used to expand the 88631
House of Representatives committee hearing rooms, numbers 119 and 88632
121. 88633

Section 203.63.	SCR STATE BOARD OF CAREER COLLEGES AND			88634
	SCHOOLS			88635
	General Services Fund Group			88636
4K9 233-601	Operating Expenses	\$ 486,700	\$ 508,600	88637
TOTAL GSF	General Services Fund	\$ 486,700	\$ 508,600	88638
	Group			
TOTAL ALL BUDGET FUND GROUPS		\$ 486,700	\$ 508,600	88639
Section 203.66.	CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD			88641
	General Services Fund Group			88642
4K9 930-609	Operating Expenses	\$ 452,976	\$ 0	88643
TOTAL GSF	General Services Fund	\$ 452,976	\$ 0	88644
	Group			
TOTAL ALL BUDGET FUND GROUPS		\$ 452,976	\$ 0	88645
Section 203.69.	CHR STATE CHIROPRACTIC BOARD			88647
	General Services Fund Group			88648
4K9 878-609	Operating Expenses	\$ 605,278	\$ 0	88649
TOTAL GSF	General Services Fund			88650
	Group	\$ 605,278	\$ 0	88651
TOTAL ALL BUDGET FUND GROUPS		\$ 605,278	\$ 0	88652
Section 203.72.	CIV OHIO CIVIL RIGHTS COMMISSION			88654
	General Revenue Fund			88655
GRF 876-321	Operating Expenses	\$ 7,253,075	\$ 7,470,667	88656
TOTAL GRF	General Revenue Fund	\$ 7,253,075	\$ 7,470,667	88657
	Federal Special Revenue Fund Group			88658
334 876-601	Investigations	\$ 3,760,000	\$ 3,560,000	88659
TOTAL FED	Federal Special Revenue			88660
	Fund Group	\$ 3,760,000	\$ 3,560,000	88661

State Special Revenue Fund Group				88662
217 876-604 Operations Support	\$	50,951	\$ 50,951	88663
TOTAL SSR State Special				88664
Revenue Fund Group	\$	50,951	\$ 50,951	88665
TOTAL ALL BUDGET FUND GROUPS	\$	11,064,026	\$ 11,081,618	88666
 Section 203.75. COM DEPARTMENT OF COMMERCE				88668
General Revenue Fund				88669
GRF 800-410 Labor and Worker	\$	2,086,477	\$ 2,032,397	88670
Safety				
Total GRF General Revenue Fund	\$	2,086,477	\$ 2,032,397	88671
General Services Fund Group				88672
163 800-620 Division of	\$	4,262,314	\$ 4,368,037	88673
Administration				
163 800-637 Information Technology	\$	2,733,853	\$ 2,785,045	88674
5F1 800-635 Small Government Fire	\$	250,000	\$ 250,000	88675
Departments				
543 800-602 Unclaimed	\$	7,351,051	\$ 7,351,051	88676
Funds-Operating				
543 800-625 Unclaimed Funds-Claims	\$	52,000,000	\$ 55,000,000	88677
TOTAL GSF General Services Fund				88678
Group	\$	66,597,218	\$ 69,754,133	88679
Federal Special Revenue Fund Group				88680
348 800-622 Underground Storage	\$	195,008	\$ 195,008	88681
Tanks				
348 800-624 Leaking Underground	\$	1,850,000	\$ 1,850,000	88682
Storage Tanks				
TOTAL FED Federal Special Revenue				88683
Fund Group	\$	2,045,008	\$ 2,045,008	88684
State Special Revenue Fund Group				88685
4B2 800-631 Real Estate Appraisal	\$	35,000	\$ 35,000	88686

Recovery					
4H9 800-608	Cemeteries	\$	273,465	\$ 273,465	88687
4X2 800-619	Financial Institutions	\$	2,400,843	\$ 2,400,843	88688
5K7 800-621	Penalty Enforcement	\$	50,000	\$ 50,000	88689
544 800-612	Banks	\$	6,757,197	\$ 6,759,197	88690
545 800-613	Savings Institutions	\$	2,678,248	\$ 2,669,774	88691
546 800-610	Fire Marshal	\$	12,187,994	\$ 12,292,994	88692
546 800-639	Fire Department Grants	\$	1,647,140	\$ 1,647,140	88693
547 800-603	Real Estate	\$	250,000	\$ 250,000	88694
Education/Research					
548 800-611	Real Estate Recovery	\$	50,000	\$ 50,000	88695
549 800-614	Real Estate	\$	3,605,892	\$ 3,605,892	88696
550 800-617	Securities	\$	4,300,000	\$ 4,400,000	88697
552 800-604	Credit Union	\$	2,936,852	\$ 2,941,852	88698
553 800-607	Consumer Finance	\$	4,300,445	\$ 4,300,445	88699
556 800-615	Industrial Compliance	\$	25,037,257	\$ 25,037,257	88700
6A4 800-630	Real Estate	\$	664,006	\$ 664,006	88701
Appraiser-Operating					
653 800-629	UST Registration/Permit	\$	1,249,632	\$ 1,249,632	88702
Fee					
TOTAL SSR State Special Revenue					88703
Fund Group		\$	68,423,971	\$ 68,627,497	88704
Liquor Control Fund Group					88705
043 800-601	Merchandising	\$	382,595,409	\$ 397,839,347	88706
043 800-627	Liquor Control	\$	16,873,183	\$ 15,981,346	88707
Operating					
043 800-633	Development Assistance	\$	32,158,300	\$ 39,230,000	88708
Debt Service					
043 800-636	Revitalization Debt	\$	9,740,500	\$ 13,485,800	88709
Service					
TOTAL LCF Liquor Control					88710
Fund Group		\$	441,367,392	\$ 466,536,493	88711
TOTAL ALL BUDGET FUND GROUPS					88712

SMALL GOVERNMENT FIRE DEPARTMENTS	88713
Notwithstanding section 3737.17 of the Revised Code, the	88714
foregoing appropriation item 800-635, Small Government Fire	88715
Departments, may be used to provide loans to private fire	88716
departments.	88717
PENALTY ENFORCEMENT	88718
The foregoing appropriation item 800-621, Penalty	88719
Enforcement, shall be used to enforce sections 4115.03 to 4115.16	88720
of the Revised Code.	88721
UNCLAIMED FUNDS PAYMENTS	88722
The foregoing appropriation item 800-625, Unclaimed	88723
Funds-Claims, shall be used to pay claims under section 169.08 of	88724
the Revised Code. If it is determined that additional amounts are	88725
necessary, the amounts are hereby appropriated.	88726
UNCLAIMED FUNDS TRANSFERS	88727
Notwithstanding division (A) of section 169.05 of the Revised	88728
Code, prior to June 30, 2006, and upon the request of the Director	88729
of Budget and Management, the Director of Commerce shall transfer	88730
to the General Revenue Fund up to \$50,000,000 of unclaimed funds	88731
that have been reported by holders of unclaimed funds under	88732
section 169.05 of the Revised Code, irrespective of the allocation	88733
of the unclaimed funds under that section.	88734
Notwithstanding division (A) of section 169.05 of the Revised	88735
Code, prior to June 30, 2007, and upon the request of the Director	88736
of Budget and Management, the Director of Commerce shall transfer	88737
to the General Revenue Fund up to \$50,000,000 of unclaimed funds	88738
that have been reported by holders of unclaimed funds under	88739
section 169.05 of the Revised Code, irrespective of the allocation	88740
of the unclaimed funds under that section.	88741
CASH TRANSFER TO STATE FIRE MARSHAL FUND (FUND 546)	88742

Effective July 1, 2005, or as soon thereafter as possible, 88743
the Director of Budget and Management shall transfer the cash 88744
balance in the Fire Marshal's Fireworks Training and Education 88745
Fund (Fund 4L5), which is abolished in division (B) of section 88746
3743.57 of the Revised Code as amended by this act, to the State 88747
Fire Marshal's Fund (Fund 546), which is created in section 88748
3737.71 of the Revised Code. The director shall cancel any 88749
existing encumbrances against appropriation item 800-609, 88750
Fireworks Training and Education, in Fund 4L5, and re-establish 88751
them against appropriation item 800-610, Fire Marshal, in Fund 88752
546. The amounts of the re-established encumbrances are hereby 88753
appropriated. 88754

CASH TRANSFER TO BUDGET STABILIZATION FUND 88755

Notwithstanding any other law to the contrary, the Director 88756
of Budget and Management shall transfer up to \$1,700,000 in cash 88757
in fiscal year 2006 and up to \$1,600,000 in cash in fiscal year 88758
2007 from the State Fire Marshal Fund (Fund 546) to the Budget 88759
Stabilization Fund. 88760

FIRE DEPARTMENT GRANTS 88761

Of the foregoing appropriation item 800-639, Fire Department 88762
Grants, up to \$760,000 in each fiscal year shall be used to make 88763
annual grants to volunteer fire departments of up to \$10,000, or 88764
up to \$25,000 if the volunteer fire department provides service 88765
for an area affected by a natural disaster. The grant program 88766
shall be administered by the Fire Marshal under the Department of 88767
Commerce. The Fire Marshal shall adopt rules as are necessary for 88768
the administration and operation of the grant program. 88769

Of the foregoing appropriation item 800-639, Fire Department 88770
Grants, up to \$687,140 in each fiscal year shall be used as full 88771
or partial reimbursement to local units of government and fire 88772
departments for the cost of firefighter training and equipment or 88773

gear. Under rules that the department shall adopt, a local unit of 88774
government or fire department may apply to the department for a 88775
grant to cover all documented costs that are incurred to provide 88776
firefighter training and equipment or gear. The department shall 88777
make grants within the limits of the funding provided, with 88778
priority given to fire departments that serve small villages and 88779
townships. 88780

Of the foregoing appropriation item 800-639, Fire Department 88781
Grants, up to \$200,000 in each fiscal year shall be used to make 88782
grants to fire departments to assist in the conversion of existing 88783
data systems to the NFIRS 5 electronic fire reporting system. 88784
Under rules that the department shall adopt, awards shall have a 88785
maximum of \$50,000 per fire department and shall be based on a 88786
point system that includes factors such as consideration of the 88787
fire department's information technology and operating budgets, 88788
population and area served, number of incidents, data conversion 88789
and implementation methods, and readiness. 88790

CASH TRANSFER TO REAL ESTATE OPERATING FUND 88791

At the request of the Director of Commerce, the Director of 88792
Budget and Management may transfer up to \$100,000 in cash from the 88793
Real Estate Recovery Fund (Fund 548) and up to \$350,000 in cash 88794
from the Real Estate Appraiser Recovery Fund (Fund 4B2) to the 88795
Real Estate Operating Fund (Fund 549) during the 2005-2007 88796
biennium. 88797

INCREASED APPROPRIATION AUTHORITY - MERCHANDISING 88798

The foregoing appropriation item 800-601, Merchandising, 88799
shall be used under section 4301.12 of the Revised Code. If it is 88800
determined that additional amounts are necessary, the amounts are 88801
hereby appropriated. 88802

DEVELOPMENT ASSISTANCE DEBT SERVICE 88803

The foregoing appropriation item 800-633, Development Assistance Debt Service, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2005, to June 30, 2007, for bond service charges on obligations issued under Chapter 166. of the Revised Code. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated, subject to the limitations set forth in section 166.11 of the Revised Code. The General Assembly acknowledges that an appropriation for this purpose is not required, but is made in this form and in this act for record purposes only.

REVITALIZATION DEBT SERVICE

The foregoing appropriation item 800-636, Revitalization Debt Service, shall be used to pay debt service and related financing costs under sections 151.01 and 151.40 of the Revised Code during the period from July 1, 2005, to June 30, 2007. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated. The General Assembly acknowledges the priority of the pledge of a portion of receipts from that source to obligations issued and to be issued under Chapter 166. of the Revised Code.

ADMINISTRATIVE ASSESSMENTS

Notwithstanding any other provision of law to the contrary, Fund 163, Division of Administration, is entitled to receive assessments from all operating funds of the department in accordance with procedures prescribed by the Director of Commerce and approved by the Director of Budget and Management.

Section 203.78. OCC OFFICE OF CONSUMERS' COUNSEL

General Services Fund Group

5F5 053-601 Operating Expenses \$ 7,770,000 \$ 7,770,000

TOTAL GSF General Services Fund	\$	7,770,000	\$	7,770,000	88834
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	7,770,000	\$	7,770,000	88835

Section 203.81. CEB CONTROLLING BOARD 88837

General Revenue Fund					88838
GRF 911-401 Emergency	\$	5,000,000	\$	5,000,000	88839
Purposes/Contingencies					
GRF 911-404 Mandate Assistance	\$	650,000	\$	650,000	88840
GRF 911-441 Ballot Advertising	\$	300,000	\$	300,000	88841
Costs					
TOTAL GRF General Revenue Fund	\$	5,950,000	\$	5,950,000	88842
TOTAL ALL BUDGET FUND GROUPS	\$	5,950,000	\$	5,950,000	88843

FEDERAL SHARE 88844

In transferring appropriations to or from appropriation items 88845
that have federal shares identified in this act, the Controlling 88846
Board shall add or subtract corresponding amounts of federal 88847
matching funds at the percentages indicated by the state and 88848
federal division of the appropriations in this act. Such changes 88849
are hereby appropriated. 88850

DISASTER ASSISTANCE 88851

Pursuant to requests submitted by the Department of Public 88852
Safety, the Controlling Board may approve transfers from 88853
appropriation item 911-401, Emergency Purposes/Contingencies, to 88854
Department of Public Safety appropriation items to provide funding 88855
for assistance to political subdivisions and individuals made 88856
necessary by natural disasters or emergencies. Such transfers may 88857
be requested and approved prior to or following the occurrence of 88858
any specific natural disasters or emergencies in order to 88859
facilitate the provision of timely assistance. 88860

DISASTER SERVICES 88861

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the Disaster Services Fund (5E2) to a Department of Public Safety General Revenue Fund appropriation item to provide for assistance to political subdivisions made necessary by natural disasters or emergencies. These transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of the Department of Public Safety shall use the funding for disaster aid requests that meet the Emergency Management Agency's criteria for assistance.

The Disaster Services Fund (5E2) shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash and appropriation authority to any fund and appropriation item for the payment of state agency program expenses as follows:

(A) The Southern Ohio flooding, referred to as FEMA-DR-1164-OH;

(B) The flood and storm disaster referred to as FEMA-DR-1227-OH;

(C) The Southern Ohio flooding, referred to as FEMA-DR-1321-OH;

(D) The flooding referred to as FEMA-DR-1339-OH;

(E) The tornado and storms referred to as FEMA-DR-1343-OH;

(F) Other disasters declared by the Governor, if the Director of Budget and Management determines that sufficient funds exist beyond the expected program costs of these other disasters.

The unencumbered balance of the Disaster Services Fund (5E2) at the end of fiscal year 2006 is transferred to fiscal year 2007 for use for the same purposes as in fiscal year 2006.

SOUTHERN OHIO CORRECTIONAL FACILITY COST			88892
The Division of Criminal Justice Services in the Department of Public Safety and the Public Defender Commission may each request, upon approval of the Director of Budget and Management, additional funds from appropriation item 911-401, Emergency Purposes/Contingencies, for costs related to the disturbance that occurred on April 11, 1993, at the Southern Ohio Correctional Facility in Lucasville, Ohio.			88893 88894 88895 88896 88897 88898 88899
MANDATE ASSISTANCE			88900
(A) The foregoing appropriation item 911-404, Mandate Assistance, shall be used to provide financial assistance to local units of government and school districts for the cost of the following two unfunded state mandates:			88901 88902 88903 88904
(1) The cost to county prosecutors for prosecuting certain felonies that occur on the grounds of state institutions operated by the Department of Rehabilitation and Correction and the Department of Youth Services;			88905 88906 88907 88908
(2) The cost to school districts of in-service training for child abuse detection.			88909 88910
(B) The Division of Criminal Justice Services in the Department of Public Safety and the Department of Education may prepare and submit to the Controlling Board one or more requests to transfer appropriations from appropriation item 911-404, Mandate Assistance. The state agencies charged with this administrative responsibility are listed below, as well as the estimated annual amounts that may be used for each program of state financial assistance.			88911 88912 88913 88914 88915 88916 88917 88918
	ADMINISTERING	ESTIMATED ANNUAL	88919
PROGRAM	AGENCY	AMOUNT	88920
Prosecution Costs	Division of Criminal Justice Services	\$150,000	88921 88922

Child Abuse Detection	Department of	\$500,000	88923
Training Costs	Education		

(C) Subject to the total amount appropriated in each fiscal year for appropriation item 911-404, Mandate Assistance, the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education may request from the Controlling Board that amounts smaller or larger than these estimated annual amounts be transferred to each program.

(D) In addition to making the initial transfers requested by the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education, the Controlling Board may transfer appropriations received by a state agency under this section back to appropriation item 911-404, Mandate Assistance, or to the other program of state financial assistance identified under this section.

(E) It is expected that not all costs incurred by local units of government and school districts under each of the two programs of state financial assistance identified in this section will be fully reimbursed by the state. Reimbursement levels may vary by program and shall be based on: the relationship between the appropriation transfers requested by the Division of Criminal Justice Services in the Department of Public Safety and the Department of Education and provided by the Controlling Board for each of the programs; the rules and procedures established for each program by the administering state agency; and the actual costs incurred by local units of government and school districts.

(F) Each of these programs of state financial assistance 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, 88953
felonies of the first degree, and felonies of the second degree 88954
that occur on the grounds of institutions operated by the 88955
Department of Rehabilitation and Correction and the Department of 88956
Youth Services. 88957

(b) Upon a delinquency filing in juvenile court or the return 88958
of an indictment for aggravated murder, murder, or any felony of 88959
the first or second degree that was committed at a Department of 88960
Youth Services or a Department of Rehabilitation and Correction 88961
institution, the affected county may, in accordance with rules 88962
that the Division of Criminal Justice Services in the Department 88963
of Public Safety shall adopt, apply to the Division of Criminal 88964
Justice Services for a grant to cover all documented costs that 88965
are incurred by the county prosecutor's office. 88966

(c) Twice each year, the Division of Criminal Justice 88967
Services in the Department of Public Safety shall designate 88968
counties to receive grants from those counties that have submitted 88969
one or more applications in compliance with the rules that have 88970
been adopted by the Division of Criminal Justice Services for the 88971
receipt of such grants. In each year's first round of grant 88972
awards, if sufficient appropriations have been made, up to a total 88973
of \$100,000 may be awarded. In each year's second round of grant 88974
awards, the remaining appropriations available for this purpose 88975
may be awarded. 88976

(d) If for a given round of grants there are insufficient 88977
appropriations to make grant awards to all the eligible counties, 88978
the first priority shall be given to counties with cases involving 88979
aggravated murder and murder; second priority shall be given to 88980
counties with cases involving a felony of the first degree; and 88981
third priority shall be given to counties with cases involving a 88982
felony of the second degree. Within these priorities, the grant 88983
awards shall be based on the order in which the applications were 88984

received, except that applications for cases involving a felony of 88985
the first or second degree shall not be considered in more than 88986
two consecutive rounds of grant awards. 88987

(2) CHILD ABUSE DETECTION TRAINING COSTS 88988

Appropriations may be transferred to the Department of 88989
Education for disbursement to local school districts as full or 88990
partial reimbursement for the cost of providing in-service 88991
training for child abuse detection. In accordance with rules that 88992
the department shall adopt, a local school district may apply to 88993
the department for a grant to cover all documented costs that are 88994
incurred to provide in-service training for child abuse detection. 88995
The department shall make grants within the limits of the funding 88996
provided. 88997

(G) Any moneys allocated within appropriation item 911-404, 88998
Mandate Assistance, not fully utilized may, upon application of 88999
the Ohio Public Defender Commission, and with the approval of the 89000
Controlling Board, be disbursed to boards of county commissioners 89001
to provide additional reimbursement for the costs incurred by 89002
counties in providing defense to indigent defendants pursuant to 89003
Chapter 120. of the Revised Code. Application for the unutilized 89004
funds shall be made by the Ohio Public Defender Commission at the 89005
first June meeting of the Controlling Board. 89006

The amount to be disbursed to each county shall be allocated 89007
proportionately on the basis of the total amount of reimbursement 89008
paid to each county as a percentage of the amount of reimbursement 89009
paid to all of the counties during the most recent state fiscal 89010
year for which data is available and as calculated by the Ohio 89011
Public Defender Commission. 89012

BALLOT ADVERTISING COSTS 89013

Pursuant to requests submitted by the Ohio Ballot Board, the 89014
Controlling Board shall approve transfers from the foregoing 89015

appropriation item 911-441, Ballot Advertising Costs, to an Ohio 89016
 Ballot Board appropriation item in order to reimburse county 89017
 boards of elections for the cost of public notices associated with 89018
 statewide ballot initiatives. 89019

Section 203.84. COS STATE BOARD OF COSMETOLOGY 89020

General Services Fund Group 89021
 4K9 879-609 Operating Expenses \$ 2,929,630 \$ 0 89022
 TOTAL GSF General Services Fund 89023
 Group \$ 2,929,630 \$ 0 89024
 TOTAL ALL BUDGET FUND GROUPS \$ 2,929,630 \$ 0 89025

Section 203.87. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE 89027

AND FAMILY THERAPIST BOARD 89028
 General Services Fund Group 89029
 4K9 899-609 Operating Expenses \$ 1,058,445 \$ 0 89030
 TOTAL GSF General Services Fund 89031
 Group \$ 1,058,445 \$ 0 89032
 TOTAL ALL BUDGET FUND GROUPS \$ 1,058,445 \$ 0 89033

Section 203.90. CLA COURT OF CLAIMS 89035

General Revenue Fund 89036
 GRF 015-321 Operating Expenses \$ 2,598,040 \$ 2,678,331 89037
 TOTAL GRF General Revenue Fund \$ 2,598,040 \$ 2,678,331 89038
 State Special Revenue Fund Group 89039
 5K2 015-603 CLA Victims of Crime \$ 1,582,684 \$ 1,582,684 89040
 TOTAL SSR State Special Revenue 89041
 Fund Group \$ 1,582,684 \$ 1,582,684 89042
 TOTAL ALL BUDGET FUND GROUPS \$ 4,180,724 \$ 4,261,015 89043

Section 203.91. AFC OHIO CULTURAL FACILITIES COMMISSION 89045

General Revenue Fund				89046
GRF 371-321 Operating Expenses	\$	198,406	\$ 195,707	89047
GRF 371-401 Lease Rental Payments	\$	38,126,600	\$ 38,246,500	89048
TOTAL GRF General Revenue Fund	\$	38,325,006	\$ 38,442,207	89049
State Special Revenue Fund Group				89050
4T8 371-601 Riffe Theatre	\$	81,000	\$ 81,000	89051
Equipment Maintenance				
4T8 371-603 Project Administration	\$	920,448	\$ 983,295	89052
TOTAL SSR State Special Revenue	\$	1,001,448	\$ 1,064,295	89053
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	39,326,454	\$ 39,506,502	89054
LEASE RENTAL PAYMENTS				89055
The foregoing appropriation item 371-401, Lease Rental				89056
Payments, shall be used for payments to the Ohio Building				89057
Authority and the Treasurer of State for the period from July 1,				89058
2005, to June 30, 2007, under the primary leases and agreements				89059
for those arts and sports facilities made under Chapters 152. and				89060
154. of the Revised Code, but limited to the aggregate amount of				89061
\$76,373,100. This appropriation is the source of funds pledged for				89062
bond service charges on related obligations issued pursuant to				89063
Chapter 152. of the Revised Code.				89064
OPERATING EXPENSES				89065
The foregoing appropriation item 371-321, Operating Expenses,				89066
shall be used by the Ohio Cultural Facilities Commission to carry				89067
out its responsibilities under this section and Chapter 3383. of				89068
the Revised Code.				89069
By July 10, 2005, or as soon as possible thereafter, the				89070
Director of Budget and Management shall determine the amount of				89071
cash from interest earnings to be transferred from the Ohio				89072
Cultural Facilities Building Fund (Fund 030) to the AFC				89073
Administration Fund (Fund 4T8).				89074

By July 10, 2006, or as soon as possible thereafter, the 89075
Director of Budget and Management shall determine the amount of 89076
cash from interest earnings to be transferred from the Ohio 89077
Cultural Facilities Building Fund (Fund 030) to the AFC 89078
Administration Fund (Fund 4T8). 89079

As soon as possible after each bond issuance made on behalf 89080
of the Cultural Facilities Commission, the Director of Budget and 89081
Management shall determine the amount of cash from any premium 89082
paid on each issuance that is available to be transferred after 89083
all issuance costs have been paid from the Ohio Cultural and 89084
Sports Facilities Building Fund (Fund 030) to the AFC 89085
Administration Fund (Fund 4T8). 89086

Section 203.93. DEN STATE DENTAL BOARD 89087

General Services Fund Group 89088
4K9 880-609 Operating Expenses \$ 1,424,791 \$ 1,424,791 89089
TOTAL GSF General Services Fund 89090
Group \$ 1,424,791 \$ 1,424,791 89091
TOTAL ALL BUDGET FUND GROUPS \$ 1,424,791 \$ 1,424,791 89092

Section 203.96. BDP BOARD OF DEPOSIT 89094

General Services Fund Group 89095
4M2 974-601 Board of Deposit \$ 1,676,000 \$ 1,676,000 89096
TOTAL GSF General Services Fund 89097
Group \$ 1,676,000 \$ 1,676,000 89098
TOTAL ALL BUDGET FUND GROUPS \$ 1,676,000 \$ 1,676,000 89099

BOARD OF DEPOSIT EXPENSE FUND 89100

Upon receiving certification of expenses from the Treasurer 89101
of State, the Director of Budget and Management shall transfer 89102
cash from the Investment Earnings Redistribution Fund (Fund 608) 89103
to the Board of Deposit Expense Fund (Fund 4M2). The latter fund 89104

shall be used to pay for banking charges and fees required for the operation of the State of Ohio Regular Account. 89105
89106

Section 203.99. DEV DEPARTMENT OF DEVELOPMENT 89107

General Revenue Fund 89108

GRF 195-321 Operating Expenses \$ 2,738,908 \$ 2,723,908 89109

GRF 195-401 Thomas Edison Program \$ 17,554,838 \$ 17,454,838 89110

GRF 195-404 Small Business \$ 1,740,722 \$ 1,740,722 89111

Development

GRF 195-405 Minority Business \$ 1,580,291 \$ 1,580,291 89112

Development Division

GRF 195-407 Travel and Tourism \$ 6,812,845 \$ 6,712,845 89113

GRF 195-410 Defense Conversion \$ 300,000 \$ 200,000 89114

Assistance

GRF 195-412 Business Development \$ 11,750,000 \$ 11,750,000 89115

Grants

GRF 195-415 Economic Development \$ 5,794,975 \$ 5,894,975 89116

Division and Regional

Offices

GRF 195-416 Governor's Office of \$ 4,122,372 \$ 4,122,372 89117

Appalachia

GRF 195-422 Third Frontier Action \$ 16,790,000 \$ 16,790,000 89118

Fund

GRF 195-426 Clean Ohio \$ 300,000 \$ 300,000 89119

Implementation

GRF 195-432 International Trade \$ 4,223,787 \$ 4,223,787 89120

GRF 195-434 Investment in Training \$ 12,227,500 \$ 12,227,500 89121

Grants

GRF 195-436 Labor/Management \$ 811,869 \$ 811,869 89122

Cooperation

GRF 195-497 CDBG Operating Match \$ 1,040,956 \$ 1,040,956 89123

GRF 195-498 State Match Energy \$ 94,000 \$ 94,000 89124

GRF 195-501	Appalachian Local Development Districts	\$	380,080	\$	380,080	89125
GRF 195-502	Appalachian Regional Commission Dues	\$	246,803	\$	246,803	89126
GRF 195-507	Travel and Tourism Grants	\$	1,287,500	\$	1,162,500	89127
GRF 195-515	Economic Development Contingency	\$	10,000,000	\$	0	89128
GRF 195-905	Third Frontier Research & Commercialization General Obligation Debt Service	\$	0	\$	13,910,000	89129
TOTAL GRF	General Revenue Fund	\$	99,797,446	\$	103,367,446	89130
	General Services Fund Group					89131
135 195-605	Supportive Services	\$	7,450,000	\$	7,539,686	89132
5AD 195-667	Investment in Training Expansion	\$	5,000,000	\$	5,000,000	89133
5AD 195-668	Worker Guarantee Program	\$	3,000,000	\$	3,000,000	89134
5AD 195-677	Economic Development Contingency	\$	0	\$	10,000,000	89135
685 195-636	General Reimbursements	\$	1,000,000	\$	1,000,000	89136
TOTAL GSF	General Services Fund Group	\$	16,450,000	\$	26,539,686	89137 89138
	Federal Special Revenue Fund Group					89139
3AE 195-643	Workforce Development Initiatives	\$	5,800,000	\$	5,800,000	89140
3K8 195-613	Community Development Block Grant	\$	65,000,000	\$	65,000,000	89141
3K9 195-611	Home Energy Assistance Block Grant	\$	90,500,000	\$	90,500,000	89142

3K9	195-614	HEAP Weatherization	\$	16,219,478	\$	16,219,478	89143
3L0	195-612	Community Services	\$	25,235,000	\$	25,235,000	89144
		Block Grant					
3V1	195-601	HOME Program	\$	40,000,000	\$	40,000,000	89145
308	195-602	Appalachian Regional	\$	600,660	\$	600,660	89146
		Commission					
308	195-603	Housing and Urban	\$	5,000,000	\$	5,000,000	89147
		Development					
308	195-605	Federal Projects	\$	15,300,249	\$	15,300,249	89148
308	195-609	Small Business	\$	4,296,381	\$	4,296,381	89149
		Administration					
308	195-618	Energy Federal Grants	\$	3,397,659	\$	3,397,659	89150
335	195-610	Oil Overcharge	\$	3,000,000	\$	3,000,000	89151
TOTAL FED Federal Special Revenue							89152
Fund Group			\$	274,349,427	\$	274,349,427	89153
State Special Revenue Fund Group							89154
4F2	195-639	State Special Projects	\$	290,183	\$	290,183	89155
4F2	195-676	Promote Ohio	\$	5,228,210	\$	5,228,210	89156
4S0	195-630	Enterprise Zone	\$	275,000	\$	275,000	89157
		Operating					
4S1	195-634	Job Creation Tax	\$	375,800	\$	375,800	89158
		Credit Operating					
4W1	195-646	Minority Business	\$	2,580,597	\$	2,580,597	89159
		Enterprise Loan					
444	195-607	Water and Sewer	\$	523,775	\$	523,775	89160
		Commission Loans					
450	195-624	Minority Business	\$	53,967	\$	53,967	89161
		Bonding Program					
		Administration					
451	195-625	Economic Development	\$	2,358,311	\$	2,358,311	89162
		Financing Operating					
5CA	195-678	Shovel Ready Sites	\$	5,000,000	\$	5,000,000	89163
5CG	195-679	Alternative Fuel	\$	150,000	\$	150,000	89164

		Transportation					
5CV	195-680	Defense Conversion	\$	1,000,000	\$	0	89165
		Assistance					
5CY	195-682	Lung Cancer and Lung	\$	10,000,000	\$	0	89166
		Disease Research					
5M4	195-659	Universal Service	\$	210,000,000	\$	210,000,000	89167
5M5	195-660	Energy Efficiency Loan	\$	12,000,000	\$	12,000,000	89168
		and Grant					
5X1	195-651	Exempt Facility	\$	25,000	\$	25,000	89169
		Inspection					
611	195-631	Water and Sewer	\$	15,713	\$	15,713	89170
		Administration					
617	195-654	Volume Cap	\$	200,000	\$	200,000	89171
		Administration					
646	195-638	Low- and Moderate-	\$	53,000,000	\$	53,000,000	89172
		Income Housing Trust					
		Fund					
TOTAL SSR		State Special Revenue					89173
Fund Group			\$	303,076,556	\$	292,076,556	89174
Facilities Establishment		Fund Group					89175
009	195-664	Innovation Ohio	\$	50,000,000	\$	50,000,000	89176
010	195-665	Research and	\$	50,000,000	\$	50,000,000	89177
		Development					
037	195-615	Facilities	\$	63,931,149	\$	63,931,149	89178
		Establishment					
4Z6	195-647	Rural Industrial Park	\$	3,000,000	\$	3,000,000	89179
		Loan					
5D2	195-650	Urban Redevelopment	\$	5,475,000	\$	5,475,000	89180
		Loans					
5H1	195-652	Family Farm Loan	\$	1,000,000	\$	1,000,000	89181
		Guarantee					
5S8	195-627	Rural Development	\$	3,000,000	\$	3,000,000	89182
		Initiative					

5S9 195-628 Capital Access Loan	\$	3,000,000	\$	3,000,000	89183
Program					
TOTAL 037 Facilities					89184
Establishment Fund Group	\$	179,406,149	\$	179,406,149	89185
Clean Ohio Revitalization Fund					89186
003 195-663 Clean Ohio Operating	\$	350,000	\$	350,000	89187
TOTAL 003 Clean Ohio Revitalization	\$	350,000	\$	350,000	89188
Fund					
TOTAL ALL BUDGET FUND GROUPS	\$	873,429,578	\$	876,089,264	89189

Section 203.99.01. OPERATING EXPENSES 89191

Of the foregoing appropriation item 195-321, Operating 89192
 Expenses, \$50,000 in fiscal year 2006 and \$35,000 in fiscal year 89193
 2007 shall be used for Crawford County to hire an employee to act 89194
 as a local economic development coordinator for Crawford, Hancock, 89195
 Richland, and Marion Counties. 89196

Section 203.99.03. THOMAS EDISON PROGRAM 89197

The foregoing appropriation item 195-401, Thomas Edison 89198
 Program, shall be used for the purposes of sections 122.28 to 89199
 122.38 of the Revised Code in order to provide funds for 89200
 cooperative public and private efforts in technological innovation 89201
 to promote the development and transfer of technology by and to 89202
 Ohio businesses that will lead to the creation of jobs, and to 89203
 provide for the administration of the program by the Technology 89204
 Division. 89205

Of the foregoing appropriation item 195-401, Thomas Edison 89206
 Program, not more than \$2,000,000 in fiscal year 2006 and 89207
 \$2,300,000 in fiscal year 2007 shall be used for operating 89208
 expenditures in administering the programs of the Technology 89209
 Division. 89210

The Department of Development, in consultation with the Third 89211

Frontier Commission, shall develop a plan providing for 89212
appropriate, value-added participation of Edison Centers and 89213
Incubators in Third Frontier Project proposals and grants. 89214

The Department of Development shall work with Edison Centers 89215
and Incubators and the Third Frontier Network, when appropriate, 89216
to provide for Third Frontier Network connections to Edison 89217
Centers and Incubators and their tenants and, as appropriate, 89218
clients. 89219

Of the foregoing appropriation item 195-401, Thomas Edison 89220
Program, \$100,000 in fiscal year 2006 shall be used for technology 89221
recruitment, development, and construction. 89222

Section 203.99.06. SMALL BUSINESS DEVELOPMENT 89223

The foregoing appropriation item 195-404, Small Business 89224
Development, shall be used to ensure that the unique needs and 89225
concerns of small businesses are addressed. 89226

The foregoing appropriation item 195-404, Small Business 89227
Development, may be used to provide grants to local organizations 89228
to support the operation of Small Business Development Centers and 89229
other local economic development activity promoting small 89230
business, and for the cost of administering the small business 89231
development center program. The centers shall provide technical, 89232
financial, and management consultation for small business and 89233
shall facilitate access to state and federal programs. These funds 89234
shall be used as matching funds for grants from the United States 89235
Small Business Administration and other federal agencies, pursuant 89236
to Public Law No. 96-302 (1980) as amended by Public Law No. 89237
98-395 (1984), and regulations and policy guidelines for the 89238
programs under this law. 89239

In addition, the Office of Small Business may operate the 89240
1st-Stop Business Connection and implement and coordinate the 89241

duties imposed on the Department of Development by Am. Sub. S.B. 89242
239 of the 115th General Assembly. 89243

MINORITY BUSINESS DEVELOPMENT DIVISION 89244

Of the foregoing appropriation item 195-405, Minority 89245
Business Development Division, up to \$1,060,000 but not less than 89246
\$954,000 in each fiscal year shall be used to fund minority 89247
contractors and business assistance organizations. The Minority 89248
Business Development Division shall determine which cities need 89249
minority contractors and business assistance organizations by 89250
utilizing United States Census Bureau data and zip codes to locate 89251
the highest concentrations of minority businesses. The Minority 89252
Business Development Division also shall determine the numbers of 89253
minority contractors and business assistance organizations 89254
necessary and the amount of funding to be provided each. In 89255
addition, the Minority Business Development Division shall 89256
continue to plan and implement business conferences. 89257

Section 203.99.09. BUSINESS DEVELOPMENT 89258

The foregoing appropriation item 195-412, Business 89259
Development Grants, shall be used as an incentive for attracting 89260
and retaining business opportunities for the state. Any such 89261
business opportunity, whether new, expanding, or relocating in 89262
Ohio, is eligible for funding. The project must create or retain a 89263
significant number of jobs for Ohioans. Grant awards may be 89264
considered only when (1) the project's viability hinges on an 89265
award of funds from appropriation item 195-412, Business 89266
Development Grants; (2) all other public or private sources of 89267
financing have been considered; or (3) the funds act as a catalyst 89268
for the infusion into the project of other financing sources. 89269

The department's primary goal shall be to award funds to 89270
political subdivisions of the state for off-site infrastructure 89271

improvements. In order to meet the particular needs of economic 89272
development in a region, the department may elect to award funds 89273
directly to a business for on-site infrastructure improvements. 89274
"Infrastructure improvements" mean improvements to water system 89275
facilities, sewer and sewage treatment facilities, electric or gas 89276
service facilities, fiber optic facilities, rail facilities, site 89277
preparation, and parking facilities. The Director of Development 89278
may recommend the funds be used in an alternative manner when 89279
considered appropriate to meet an extraordinary economic 89280
development opportunity or need. 89281

The foregoing appropriation item 195-412, Business 89282
Development Grants, may be expended only after the submission of a 89283
request to the Controlling Board by the Department of Development 89284
outlining the planned use of the funds, and the subsequent 89285
approval of the request by the Controlling Board. 89286

The foregoing appropriation item 195-412, Business 89287
Development Grants, may be used for, but is not limited to, 89288
construction, rehabilitation, and acquisition projects for rail 89289
freight assistance as requested by the Department of 89290
Transportation. The Director of Transportation shall submit the 89291
proposed projects to the Director of Development for an evaluation 89292
of potential economic benefit. 89293

Section 203.99.12. ECONOMIC DEVELOPMENT DIVISION AND REGIONAL 89294
OFFICES 89295

The foregoing appropriation item 195-415, Economic 89296
Development Division and Regional Offices, shall be used for the 89297
operating expenses of the Economic Development Division and the 89298
regional economic development offices and for grants for 89299
cooperative economic development ventures. 89300

Section 203.99.15. GOVERNOR'S OFFICE OF APPALACHIA 89301

The foregoing appropriation item 195-416, Governor's Office 89302
of Appalachia, shall be used for the administrative costs of 89303
planning and liaison activities for the Governor's Office of 89304
Appalachia. Funds not expended for planning and liaison activities 89305
may be expended for special project grants within the Appalachian 89306
Region. 89307

Of the foregoing appropriation item 195-416, Governor's 89308
Office of Appalachia, up to \$250,000 each fiscal year shall be 89309
used to match federal funds from the Appalachian Regional 89310
Commission to provide job training to impact the Appalachian 89311
Region. 89312

Of the foregoing appropriation item 195-416, Governor's 89313
Office of Appalachia, up to \$4,122,372 in each fiscal year shall 89314
be used in conjunction with other federal and state funds to 89315
provide financial assistance to projects in Ohio's Appalachian 89316
counties in order to further the goals of the Appalachian Regional 89317
Commission. The projects and project sponsors shall meet 89318
Appalachian Regional Commission eligibility requirements. Grants 89319
shall be administered by the Department of Development. 89320

Section 203.99.18. THIRD FRONTIER ACTION FUND 89321

The foregoing appropriation item 195-422, Third Frontier 89322
Action Fund, shall be used to make grants under sections 184.01 89323
and 184.02 of the Revised Code. Prior to the release of funds from 89324
appropriation item 195-422, Third Frontier Action Fund, each grant 89325
award shall be recommended for funding by the Third Frontier 89326
Commission and obtain approval from the Controlling Board. 89327

Of the foregoing appropriation item 195-422, Third Frontier 89328
Action Fund, not more than six per cent in each fiscal year shall 89329
be used for operating expenditures in administering the program. 89330

In addition to the six per cent for operating expenditures, 89331

an additional administrative amount, not to exceed \$1,500,000 89332
within the biennium, shall be available for proposal evaluation, 89333
research and analyses, and marketing efforts considered necessary 89334
to receive and disseminate information about science and 89335
technology-related opportunities in the state. 89336

SCIENCE AND TECHNOLOGY COLLABORATION 89337

The Department of Development shall work in close 89338
collaboration with the Board of Regents, the Air Quality 89339
Development Authority, and the Third Frontier Commission in 89340
relation to appropriation items and programs referred to as 89341
Alignment Programs in the following paragraph, and other 89342
technology-related appropriations and programs in the Department 89343
of Development, Air Quality Development Authority, and the Board 89344
of Regents as these agencies may designate, to ensure 89345
implementation of a coherent state strategy with respect to 89346
science and technology. 89347

"Alignment Programs" means appropriation items 195-401, 89348
Thomas Edison Program; 898-402, Coal Development Office; 195-422, 89349
Third Frontier Action Fund; 898-604, Coal Research and Development 89350
Fund; 235-433, Economic Growth Challenge; 235-508, Air Force 89351
Institute of Technology; 235-510, Ohio Supercomputer Center; 89352
235-451, Eminent Scholars; 235-527, Ohio Aerospace Institute; 89353
235-535, Ohio Agricultural Research and Development Center; 89354
235-553, Dayton Area Graduate Studies Institute; 235-554, 89355
Priorities in Collaborative Graduate Education; 235-556, Ohio 89356
Academic Resources Network; and 195-435, Biomedical Research and 89357
Technology Transfer Trust. 89358

Consistent with the recommendations of the Governor's 89359
Commission on Higher Education and the Economy, Alignment Programs 89360
shall be managed and administered in accordance with the following 89361
objectives: (1) to build on existing competitive research 89362

strengths; (2) to encourage new and emerging discoveries and commercialization of products and ideas that will benefit the Ohio economy; (3) and to assure improved collaboration among Alignment Programs with programs administered by the Third Frontier Commission and with other state programs that are intended to improve economic growth and job creation. As directed by the Third Frontier Commission, Alignment Program managers shall report to the Commission or the Third Frontier Advisory Board regarding the contributions of their programs to achieving these objectives.

Each Alignment Program shall be reviewed annually by the Third Frontier Commission with respect to its development of complementary relationships within a combined state science and technology investment portfolio, and with respect to its overall contribution to the state's science and technology strategy, including the adoption of appropriately consistent criteria for: (1) the scientific merit of activities supported by the program; (2) the relevance of the program's activities to commercial opportunities in the private sector; (3) the private sector's involvement in a process that continually evaluates commercial opportunities to use the work supported by the program; and (4) the ability of the program and recipients of grant funding from the program to engage in activities that are collaborative, complementary, and efficient with respect to the expenditures of state funds. Each Alignment Program shall provide an annual report to the Third Frontier Commission that discusses existing, planned, or possible collaborations between programs and between recipients of grant funding related to technology, development, commercialization, and the support of Ohio's economic development. The annual review conducted by the Third Frontier Commission shall be a comprehensive review of the entire state science and technology program portfolio rather than a review of individual programs.

Applicants for Third Frontier and Alignment Programs funding 89395
shall identify their requirements for high-performance computing 89396
facilities and services, including both hardware and software, in 89397
all proposals. If an applicant's requirements exceed approximately 89398
\$100,000 for a proposal, the Ohio Supercomputer Center shall 89399
convene a panel of experts. The panel shall review the proposal to 89400
determine whether the proposal's requirements can be met through 89401
Ohio Supercomputer Center facilities or through other means and 89402
report such information to the Third Frontier Commission. 89403

To ensure that the state receives the maximum benefit from 89404
its investment in the Third Frontier Project and the Third 89405
Frontier Network, organizations receiving Third Frontier awards 89406
and Alignment Programs awards shall, as appropriate, be expected 89407
to have a connection to the Third Frontier Network that enables 89408
them and their collaborators to achieve award objectives through 89409
the Third Frontier Network. 89410

Section 203.99.21. INTERNATIONAL TRADE 89411

The foregoing appropriation item 195-432, International 89412
Trade, shall be used to operate and to maintain Ohio's 89413
out-of-state trade offices. 89414

The Director of Development may enter into contracts with 89415
foreign nationals to staff foreign offices. The contracts may be 89416
paid in local currency or United States currency and shall be 89417
exempt from section 127.16 of the Revised Code. The director also 89418
may establish foreign currency accounts under section 122.05 of 89419
the Revised Code for the payment of expenses related to the 89420
operation and maintenance of the foreign trade offices. 89421

The foregoing appropriation item 195-432, International 89422
Trade, shall be used to fund the International Trade Division and 89423
to assist Ohio manufacturers and agricultural producers in 89424

exporting to foreign countries in conjunction with the Department of Agriculture.	89425 89426
Of the foregoing appropriation item 195-432, International Trade, up to \$35,000 may be used to purchase gifts for representatives of foreign governments or dignitaries of foreign countries.	89427 89428 89429 89430
Section 203.99.24. OHIO INVESTMENT IN TRAINING PROGRAM	89431
The foregoing appropriation items 195-434, Investment in Training Grants, and 195-667, Investment in Training Expansion, shall be used to promote training through grants for the reimbursement of eligible training expenses.	89432 89433 89434 89435
Section 203.99.27. CDBG OPERATING MATCH	89436
The foregoing appropriation item 195-497, CDBG Operating Match, shall be used to provide matching funds as requested by the United States Department of Housing and Urban Development to administer the federally funded Community Development Block Grant (CDBG) program.	89437 89438 89439 89440 89441
STATE OPERATING MATCH	89442
The foregoing appropriation item 195-498, State Match Energy, shall be used to provide matching funds as required by the United States Department of Energy to administer the federally funded State Energy Plan.	89443 89444 89445 89446
Section 203.99.30. TRAVEL AND TOURISM GRANTS	89447
The foregoing appropriation item 195-507, Travel and Tourism Grants, shall be used to provide grants to local organizations to support various local travel and tourism events in Ohio.	89448 89449 89450
Of the foregoing appropriation item 195-507, Travel and Tourism Grants, \$25,000 in each fiscal year shall be used for the	89451 89452

Lorain County Visitors Bureau.	89453
Of the foregoing appropriation item 195-507, Travel and	89454
Tourism Grants, \$25,000 in each fiscal year shall be used for the	89455
Sandusky/Erie County Visitors and Convention Bureau.	89456
Of the foregoing appropriation item 195-507, Travel and	89457
Tourism Grants, \$25,000 in each fiscal year shall be used for the	89458
Ottawa County Convention and Visitors Bureau.	89459
Of the foregoing appropriation item 195-507, Travel and	89460
Tourism Grants, \$50,000 in each fiscal year shall be used for the	89461
Greene County Convention and Visitors Bureau.	89462
Of the foregoing appropriation item 195-507, Travel and	89463
Tourism Grants, \$45,000 in each fiscal year shall be used for the	89464
Warren County Convention and Visitors Bureau.	89465
Of the foregoing appropriation item 195-507, Travel and	89466
Tourism Grants, \$25,000 in each fiscal year shall be used for	89467
grants to the Wood County Economic Development Commission.	89468
Of the foregoing appropriation item 195-507, Travel and	89469
Tourism Grants, \$50,000 in each fiscal year shall be used for the	89470
Wright Dunbar Historical Site.	89471
Of the foregoing appropriation item 195-507, Travel and	89472
Tourism Grants, up to \$120,000 in each fiscal year may be used to	89473
support the outdoor dramas "Trumpet in the Land," "Blue Jacket,"	89474
and "Tecumseh!".	89475
Of the foregoing appropriation item 195-507, Travel and	89476
Tourism Grants, \$40,000 in each fiscal year shall be used for the	89477
Cincinnati Film Commission and \$40,000 in each fiscal year shall	89478
be used for the Cleveland Film Commission.	89479
Of the foregoing appropriation item 195-507, Travel and	89480
Tourism Grants, \$100,000 in each fiscal year shall be used for the	89481
Cleveland Institute of Art.	89482

Of the foregoing appropriation item 195-507, Travel and 89483
Tourism Grants, up to \$500,000 in each fiscal year shall be used 89484
for grants to The International Center for the Preservation of 89485
Wild Animals. 89486

Of the foregoing appropriation item 195-507, Travel and 89487
Tourism Grants, \$50,000 in each fiscal year shall be used for the 89488
Lake Shore Railway Association, Inc. 89489

Of the foregoing appropriation item 195-507, Travel and 89490
Tourism Grants, \$50,000 in each fiscal year shall be used for the 89491
Ohio River Trails program. 89492

Of the foregoing appropriation item 195-507, Travel and 89493
Tourism Grants, \$12,500 in each fiscal year shall be used for the 89494
Morgan County Community Improvement Corporation. 89495

Of the foregoing appropriation item 195-507, Travel and 89496
Tourism Grants, \$25,000 in fiscal year 2006 shall be used for the 89497
Ohio Buckeye Junior Hereford Association. 89498

Of the foregoing appropriation item 195-507, Travel and 89499
Tourism Grants, \$100,000 in fiscal year 2006 shall be used for 89500
grants to the NCR U.S. Senior Open. 89501

Of the foregoing appropriation item 195-507, Travel and 89502
Tourism Grants, \$5,000 in each fiscal year shall be used for the 89503
Canton Football Hall of Fame. 89504

Section 203.99.33. THIRD FRONTIER RESEARCH & 89505
COMMERCIALIZATION GENERAL OBLIGATION DEBT SERVICE 89506

The foregoing appropriation item 195-905, Third Frontier 89507
Research & Commercialization General Obligation Debt Service, 89508
shall be used to pay all debt service and related financing costs 89509
during the period from July 1, 2005, to June 30, 2007, on 89510
obligations to be issued for research and development purposes, as 89511
authorized by the Ohio Constitution and implementing statutes. The 89512

Office of the Sinking Fund or the Director of Budget and 89513
Management shall effectuate the required payments by intrastate 89514
transfer voucher. 89515

Section 203.99.36. SUPPORTIVE SERVICES 89516

The Director of Development may assess divisions of the 89517
department for the cost of central service operations. An 89518
assessment shall be based on a plan submitted to and approved by 89519
the Office of Budget and Management by August 1, 2005, and shall 89520
contain the characteristics of administrative ease and uniform 89521
application. 89522

A division's payments shall be credited to the Supportive 89523
Services Fund (Fund 135) using an intrastate transfer voucher. 89524

GENERAL REIMBURSEMENT 89525

The foregoing appropriation item 195-636, General 89526
Reimbursements, shall be used for conference and subscription fees 89527
and other reimbursable costs. Revenues to the General 89528
Reimbursement Fund (Fund 685) shall consist of fees and other 89529
moneys charged for conferences, subscriptions, and other 89530
administrative costs that are not central service costs. 89531

WORKER GUARANTEE PROGRAM 89532

The foregoing appropriation item 195-668, Worker Guarantee 89533
Program, shall be used for the Worker Guarantee Program. 89534

Benefited employers must create at least 100 high-paying, 89535
full-time jobs over a three-year period and must demonstrate prior 89536
to the commitment of state funds that the availability of those 89537
skilled workers is a major factor in the employer's decision to 89538
locate or expand in Ohio. Activities eligible for funding through 89539
the Worker Guarantee Program include job assessment services, 89540
screening and testing of potential employees, customized training 89541
activities, and any other training or related service determined 89542

by the Director. 89543

A local workforce development service provider may include, 89544
but is not limited to, a community college, technical or 89545
vocational school, one-stop center, or any other entity designated 89546
by the Director of Development to provide services under the 89547
program. 89548

State matching funds totaling one-third of a project's cost 89549
shall be provided for each approved project when an employer and 89550
any local workforce development service provider, in conjunction 89551
with the local community, contracts with the Department of 89552
Development to provide services under the program. The employer 89553
and the local community each shall provide matching funds totaling 89554
one-third of a project's cost, and each portion of the matching 89555
funds shall be equal to state funding, which also shall be 89556
one-third of a project's cost. 89557

The state shall count in-kind contributions when determining 89558
a contribution from entities associated with the local community. 89559

The Director of Development, under Chapter 119. of the 89560
Revised Code, shall adopt, and may amend or rescind, rules the 89561
Director finds necessary for the implementation and successful 89562
operation of the Worker Guarantee Program. 89563

Section 203.99.37. TRAINING SERVICES 89564

Of the foregoing appropriation item 195-605, Federal 89565
Projects, \$400,000 in each fiscal year shall be used for grants to 89566
the Ohio Weatherization Training Center, administered by the 89567
Corporation for Ohio Appalachian Development, for training and 89568
technical assistance services. 89569

Section 203.99.39. HEAP WEATHERIZATION 89570

Fifteen per cent of the federal funds received by the state 89571

for the Home Energy Assistance Block Grant shall be deposited in 89572
appropriation item 195-614, HEAP Weatherization (Fund 3K9), and 89573
shall be used to provide home weatherization services in the 89574
state. 89575

Of the foregoing appropriation item 195-614, HEAP 89576
Weatherization, \$200,000 in each fiscal year shall be used for 89577
grants to the Ohio Weatherization Training Center, administered by 89578
the Corporation for Ohio Appalachian Development, for training and 89579
technical assistance services. 89580

STATE SPECIAL PROJECTS 89581

The foregoing fund, Fund 4F2, State Special Projects, shall 89582
be used for the deposit of private-sector funds from utility 89583
companies and for the deposit of other miscellaneous state funds. 89584
Private-sector moneys shall be used to (1) pay the expenses of 89585
verifying the income-eligibility of HEAP applicants, (2) market 89586
economic development opportunities in the state, and (3) leverage 89587
additional federal funds. State funds shall be used to match 89588
federal housing grants for the homeless and to market economic 89589
development opportunities in the state. 89590

Section 203.99.42. MINORITY BUSINESS ENTERPRISE LOAN 89591

All repayments from the Minority Development Financing 89592
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee 89593
Program shall be deposited in the State Treasury to the credit of 89594
the Minority Business Enterprise Loan Fund (Fund 4W1). 89595

All operating costs of administering the Minority Business 89596
Enterprise Loan Fund shall be paid from the Minority Business 89597
Enterprise Loan Fund (Fund 4WI). 89598

MINORITY BUSINESS BONDING FUND 89599

Notwithstanding Chapters 122., 169., and 175. of the Revised 89600
Code and other provisions of Am. Sub. H.B. 283 of the 123rd 89601

General Assembly, the Director of Development may, upon the
recommendation of the Minority Development Financing Advisory
Board, pledge up to \$10,000,000 in the FY 2006-2007 biennium of
unclaimed funds administered by the Director of Commerce and
allocated to the Minority Business Bonding Program under section
169.05 of the Revised Code. The transfer of any cash by the
Director of Budget and Management from the Department of
Commerce's Unclaimed Funds Fund (Fund 543) to the Department of
Development's Minority Business Bonding Fund (Fund 449) shall
occur, if requested by the Director of Development, only if such
funds are needed for payment of losses arising from the Minority
Business Bonding Program, and only after proceeds of the initial
transfer of \$2,700,000 by the Controlling Board to the Minority
Business Bonding Program has been used for that purpose. Moneys
transferred by the Director of Budget and Management from the
Department of Commerce for this purpose may be moneys in custodial
funds held by the Treasurer of State. If expenditures are required
for payment of losses arising from the Minority Business Bonding
Program, such expenditures shall be made from appropriation item
195-623, Minority Business Bonding Contingency in the Minority
Business Bonding Fund, and such amounts are appropriated.

Section 203.99.45. ECONOMIC DEVELOPMENT FINANCING OPERATING 89623

The foregoing appropriation item 195-625, Economic
Development Financing Operating, shall be used for the operating
expenses of financial assistance programs authorized under Chapter
166. of the Revised Code and under sections 122.43 and 122.45 of
the Revised Code.

VOLUME CAP ADMINISTRATION 89629

The foregoing appropriation item 195-654, Volume Cap
Administration, shall be used for expenses related to the
administration of the Volume Cap Program. Revenues received by the

Volume Cap Administration Fund (Fund 617) shall consist of	89633
application fees, forfeited deposits, and interest earned from the	89634
custodial account held by the Treasurer of State.	89635
 UNIVERSAL SERVICE FUND	 89636
The foregoing appropriation item 195-659, Universal Service,	89637
shall be used to provide payments to regulated electric utility	89638
companies for low-income customers enrolled in Percentage of	89639
Income Payment Plan (PIPP) electric accounts, to fund targeted	89640
energy efficiency and customer education services to PIPP	89641
customers, and to cover the department's administrative costs	89642
related to Universal Service Fund Programs.	89643
 SHOVEL READY SITES	 89644
The foregoing appropriation item 195-678, Shovel Ready Sites,	89645
shall be used to administer the Shovel Ready Sites Program under	89646
section 122.083 of the Revised Code.	89647
 ALTERNATIVE FUEL TRANSPORTATION	 89648
The foregoing appropriation item 195-679, Alternative Fuel	89649
Transportation, shall be used by the Director of Development to	89650
make grants under the Alternative Fuel Transportation Grant Fund	89651
Program in accordance with section 122.075 of the Revised Code,	89652
and for administrative costs associated with the program.	89653
 TRANSFER OF UNCLAIMED FUNDS TO THE DEFENSE CONVERSION	 89654
ASSISTANCE FUND FOR BASE REALIGNMENT AND CLOSURE GRANTS	89655
(A) There is hereby created in the State Treasury the Defense	89656
Conversion Assistance Fund (Fund 5CV). The fund shall consist of	89657
all cash deposited to it pursuant to division (C) of this section.	89658
(B) The foregoing appropriation item 195-680, Defense	89659
Conversion Assistance, shall be used by the Director of	89660
Development to provide grants to local communities for costs	89661
associated with the preparation and redevelopment of military	89662

installations in Ohio that are slated for realignment or closure 89663
under the United States Department of Defense Base Realignment and 89664
Closure Program. 89665

(C) Notwithstanding division (A) of section 169.05 of the 89666
Revised Code, upon the request of the Director of Budget and 89667
Management, the Director of Commerce, prior to June 30, 2006, 89668
shall transfer to the Defense Conversion Assistance Fund (Fund 89669
5CV) \$1,000,000 of the unclaimed funds that have been reported by 89670
the holders of unclaimed funds under section 169.05 of the Revised 89671
Code regardless of the allocation of the unclaimed funds described 89672
in that section. 89673

(D) On or before June 30, 2006, the unencumbered balance of 89674
the foregoing appropriation item 195-680, Defense Conversion 89675
Assistance, for fiscal year 2006 is hereby appropriated for the 89676
same purpose for fiscal year 2007. 89677

LUNG CANCER AND LUNG DISEASE RESEARCH 89678

The foregoing appropriation item 195-682, Lung Cancer and 89679
Lung Disease Research, shall be used by the Director of 89680
Development to promote lung cancer and lung disease research. 89681

ENERGY EFFICIENCY REVOLVING LOAN FUND 89682

The foregoing appropriation item 195-660, Energy Efficiency 89683
Loan and Grant, shall be used to provide financial assistance to 89684
customers for eligible energy efficiency projects for residential, 89685
commercial and industrial business, local government, educational 89686
institution, nonprofit, and agriculture customers, and to pay for 89687
the program's administrative costs as provided in the Revised Code 89688
and rules adopted by the Director of Development. 89689

TRANSFER FROM THE ENERGY EFFICIENCY REVOLVING LOAN FUND TO 89690
THE INDUSTRIAL SITE IMPROVEMENTS FUND 89691

Notwithstanding Chapters 122. and 4928. of the Revised Code 89692

and any other law to the contrary, the Director of Budget and Management shall transfer \$2,500,000 in cash in fiscal year 2006 and \$2,500,000 in cash in fiscal year 2007 from the Energy Efficiency Revolving Loan Fund (Fund 5M5) to the Industrial Site Improvements Fund (Fund 5AR).

Moneys in Fund 5AR, Industrial Site Improvements, shall be used by the Director of Development to make grants to eligible counties for the improvement of commercial or industrial areas within those counties under section 122.951 of the Revised Code.

TRANSFER FROM THE ENERGY EFFICIENCY REVOLVING LOAN FUND TO THE RAIL TRANSLOAD FACILITIES FUND

Notwithstanding Chapters 122. and 4928. of the Revised Code and any other law to the contrary, the Director of Budget and Management shall transfer \$500,000 in cash in fiscal year 2006 from the Energy Efficiency Revolving Loan Fund (Fund 5M5) in the Department of Development to the Rail Transload Facilities Fund (Fund 5CF) in the Department of Transportation.

TRANSFER FROM THE ENERGY EFFICIENCY REVOLVING LOAN FUND TO THE ALTERNATIVE FUEL TRANSPORTATION GRANT FUND

Notwithstanding Chapter 4928. of the Revised Code and any other law to the contrary, the Director of Budget and Management shall transfer \$150,000 in cash in fiscal year 2006 and \$150,000 in cash in fiscal year 2007 from the Energy Efficiency Revolving Loan Fund (Fund 5M5) to the Alternative Fuel Transportation Grant Fund (Fund 5CG).

GLOBAL ANALYST SETTLEMENT AGREEMENTS PAYMENTS

All payments received by the state pursuant to a series of settlements with ten brokerage firms reached with the United States Securities and Exchange Commission, the National Association of Securities Dealers, the New York Stock Exchange,

the New York Attorney General, and other state regulators 89723
(henceforth referred to as the "Global Analysts Settlement 89724
Agreements"), shall be deposited into the state treasury to the 89725
credit of the Economic Development Contingency Fund (Fund 5Y6), 89726
which is hereby created in the state treasury. The fund shall be 89727
used by the Director of Development to support economic 89728
development projects for which appropriations would not otherwise 89729
be available, and shall be subject to the submission of a request 89730
to the Controlling Board by the Director outlining the planned use 89731
of the funds, and the subsequent approval of the request by the 89732
Controlling Board. 89733

Section 203.99.46. TRANSFER FROM THE LOW- AND MODERATE-INCOME 89734
HOUSING TRUST FUND TO THE RESIDENTIAL STATE SUPPLEMENT FUND 89735

Notwithstanding Chapter 175. of the Revised Code and any 89736
other law to the contrary, the Director of Budget and Management 89737
shall transfer \$1,500,000 in cash in fiscal year 2006 and 89738
\$1,500,000 in cash in fiscal year 2007 from the Low- and 89739
Moderate-Income Housing Trust Fund (Fund 646) in the Department of 89740
Development to the Residential State Supplement Fund (Fund 5CH) in 89741
the Department of Mental Health. 89742

Section 203.99.48. FACILITIES ESTABLISHMENT FUND 89743

The foregoing appropriation item 195-615, Facilities 89744
Establishment (Fund 037), shall be used for the purposes of the 89745
Facilities Establishment Fund under Chapter 166. of the Revised 89746
Code. 89747

Notwithstanding Chapter 166. of the Revised Code, up to 89748
\$1,800,000 in cash each fiscal year may be transferred from the 89749
Facilities Establishment Fund (Fund 037) to the Economic 89750
Development Financing Operating Fund (Fund 451). The transfer is 89751
subject to Controlling Board approval under division (B) of 89752

section 166.03 of the Revised Code. 89753

Notwithstanding Chapter 166. of the Revised Code, up to 89754
\$5,000,000 in cash each fiscal year may be transferred from the 89755
Facilities Establishment Fund (Fund 037) to the Shovel Ready Sites 89756
Fund (Fund 5CA). The transfer is subject to Controlling Board 89757
approval under division (B) of section 166.03 of the Revised Code. 89758

Notwithstanding Chapter 166. of the Revised Code, up to 89759
\$10,950,000 in cash may be transferred during the biennium from 89760
the Facilities Establishment Fund (Fund 037) to the Urban 89761
Redevelopment Loans Fund (Fund 5D2) for the purpose of removing 89762
barriers to urban core redevelopment. The Director of Development 89763
shall develop program guidelines for the transfer and release of 89764
funds, including, but not limited to, the completion of all 89765
appropriate environmental assessments before state assistance is 89766
committed to a project. 89767

Notwithstanding Chapter 166. of the Revised Code, up to 89768
\$3,000,000 each fiscal year in cash may be transferred from the 89769
Facilities Establishment Fund (Fund 037) to the Rural Industrial 89770
Park Loan Fund (Fund 4Z6). The transfer is subject to Controlling 89771
Board approval under section 166.03 of the Revised Code. 89772

FAMILY FARM LOAN PROGRAM 89773

Notwithstanding Chapter 166. of the Revised Code, up to 89774
\$1,000,000 in each fiscal year shall be transferred from moneys in 89775
the Facilities Establishment Fund (Fund 037) to the Family Farm 89776
Loan Guarantee Fund (Fund 5H1) in the Department of Development. 89777
The moneys shall be used for loan guarantees. The transfer is 89778
subject to Controlling Board approval. 89779

Financial assistance from the Family Farm Loan Guarantee Fund 89780
(Fund 5H1) shall be repaid to Fund 5H1. This fund is established 89781
under sections 166.031, 901.80, 901.81, 901.82, and 901.83 of the 89782
Revised Code. 89783

When the Family Farm Loan Guarantee Fund (Fund 5H1) ceases to 89784
exist, all outstanding balances, all loan repayments, and any 89785
other outstanding obligations shall revert to the Facilities 89786
Establishment Fund (Fund 037). 89787

RURAL DEVELOPMENT INITIATIVE FUND 89788

(A)(1) The Rural Development Initiative Fund (Fund 5S8) is 89789
entitled to receive moneys from the Facilities Establishment Fund 89790
(Fund 037). The Director of Development may make grants from the 89791
Rural Development Initiative Fund as specified in division (A)(2) 89792
of this section to eligible applicants in Appalachian counties and 89793
in rural counties in the state that are designated as distressed 89794
under section 122.25 of the Revised Code. Preference shall be 89795
given to eligible applicants located in Appalachian counties 89796
designated as distressed by the federal Appalachian Regional 89797
Commission. The Rural Development Initiative Fund (Fund 5S8) shall 89798
cease to exist after June 30, 2007. All moneys remaining in the 89799
Fund after that date shall revert to the Facilities Establishment 89800
Fund (Fund 037). 89801

(2) The Director of Development shall make grants from the 89802
Rural Development Initiative Fund (Fund 5S8) only to eligible 89803
applicants who also qualify for and receive funding under the 89804
Rural Industrial Park Loan Program as specified in sections 122.23 89805
to 122.27 of the Revised Code. Eligible applicants shall use the 89806
grants for the purposes specified in section 122.24 of the Revised 89807
Code. All projects supported by grants from the fund are subject 89808
to Chapter 4115. of the Revised Code as specified in division (E) 89809
of section 166.02 of the Revised Code. The Director shall develop 89810
program guidelines for the transfer and release of funds. The 89811
release of grant moneys to an eligible applicant is subject to 89812
Controlling Board approval. 89813

(B) Notwithstanding Chapter 166. of the Revised Code, the 89814

Director of Budget and Management may transfer up to \$3,000,000 89815
each fiscal year in cash on an as needed basis at the request of 89816
the Director of Development from the Facilities Establishment Fund 89817
(Fund 037) to the Rural Development Initiative Fund (Fund 5S8). 89818
The transfer is subject to Controlling Board approval under 89819
section 166.03 of the Revised Code. 89820

CAPITAL ACCESS LOAN PROGRAM 89821

The foregoing appropriation item 195-628, Capital Access Loan 89822
Program, shall be used for operating, program, and administrative 89823
expenses of the program. Funds of the Capital Access Loan Program 89824
shall be used to assist participating financial institutions in 89825
making program loans to eligible businesses that face barriers in 89826
accessing working capital and obtaining fixed asset financing. 89827

Notwithstanding Chapter 166. of the Revised Code, the 89828
Director of Budget and Management may transfer up to \$3,000,000 89829
each fiscal year in cash on an as needed basis at the request of 89830
the Director of Development from the Facilities Establishment Fund 89831
(Fund 037) to the Capital Access Loan Program Fund (Fund 5S9). The 89832
transfer is subject to Controlling Board approval under section 89833
166.03 of the Revised Code. 89834

INNOVATION OHIO LOAN FUND 89835

The foregoing appropriation item 195-664, Innovation Ohio, 89836
shall be used to provide for innovation Ohio purposes, including 89837
loan guarantees and loans under Chapter 166. and particularly 89838
sections 166.12 to 166.16 of the Revised Code. 89839

RESEARCH AND DEVELOPMENT 89840

The foregoing appropriation item 195-665, Research and 89841
Development, shall be used to provide for research and development 89842
purposes, including loans, under Chapter 166. and particularly 89843
sections 166.17 to 166.21 of the Revised Code. 89844

Section 203.99.51. CLEAN OHIO OPERATING EXPENSES 89845

The foregoing appropriation item 195-663, Clean Ohio 89846
Operating, shall be used by the Department of Development in 89847
administering sections 122.65 to 122.658 of the Revised Code. 89848

Section 203.99.54. UNCLAIMED FUNDS TRANSFER 89849

(A) Notwithstanding division (A) of section 169.05 of the 89850
Revised Code, upon the request of the Director of Budget and 89851
Management, the Director of Commerce, prior to June 30, 2006, 89852
shall transfer to the Job Development Initiatives Fund (Fund 5AD) 89853
up to \$8,000,000 of the unclaimed funds that have been reported by 89854
the holders of unclaimed funds under section 169.05 of the Revised 89855
Code, regardless of the allocation of the unclaimed funds 89856
described under that section. 89857

Notwithstanding division (A) of section 169.05 of the Revised 89858
Code, upon the request of the Director of Budget and Management, 89859
the Director of Commerce, prior to June 30, 2007, shall transfer 89860
to the Job Development Initiatives Fund (Fund 5AD) up to 89861
\$18,000,000 of the unclaimed funds that have been reported by the 89862
holders of unclaimed funds under section 169.05 of the Revised 89863
Code, regardless of the allocation of the unclaimed funds 89864
described under that section. 89865

(B) Notwithstanding division (A) of section 169.05 of the 89866
Revised Code, upon the request of the Director of Budget and 89867
Management, the Director of Commerce, prior to June 30, 2006, 89868
shall transfer to the State Special Projects Fund (Fund 4F2) up to 89869
\$5,228,210 of the unclaimed funds that have been reported by the 89870
holders of unclaimed funds under section 169.05 of the Revised 89871
Code, regardless of the allocation of the unclaimed funds 89872
described under that section. 89873

Notwithstanding division (A) of section 169.05 of the Revised 89874

Code, upon the request of the Director of Budget and Management, 89875
the Director of Commerce, prior to June 30, 2007, shall transfer 89876
to the State Special Projects Fund (Fund 4F2) up to \$5,228,210 of 89877
the unclaimed funds that have been reported by the holders of 89878
unclaimed funds under section 169.05 of the Revised Code, 89879
regardless of the allocation of the unclaimed funds described 89880
under that section. 89881

Section 206.03. OBD OHIO BOARD OF DIETETICS 89882

General Services Fund Group 89883
4K9 860-609 Operating Expenses \$ 332,495 \$ 0 89884
TOTAL GSF General Services Fund 89885
Group \$ 332,495 \$ 0 89886
TOTAL ALL BUDGET FUND GROUPS \$ 332,495 \$ 0 89887

Section 206.06. CDR COMMISSION ON DISPUTE RESOLUTION AND 89889
CONFLICT MANAGEMENT 89890

General Revenue Fund 89891
GRF 145-401 Commission on Dispute \$ 470,000 \$ 470,000 89892
Resolution/Management
TOTAL GRF General Revenue Fund \$ 470,000 \$ 470,000 89893
General Services Fund Group 89894
4B6 145-601 Gifts and Grants \$ 140,000 \$ 140,000 89895
TOTAL GSF General Services Fund \$ 140,000 \$ 140,000 89896
Group
Federal Special Revenue Fund Group 89897
3S6 145-602 Dispute Resolution: \$ 140,000 \$ 140,000 89898
Federal
TOTAL FED Federal Special Revenue \$ 140,000 \$ 140,000 89899
Fund Group
TOTAL ALL BUDGET FUND GROUPS \$ 750,000 \$ 750,000 89900

Section 206.09.				EDU DEPARTMENT OF EDUCATION		89902
General Revenue Fund						89903
GRF 200-100	Personal Services	\$	9,880,406	\$	10,880,655	89904
GRF 200-320	Maintenance and Equipment	\$	4,344,235	\$	4,344,235	89905
GRF 200-408	Early Childhood Education	\$	19,002,195	\$	19,002,195	89906
GRF 200-410	Educator Training	\$	19,302,057	\$	19,802,057	89907
GRF 200-416	Career-Technical Education Match	\$	2,233,195	\$	2,233,195	89908
GRF 200-420	Computer/Application/ Network Development	\$	5,361,525	\$	5,361,525	89909
GRF 200-421	Alternative Education Programs	\$	13,907,665	\$	13,732,665	89910
GRF 200-422	School Management Assistance	\$	2,683,208	\$	2,710,572	89911
GRF 200-424	Policy Analysis	\$	556,687	\$	556,687	89912
GRF 200-425	Tech Prep Consortia Support	\$	2,069,217	\$	2,069,217	89913
GRF 200-426	Ohio Educational Computer Network	\$	30,446,197	\$	30,446,197	89914
GRF 200-427	Academic Standards	\$	11,607,753	\$	11,679,181	89915
GRF 200-431	School Improvement Initiatives	\$	21,813,649	\$	23,842,828	89916
GRF 200-433	Reading/Writing Improvement-Professional Development	\$	16,165,000	\$	16,165,000	89917
GRF 200-437	Student Assessment	\$	54,445,234	\$	60,011,935	89918
GRF 200-439	Accountability/Report Cards	\$	3,878,850	\$	7,457,290	89919
GRF 200-442	Child Care Licensing	\$	1,302,495	\$	1,302,495	89920
GRF 200-445	OhioReads Volunteer	\$	3,905,000	\$	3,905,000	89921

		Support				
GRF	200-446	Education Management	\$	15,674,805	\$	15,674,805 89922
		Information System				
GRF	200-447	GED Testing	\$	1,544,360	\$	1,544,360 89923
GRF	200-448	Educator Preparation	\$	1,651,000	\$	1,651,000 89924
GRF	200-455	Community Schools	\$	2,942,094	\$	2,942,094 89925
GRF	200-502	Pupil Transportation	\$	412,330,728	\$	420,577,343 89926
GRF	200-503	Bus Purchase Allowance	\$	8,600,000	\$	14,000,000 89927
GRF	200-505	School Lunch Match	\$	8,998,025	\$	8,998,025 89928
GRF	200-509	Adult Literacy	\$	8,669,738	\$	8,669,738 89929
		Education				
GRF	200-511	Auxiliary Services	\$	127,903,356	\$	127,903,356 89930
GRF	200-514	Postsecondary Adult	\$	19,481,875	\$	19,481,875 89931
		Career-Technical				
		Education				
GRF	200-521	Gifted Pupil Program	\$	46,910,068	\$	47,157,293 89932
GRF	200-532	Nonpublic	\$	56,762,916	\$	58,068,463 89933
		Administrative Cost				
		Reimbursement				
GRF	200-540	Special Education	\$	134,169,606	\$	135,430,125 89934
		Enhancements				
GRF	200-545	Career-Technical	\$	10,169,442	\$	9,225,569 89935
		Education Enhancements				
GRF	200-550	Foundation Funding	\$	5,579,031,663	\$	5,709,057,366 89936
GRF	200-558	Emergency Loan	\$	1,388,164	\$	651,404 89937
		Interest Subsidy				
GRF	200-566	Reading/Writing	\$	12,062,336	\$	12,062,336 89938
		Improvement-Classroom				
		Grants				
GRF	200-578	Safe and Supportive	\$	1,218,555	\$	1,218,555 89939
		Schools				
GRF	200-901	Property Tax	\$	764,626,987	\$	728,793,318 89940
		Allocation - Education				

GRF 200-906	Tangible Tax Exemption	\$ 42,830,487	\$ 32,122,865	89941
	- Education			
TOTAL GRF	General Revenue Fund	\$ 7,479,870,773	\$ 7,590,732,819	89942
	General Services Fund Group			89943
138 200-606	Computer	\$ 7,600,091	\$ 7,600,091	89944
	Services-Operational			
	Support			
4D1 200-602	Ohio	\$ 832,000	\$ 832,000	89945
	Prevention/Education			
	Resource Center			
4L2 200-681	Teacher Certification	\$ 5,497,158	\$ 5,628,332	89946
	and Licensure			
452 200-638	Miscellaneous	\$ 400,000	\$ 400,000	89947
	Educational Services			
5H3 200-687	School District	\$ 18,000,000	\$ 18,000,000	89948
	Solvency Assistance			
596 200-656	Ohio Career	\$ 529,761	\$ 529,761	89949
	Information System			
TOTAL GSF	General Services			89950
	Fund Group	\$ 32,859,010	\$ 32,990,184	89951
	Federal Special Revenue Fund Group			89952
3AF 200-603	Schools Medicaid	\$ 1,000,000	\$ 1,000,000	89953
	Administrative Claims			
3C5 200-661	Early Childhood	\$ 23,874,338	\$ 23,874,338	89954
	Education			
3D1 200-664	Drug Free Schools	\$ 13,347,966	\$ 13,347,966	89955
3D2 200-667	Honors Scholarship	\$ 5,812,903	\$ 5,833,965	89956
	Program			
3H9 200-605	Head Start	\$ 275,000	\$ 275,000	89957
	Collaboration Project			
3L6 200-617	Federal School Lunch	\$ 220,256,132	\$ 227,583,653	89958
3L7 200-618	Federal School	\$ 56,382,851	\$ 58,405,608	89959

		Breakfast					
3L8	200-619	Child/Adult Food	\$	66,590,622	\$	67,915,843	89960
		Programs					
3L9	200-621	Career-Technical	\$	48,029,701	\$	48,029,701	89961
		Education Basic Grant					
3M0	200-623	ESEA Title 1A	\$	440,260,178	\$	461,026,070	89962
3M1	200-678	Innovative Education	\$	11,800,000	\$	11,800,000	89963
3M2	200-680	Individuals with	\$	513,058,569	\$	605,581,547	89964
		Disabilities Education					
		Act					
3S2	200-641	Education Technology	\$	20,800,000	\$	20,800,000	89965
3T4	200-613	Public Charter Schools	\$	22,000,000	\$	22,000,000	89966
3U2	200-662	Teacher Quality	\$	795,280	\$	795,280	89967
		Enhancement Grants					
3X5	200-684	School Renovation/IDEA	\$	2,200,000	\$	0	89968
3Y2	200-688	21st Century Community	\$	30,681,554	\$	30,681,554	89969
		Learning Centers					
3Y4	200-632	Reading First	\$	50,775,637	\$	31,215,798	89970
3Y5	200-634	Community Service	\$	1,000,000	\$	0	89971
		Grants					
3Y6	200-635	Improving Teacher	\$	107,000,000	\$	107,000,000	89972
		Quality					
3Y7	200-689	English Language	\$	8,500,000	\$	9,000,000	89973
		Acquisition					
3Y8	200-639	Rural and Low Income	\$	1,700,000	\$	1,700,000	89974
3Z2	200-690	State Assessments	\$	12,681,031	\$	12,883,799	89975
3Z3	200-645	Consolidated USDE	\$	9,200,000	\$	9,200,000	89976
		Administration					
309	200-601	Educationally	\$	19,658,846	\$	19,658,846	89977
		Disadvantaged					
366	200-604	Adult Basic Education	\$	18,500,000	\$	18,500,000	89978
367	200-607	School Food Services	\$	11,383,637	\$	11,666,732	89979
368	200-614	Veterans' Training	\$	672,961	\$	691,130	89980

369	200-616	Career-Technical Education Federal Enhancement	\$	6,500,000	\$	6,500,000	89981
370	200-624	Education of Exceptional Children	\$	2,386,610	\$	2,386,610	89982
371	200-631	Immigrant Education Opportunities	\$	400,000	\$	400,000	89983
374	200-647	Troops to Teachers	\$	1,600,000	\$	0	89984
378	200-660	Learn and Serve	\$	1,200,000	\$	1,200,000	89985
TOTAL FED Federal Special Revenue Fund Group							89986
			\$	1,730,323,816	\$	1,830,953,440	89987
State Special Revenue Fund Group							89988
4R7	200-695	Indirect Operational Support	\$	5,382,864	\$	5,449,748	89989
4V7	200-633	Interagency Operational Support	\$	500,000	\$	500,000	89990
454	200-610	Guidance and Testing	\$	400,000	\$	400,000	89991
455	200-608	Commodity Foods	\$	24,000,000	\$	24,000,000	89992
5BB	200-696	State Action for Education Leadership	\$	1,200,000	\$	1,200,000	89993
5BJ	200-626	Half-Mill Maintenance Equalization	\$	0	\$	10,700,000	89994
5U2	200-685	National Education Statistics	\$	300,000	\$	300,000	89995
5W2	200-663	Early Learning Initiative	\$	106,580,000	\$	127,456,000	89996
598	200-659	Auxiliary Services Reimbursement	\$	1,328,910	\$	1,328,910	89997
620	200-615	Educational Improvement Grants	\$	1,000,000	\$	1,000,000	89998
TOTAL SSR State Special Revenue Fund Group							89999
			\$	140,691,774	\$	172,334,658	90000

Lottery Profits Education Fund Group				90001
017 200-612 Foundation Funding	\$	606,208,300	\$ 606,296,800	90002
017 200-682 Lease Rental Payment	\$	31,691,700	\$ 31,603,200	90003
Reimbursement				
TOTAL LPE Lottery Profits				90004
Education Fund Group	\$	637,900,000	\$ 637,900,000	90005
Revenue Distribution Fund Group				90006
047 200-909 School District	\$	49,350,000	\$ 369,054,000	90007
Property Tax				
Replacement-Business				
053 200-900 School District	\$	116,647,522	\$ 101,647,522	90008
Property Tax				
Replacement-Utility				
TOTAL RDF Revenue Distribution				90009
Fund Group	\$	165,997,522	\$ 470,701,522	90010
TOTAL ALL BUDGET FUND GROUPS	\$	10,187,642,895	\$10,735,612,623	90011

Section 206.09.03. MAINTENANCE AND EQUIPMENT 90013

Of the foregoing appropriation item 200-320, Maintenance and 90014
Equipment, up to \$25,000 may be expended in each fiscal year for 90015
State Board of Education out-of-state travel. 90016

Section 206.09.06. EARLY CHILDHOOD EDUCATION 90017

The Department of Education shall distribute the foregoing 90018
appropriation item 200-408, Early Childhood Education, to pay the 90019
costs of early childhood education programs. As used in this 90020
section, "provider" means a city, local, exempted village, or 90021
joint vocational school district, or an educational service 90022
center. 90023

(A) In each fiscal year, up to two per cent of the total 90024
appropriation may be used by the Department for program support 90025
and technical assistance. The Department shall distribute the 90026

remainder of the appropriation in each fiscal year to serve 90027
children from families earning not more than 200 per cent of the 90028
federal poverty guidelines. 90029

(B) The Department shall provide an annual report to the 90030
Governor, the Speaker of the House of Representatives, and the 90031
President of the Senate and post the report to the Department's 90032
web site, regarding early childhood education programs operated 90033
under this section and the early learning program guidelines for 90034
school readiness. 90035

(C) For purposes of this section, "eligible child" means a 90036
child who is at least three years of age, is not of the age to be 90037
eligible for kindergarten, and whose family earns not more than 90038
200 per cent of the federal poverty guidelines. 90039

(D) After setting aside the amounts to make payments due from 90040
the previous fiscal year, in fiscal year 2006, the Department 90041
shall distribute funds first to recipients of funds for public 90042
preschool programs under Section 41.02 of Am. Sub. H.B. 95 of the 90043
125th General Assembly in the previous fiscal year and the balance 90044
to new providers of early childhood education programs under this 90045
section. After setting aside the amounts to make payments due from 90046
the previous fiscal year, in fiscal year 2007, the Department 90047
shall distribute funds first to providers of early childhood 90048
education programs under this section in the previous fiscal year 90049
and the balance to new providers. Awards under this section shall 90050
be distributed on a per-pupil basis, which the Department may 90051
adjust so that the per-pupil amount multiplied by the number of 90052
eligible children enrolled and receiving services, as defined by 90053
the Department, reported on the first day of December or the first 90054
business day following that date equals the amount allocated under 90055
division (A) of this section. The Department may increase the 90056
per-pupil amount by a reasonable percentage, to be determined by 90057
the Department. 90058

The Department may reallocate unobligated or unspent money to participating providers for purposes of program expansion, improvement, or special projects to promote quality and innovation.

(E) Costs for developing and administering an early childhood education program may not exceed fifteen per cent of the total approved costs of the program.

All providers shall maintain such fiscal control and accounting procedures as may be necessary to ensure the disbursement of, and accounting for, these funds. The control of funds provided in this program, and title to property obtained therefrom, shall be under the authority of the approved provider for purposes provided in the program unless, as described in division (I) of this section, the program waives its right for funding or a program's funding is eliminated or reduced due to its inability to meet financial or early learning program guidelines for school readiness. The approved provider shall administer and use such property and funds for the purposes specified.

(F) The Department may examine a provider's financial and program records. If the financial practices of the program are not in accordance with standard accounting principles or do not meet financial standards outlined under division (E) of this section, or if the program fails to substantially meet the early learning program guidelines for school readiness or exhibits below average performance as measured against the guidelines, the early childhood education program shall propose and implement a corrective action plan that has been approved by the Department. The approved corrective action plan shall be signed by the chief executive officer and the executive of the official governing body of the provider. The corrective action plan shall include a schedule for monitoring by the Department. Such monitoring may include monthly reports, inspections, a timeline for correction of

deficiencies, and technical assistance to be provided by the Department or obtained by the early childhood education program. The Department may withhold funding pending corrective action. If an early childhood education program fails to satisfactorily complete a corrective action plan, the Department may deny expansion funding to the program or withdraw all or part of the funding to the program and establish a new provider through a competitive bidding process established by the Department.

(G) Each early childhood education program shall do all of the following:

(1) Meet teacher qualification requirements prescribed by section 3301.311 of the Revised Code;

(2) Align curriculum to the early learning content standards;

(3) Meet any assessment requirements prescribed by section 3301.0715 of the Revised Code that are applicable to the program;

(4) Require teachers, except teachers enrolled and working to obtain a degree pursuant to section 3301.311 of the Revised Code, to attend a minimum of twenty hours per year of professional development as prescribed by the Department regarding the implementation of content standards and assessments;

(5) Document and report child progress;

(6) Meet and report compliance with the early learning program guidelines for school readiness.

(H) Each provider shall develop a sliding fee scale based on family incomes and shall charge families who earn more than the federal poverty guidelines for the early childhood education program.

(I) If an early childhood education program voluntarily waives its right for funding, or has its funding eliminated for not meeting financial standards or the early learning program

guidelines for school readiness, the provider shall transfer 90121
control of title to property, equipment, and remaining supplies 90122
obtained through the program to providers designated by the 90123
Department and return any unexpended funds to the Department along 90124
with any reports prescribed by the Department. The funding made 90125
available from a program that waives its right for funding or has 90126
its funding eliminated or reduced may be used by the Department 90127
for new grant awards or expansion grants. The Department may award 90128
new grants or expansion grants to eligible providers who apply. 90129
The eligible providers who apply must do so in accordance with the 90130
competitive bidding process established by the Department. 90131

(J) As used in this section, "early learning program 90132
guidelines for school readiness" means the guidelines established 90133
by the Department pursuant to division (C)(3) of Section 206.09.54 90134
of this act. 90135

Section 206.09.09. EDUCATOR TRAINING 90136

The foregoing appropriation item 200-410, Educator Training, 90137
shall be used to fund professional development programs in Ohio. 90138
The Department of Education shall, when possible, incorporate 90139
cultural competency as a component of professional development and 90140
actively promote the development of cultural competency in the 90141
operation of its professional development programs. As used in 90142
this section, "cultural competency" has the meaning specified by 90143
the Educator Standards Board under section 3319.61 of the Revised 90144
Code. 90145

Of the foregoing appropriation item 200-410, Educator 90146
Training, up to \$7,850,000 in fiscal year 2006 and up to 90147
\$8,250,000 in fiscal year 2007 shall be used by the Department of 90148
Education to provide grants to pay \$2,000 of the application fee 90149
in order to assist teachers from public and chartered nonpublic 90150
schools applying for the first time to the National Board for 90151

Professional Teaching Standards for professional teaching 90152
certificates or licenses that the board offers. This set aside 90153
shall also be used to recognize and reward teachers who become 90154
certified by the National Board for Professional Teaching 90155
Standards under section 3319.55 of the Revised Code. Up to 90156
\$300,000 in each fiscal year of this set aside may be used by the 90157
Department to pay for costs associated with activities to support 90158
candidates through the application and certification process. 90159

These moneys shall be used to pay up to the first 400 90160
applications in each fiscal year received by the Department. 90161

Of the foregoing appropriation item 200-410, Educator 90162
Training, up to \$9,515,817 in each fiscal year shall be allocated 90163
for entry year programs. These funds shall be used to support 90164
mentoring services and performance assessments of beginning 90165
teachers and principals in school districts and chartered 90166
nonpublic schools. 90167

Of the foregoing appropriation item 200-410, Educator 90168
Training, up to \$200,000 in each fiscal year shall be used to 90169
provide technical assistance and grants for districts to develop 90170
local knowledge/skills-based compensation systems (Teacher 90171
Advancement Program). Each district receiving grants shall issue 90172
an annual report to the Department of Education detailing the use 90173
of the funds and the impact of the system developed by the 90174
district. 90175

Of the foregoing appropriation item 200-410, Educator 90176
Training, up to \$350,000 in each fiscal year shall be used for 90177
training and professional development of school administrators, 90178
school treasurers, and school business officials. 90179

Of the foregoing appropriation item 200-410, Educator 90180
Training, up to \$100,000 in fiscal year 2007 shall be used by the 90181
Department of Education to develop a supply and demand report that 90182

describes the availability of quality educators and critical
educator shortage areas in Ohio.

Of the foregoing appropriation item 200-410, Educator
Training, up to \$885,740 in each fiscal year shall be used for
educator recruitment programs targeting shortage areas, including
recruiting highly qualified minority candidates into teaching and
recruiting prospective mathematics and science teachers. The funds
also may be used to provide an alternative route to licensure for
principals and other administrators.

Of the foregoing appropriation item 200-410, Educator
Training, up to \$187,500 in each fiscal year shall be used by the
Department of Education to identify hard-to-staff schools and to
provide incentives for highly qualified teachers to teach in these
schools. Stipends shall be provided to teachers with at least
three years of experience who teach in the areas of special
education or middle or high school mathematics or science.

Of the foregoing appropriation item 200-410, Educator
Training, up to \$63,000 in each fiscal year shall be used to
support the Ohio University Leadership Program.

Of the foregoing appropriation item 200-410, Educator
Training, \$250,000 in each fiscal year shall be used to support
the Ohio School Leadership Institute.

Section 206.09.10. CAREER-TECHNICAL EDUCATION MATCH

The foregoing appropriation item 200-416, Career-Technical
Education Match, shall be used by the Department of Education to
provide vocational administration matching funds under 20 U.S.C.
2311.

Section 206.09.12. COMPUTER/APPLICATION/NETWORK DEVELOPMENT

The foregoing appropriation item 200-420,

Computer/Application/Network Development, shall be used to support 90212
the development and implementation of information technology 90213
solutions designed to improve the performance and services of the 90214
Department of Education. Funds may be used for personnel, 90215
maintenance, and equipment costs related to the development and 90216
implementation of these technical system projects. Implementation 90217
of these systems shall allow the Department to provide greater 90218
levels of assistance to school districts and to provide more 90219
timely information to the public, including school districts, 90220
administrators, and legislators. 90221

ALTERNATIVE EDUCATION PROGRAMS 90222

There is hereby created the Alternative Education Advisory 90223
Council, which shall consist of one representative from each of 90224
the following agencies: the Ohio Department of Education; the 90225
Department of Youth Services; the Ohio Department of Alcohol and 90226
Drug Addiction Services; the Department of Mental Health; the 90227
Office of the Governor or, at the Governor's discretion, the 90228
Office of the Lieutenant Governor; the Office of the Attorney 90229
General; and the Office of the Auditor of State. 90230

Of the foregoing appropriation item 200-421, Alternative 90231
Education Programs, up to \$6,227,310 in each fiscal year shall be 90232
used for the renewal of successful implementation grants and for 90233
competitive matching grants to the 21 urban school districts as 90234
defined in division (O) of section 3317.02 of the Revised Code as 90235
it existed prior to July 1, 1998, and up to \$6,408,074 in each 90236
fiscal year shall be used for the renewal of successful 90237
implementation grants and for competitive matching grants to rural 90238
and suburban school districts for alternative educational programs 90239
for existing and new at-risk and delinquent youth. Programs shall 90240
be focused on youth in one or more of the following categories: 90241
those who have been expelled or suspended, those who have dropped 90242
out of school or who are at risk of dropping out of school, those 90243

who are habitually truant or disruptive, or those on probation or 90244
on parole from a Department of Youth Services facility. Grants 90245
shall be awarded according to the criteria established by the 90246
Alternative Education Advisory Council in 1999. Grants shall be 90247
awarded only to programs in which the grant will not serve as the 90248
program's primary source of funding. These grants shall be 90249
administered by the Department of Education. 90250

The Department of Education may waive compliance with any 90251
minimum education standard established under section 3301.07 of 90252
the Revised Code for any alternative school that receives a grant 90253
under this section on the grounds that the waiver will enable the 90254
program to more effectively educate students enrolled in the 90255
alternative school. 90256

Of the foregoing appropriation item 200-421, Alternative 90257
Education Programs, up to \$422,281 in each fiscal year may be used 90258
for program administration, monitoring, technical assistance, 90259
support, research, and evaluation. Any unexpended balance may be 90260
used to provide additional matching grants to urban, suburban, or 90261
rural school districts as outlined above. 90262

Of the foregoing appropriation item 200-421, Alternative 90263
Education Programs, up to \$675,000 in fiscal year 2006 and up to 90264
\$500,000 in fiscal year 2007 may be used by the Department of 90265
Education to administer the Educational Choice Scholarship Pilot 90266
Program established under section 3310.02 of the Revised Code. 90267

Of the foregoing appropriation item 200-421, Alternative 90268
Education Programs, \$75,000 in each fiscal year shall be used to 90269
support the Toledo Tech Academy. 90270

Of the foregoing appropriation item 200-421, Alternative 90271
Education Programs, \$100,000 in each fiscal year shall be used for 90272
the Youth Opportunities United, Inc. 90273

SCHOOL MANAGEMENT ASSISTANCE 90274

Of the foregoing appropriation item 200-422, School Management Assistance, up to \$1,315,000 in each fiscal year shall be used by the Auditor of State in consultation with the Department of Education for expenses incurred in the Auditor of State's role relating to fiscal caution, fiscal watch, and fiscal emergency activities as defined in Chapter 3316. of the Revised Code and may also be used to conduct performance audits consistent with the recommendations of the Governor's Blue Ribbon Task Force on Financing Student Success, with priority given to districts in fiscal distress. Expenses include duties related to the completion of performance audits for school districts that the Superintendent of Public Instruction determines are employing fiscal practices or experiencing budgetary conditions that could produce a state of fiscal watch or fiscal emergency.

The remainder of foregoing appropriation item 200-422, School Management Assistance, shall be used by the Department of Education to provide fiscal technical assistance and inservice education for school district management personnel and to administer, monitor, and implement the fiscal watch and fiscal emergency provisions under Chapter 3316. of the Revised Code.

POLICY ANALYSIS

The foregoing appropriation item 200-424, Policy Analysis, shall be used by the Department of Education to support a system of administrative, statistical, and legislative education information to be used for policy analysis. Staff supported by this appropriation shall administer the development of reports, analyses, and briefings to inform education policymakers of current trends in education practice, efficient and effective use of resources, and evaluation of programs to improve education results. The database shall be kept current at all times. These research efforts shall be used to supply information and analysis of data to the General Assembly and other state policymakers,

including the Office of Budget and Management and the Legislative Service Commission. 90307
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The Department of Education may use funding from this appropriation item to purchase or contract for the development of software systems or contract for policy studies that will assist in the provision and analysis of policy-related information. Funding from this appropriation item also may be used to monitor and enhance quality assurance for research-based policy analysis and program evaluation to enhance the effective use of education information to inform education policymakers. 90309
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TECH PREP CONSORTIA SUPPORT 90317

The foregoing appropriation item 200-425, Tech Prep Consortia Support, shall be used by the Department of Education to support state-level activities designed to support, promote, and expand tech prep programs. Use of these funds shall include, but not be limited to, administration of grants, program evaluation, professional development, curriculum development, assessment development, program promotion, communications, and statewide coordination of tech prep consortia. 90318
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OHIO EDUCATIONAL COMPUTER NETWORK 90326

The foregoing appropriation item 200-426, Ohio Educational Computer Network, shall be used by the Department of Education to maintain a system of information technology throughout Ohio and to provide technical assistance for such a system in support of the State Education Technology Plan under section 3301.07 of the Revised Code. 90327
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Of the foregoing appropriation item 200-426, Ohio Educational Computer Network, up to \$18,136,691 in each fiscal year shall be used by the Department of Education to support connection of all public school buildings and participating chartered nonpublic schools to the state's education network, to each other, and to 90333
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the Internet. In each fiscal year the Department of Education shall use these funds to assist data acquisition sites or school districts with the operational costs associated with this connectivity. The Department of Education shall develop a formula and guidelines for the distribution of these funds to the data acquisition sites or individual school districts. As used in this section, "public school building" means a school building of any city, local, exempted village, or joint vocational school district, any community school established under Chapter 3314. of the Revised Code, any educational service center building used for instructional purposes, the Ohio School for the Deaf and the Ohio School for the Blind, or high schools chartered by the Ohio Department of Youth Services and high schools operated by Ohio Department of Rehabilitation and Corrections' Ohio Central School System.

Of the foregoing appropriation item 200-426, Ohio Educational Computer Network, up to \$1,700,000 in each fiscal year shall be used for the Union Catalog and InfOhio Network.

Of the foregoing appropriation item 200-426, Ohio Educational Computer Network, up to \$8,338,468 in each fiscal year shall be used, through a formula and guidelines devised by the department, to subsidize the activities of designated data acquisition sites, as defined by State Board of Education rules, to provide school districts and chartered nonpublic schools with computer-based student and teacher instructional and administrative information services, including approved computerized financial accounting, and to ensure the effective operation of local automated administrative and instructional systems.

Of the foregoing appropriation item 200-426, Ohio Educational Computer Network, up to \$769,223 in each fiscal year shall be used for the INFOhio Network to support the provision of electronic resources with priority given to resources that support the

teaching of state academic content standards to all public 90370
schools. Consideration shall be given by the Department of 90371
Education to coordinating the allocation of these moneys with the 90372
efforts of Libraries Connect Ohio, whose members include OhioLINK, 90373
the Ohio Public Information Network, and the State Library of 90374
Ohio. 90375

The remainder of appropriation item 200-426, Ohio Educational 90376
Computer Network, shall be used to support development, 90377
maintenance, and operation of a network of uniform and compatible 90378
computer-based information and instructional systems. This 90379
technical assistance shall include, but not be restricted to, 90380
development and maintenance of adequate computer software systems 90381
to support network activities. In order to improve the efficiency 90382
of network activities, the Department and data acquisition sites 90383
may jointly purchase equipment, materials, and services from funds 90384
provided under this appropriation for use by the network and, when 90385
considered practical by the Department, may utilize the services 90386
of appropriate state purchasing agencies. 90387

ACADEMIC STANDARDS 90388

Of the foregoing appropriation item 200-427, Academic 90389
Standards, up to \$747,912 in each fiscal year shall be used to 90390
provide funds to school districts that have one or more teachers 90391
participating in the teachers-on-loan program. 90392

Of the foregoing appropriation item 200-427, Academic 90393
Standards, \$150,000 in each fiscal year shall be used by the 90394
Department in combination with funding earmarked for this purpose 90395
in the Board of Regents' budget under appropriation item 235-321, 90396
Operating Expenses. Such funding shall be used to support Ohio's 90397
Partnership for Continued Learning at the direction of the Office 90398
of the Governor. Ohio's Partnership for Continued Learning 90399
replaces and broadens the former Joint Council of the Department 90400

of Education and the Board of Regents. The Partnership shall
advise and make recommendations to promote collaboration among
relevant state entities in an effort to help local communities
develop coherent and successful "P-16" learning systems. The
Governor, or the Governor's designee, shall serve as the
chairperson.

Of the foregoing appropriation item 200-427, Academic
Standards, \$1,000,000 in each fiscal year shall be used for
Project Lead the Way leadership and management oversight and
initial and continuing support of Project Lead the Way workforce
development programs in participating school districts. Project
Lead the Way is a program that supports students interested in
pursuing engineering professions and stimulates growth of career
pathways that meet business and industry workforce needs.

Of the foregoing appropriation item 200-427, Academic
Standards, up to \$2,600,000 in each fiscal year shall be used for
intensive teacher professional development institutes that focus
on classroom implementation of the mathematics standards.

Of the foregoing appropriation item 200-427, Academic
Standards, \$200,000 in each fiscal year may be used to support the
Ohio Resource Center for Math and Science.

Of the foregoing appropriation item 200-427, Academic
Standards, up to \$282,000 in each fiscal year shall be used for
the JASON Expedition project that provides statewide access to
JASON Expedition content. Funds shall be used to provide
professional development training for teachers participating in
the project, statewide management, and a seventy-five per cent
subsidy for statewide licensing of JASON Expedition content with
priority given to content aligned with state academic content
standards for approximately 90,000 middle school students
statewide.

Of the foregoing appropriation item 200-427, Academic Standards, \$285,000 in each fiscal year shall be used for the Ohio Science Institute (OSCI).

The remainder of appropriation item 200-427, Academic Standards, shall be used by the Department of Education to develop and communicate to school districts academic content standards and curriculum models.

Section 206.09.15. SCHOOL IMPROVEMENT INITIATIVES

Of the foregoing appropriation item 200-431, School Improvement Initiatives, \$300,000 in fiscal year 2006 and \$450,000 in fiscal year 2007 shall be used for Ohio's Rural Appalachian Leadership Development Initiative.

Of the foregoing appropriation item 200-431, School Improvement Initiatives, up to \$601,165 in each fiscal year shall be used by the Department of Education to contract with educational media centers to provide Ohio public schools with instructional resources and services with priority given to resources and services aligned with state academic content standards.

Of the foregoing appropriation item 200-431, School Improvement Initiatives, up to \$13,972,949 in fiscal year 2006 and \$13,672,678 in fiscal year 2007 shall be used to provide technical assistance to school districts that are declared to be in a state of academic watch or academic emergency under section 3302.03 of the Revised Code, to provide support to districts in the development and implementation of their continuous improvement plans as required in section 3302.04 of the Revised Code, to support a statewide comprehensive system of field relations that support local educators' abilities to foster academic achievement in the students they serve, and to provide technical assistance

and support in accordance with Title I of the "No Child Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317. The field relations system shall include training that assists educators, school leadership, and technical assistance providers in understanding and implementing standards-based education, data analysis, and development of assessment systems for quality instruction.

Of the foregoing appropriation item 200-431, School Improvement Initiatives, up to \$315,000 in each fiscal year shall be used to reduce the dropout rate by addressing the academic and social problems of inner-city students through Project GRAD.

Of the foregoing appropriation item 200-431, School Improvement Initiatives, \$1,574,535 in fiscal year 2006 and \$2,753,985 in fiscal year 2007 shall be used in conjunction with funding provided in the Board of Regents' budget under appropriation item 235-434, College Readiness and Access, to create early college high schools, which are small, autonomous schools that blend high school and college into a coherent educational program.

Of the foregoing appropriation item 200-431, School Improvement Initiatives, up to \$2,935,000 in fiscal year 2006 and up to \$4,935,000 in fiscal year 2007 shall be used in partnership with nonprofit groups with expertise in converting existing large urban high schools into small, personalized high schools. Districts eligible for such funding include the Urban 21 high schools, as defined in division (O) of section 3317.02 of the Revised Code as it existed prior to July 1, 1998.

Of the foregoing appropriation item 200-431, School Improvement Initiatives, up to \$65,000 in each fiscal year shall be provided to Southern State Community College for the Pilot Post-Secondary Enrollment Options Program with Miami Trace High

School.	90493
Of the foregoing appropriation item 200-431, School	90494
Improvement Initiatives, \$1,000,000 in each fiscal year shall be	90495
used to support Jobs for Ohio Graduates (JOG). The Department of	90496
Education shall require a two-to-one match of local funding to	90497
state funding before releasing these funds to JOG.	90498
Of the foregoing appropriation item 200-431, School	90499
Improvement Initiatives, \$50,000 in each fiscal year shall be used	90500
for the Big City Schools Program in Cincinnati.	90501
Of the foregoing appropriation item 200-431, School	90502
Improvement Initiatives, \$1,000,000 shall be used in fiscal year	90503
2006 to support Improved Solutions for Urban Students (ISUS) in	90504
Dayton.	90505
READING/WRITING IMPROVEMENT-PROFESSIONAL DEVELOPMENT	90506
Of the foregoing appropriation item 200-433, Reading/Writing	90507
Improvement-Professional Development, up to \$9,790,000 in each	90508
fiscal year shall be used for educator training in literacy for	90509
classroom teachers, administrators, and literacy specialists.	90510
Of the foregoing appropriation item 200-433, Reading/Writing	90511
Improvement-Professional Development, up to \$5,000,000 in each	90512
fiscal year shall be used to support literacy professional	90513
development partnerships between the Department of Education,	90514
higher education institutions, literacy networks, and school	90515
districts.	90516
Of the foregoing appropriation item 200-433, Reading/Writing	90517
Improvement-Professional Development, up to \$900,000 in each	90518
fiscal year shall be used by the Department of Education to fund	90519
the Reading Recovery Training Network, to cover the cost of	90520
release time for the teacher trainers, and to provide grants to	90521
districts to implement other reading improvement programs on a	90522

pilot basis. Funds from this set-aside also may be used to conduct 90523
evaluations of the impact and effectiveness of Reading Recovery 90524
and other reading improvement programs. 90525

Of the foregoing appropriation item 200-433, Reading/Writing 90526
Improvement-Professional Development, up to \$250,000 in each 90527
fiscal year shall be used for the Waterford Early Reading Program. 90528

The remainder of appropriation item 200-433, Reading/Writing 90529
Improvement-Professional Development, shall be used by the 90530
Department of Education to provide administrative support of 90531
literacy professional development programs. 90532

STUDENT ASSESSMENT 90533

The foregoing appropriation item 200-437, Student Assessment, 90534
shall be used to develop, field test, print, distribute, score, 90535
report results, and support other associated costs for the tests 90536
required under sections 3301.0710 and 3301.0711 of the Revised 90537
Code and for similar purposes as required by section 3301.27 of 90538
the Revised Code. 90539

ACCOUNTABILITY/REPORT CARDS 90540

Of the foregoing appropriation item 200-439, 90541
Accountability/Report Cards, up to \$200,100 in fiscal year 2006 90542
and up to \$3,778,540 in fiscal year 2007 shall be used by the 90543
Department of Education to incorporate a statewide pilot 90544
value-added progress dimension into performance ratings for school 90545
districts and to train regional specialists. This funding shall be 90546
used in consultation with a credible nonprofit organization with 90547
expertise in value-added progress dimensions. 90548

The remainder of the appropriation item 200-439, 90549
Accountability/Report Cards, shall be used for the development of 90550
an accountability system that includes the preparation and 90551
distribution of school report cards under section 3302.03 of the 90552

Revised Code.	90553
CHILD CARE LICENSING	90554
The foregoing appropriation item 200-442, Child Care	90555
Licensing, shall be used by the Department of Education to license	90556
and to inspect preschool and school-age child care programs under	90557
sections 3301.52 to 3301.59 of the Revised Code.	90558
OHIOREADS VOLUNTEER SUPPORT	90559
The foregoing appropriation item 200-445, OhioReads Volunteer	90560
Support, may be allocated by the Department of Education for	90561
volunteer coordinators in public school buildings, for background	90562
checks for volunteers, to evaluate programs, and to develop,	90563
implement, and support literacy improvement activities and	90564
interventions for students in grades kindergarten through twelve.	90565
Section 206.09.18. EDUCATION MANAGEMENT INFORMATION SYSTEM	90566
The foregoing appropriation item 200-446, Education	90567
Management Information System, shall be used by the Department of	90568
Education to improve the Education Management Information System	90569
(EMIS).	90570
Of the foregoing appropriation item 200-446, Education	90571
Management Information System, up to \$1,295,857 in each fiscal	90572
year shall be distributed to designated data acquisition sites for	90573
costs relating to processing, storing, and transferring data for	90574
the effective operation of the EMIS. These costs may include, but	90575
are not limited to, personnel, hardware, software development,	90576
communications connectivity, professional development, and support	90577
services, and to provide services to participate in the State	90578
Education Technology Plan pursuant to section 3301.07 of the	90579
Revised Code.	90580
Of the foregoing appropriation item 200-446, Education	90581
Management Information System, up to \$8,055,189 in each fiscal	90582

year shall be distributed on a per-pupil basis to school 90583
districts, community schools established under Chapter 3314. of 90584
the Revised Code, educational service centers, joint vocational 90585
school districts, and any other education entity that reports data 90586
through EMIS. From this funding, each school district or community 90587
school established under Chapter 3314. of the Revised Code with 90588
enrollment greater than 100 students and each vocational school 90589
district shall receive a minimum of \$5,000 in each fiscal year. 90590
Each school district or community school established under Chapter 90591
3314. of the Revised Code with enrollment between one and one 90592
hundred and each educational service center and each county board 90593
of MR/DD that submits data through EMIS shall receive \$3,000 in 90594
each fiscal year. This subsidy shall be used for costs relating to 90595
reporting, processing, storing, transferring, and exchanging data 90596
necessary to meet requirements of the Department of Education's 90597
data system. 90598

The remainder of appropriation item 200-446, Education 90599
Management Information System, shall be used to develop and 90600
support a common core of data definitions and standards as adopted 90601
by the Education Data Advisory Council, including the ongoing 90602
development and maintenance of the data dictionary and data 90603
warehouse. In addition, such funds shall be used to support the 90604
development and implementation of data standards and the design, 90605
development, and implementation of a new data exchange system. 90606

Any provider of software meeting the standards approved by 90607
the Education Data Advisory Council shall be designated as an 90608
approved vendor and may enter into contracts with local school 90609
districts, community schools, data acquisition centers, or other 90610
educational entities for the purpose of collecting and managing 90611
data required under Ohio's education management information system 90612
(EMIS) laws. On an annual basis, the Department of Education shall 90613
convene an advisory group of school districts, community schools, 90614

and other education-related entities to review the Education
Management Information System data definitions and data format
standards. The advisory group shall recommend changes and
enhancements based upon surveys of its members, education agencies
in other states, and current industry practices, to reflect best
practices, align with federal initiatives, and meet the needs of
school districts.

School districts and community schools not implementing a
common and uniform set of data definitions and data format
standards for Education Management Information System purposes
shall have all EMIS funding withheld until they are in compliance.

GED TESTING

The foregoing appropriation item 200-447, GED Testing, shall
be used to provide General Educational Development (GED) testing
at no cost to applicants, under rules adopted by the State Board
of Education. The Department of Education shall reimburse school
districts and community schools, created under Chapter 3314. of
the Revised Code, for a portion of the costs incurred in providing
summer instructional or intervention services to students who have
not graduated because of their inability to pass one or more parts
of the state's Ohio Graduation Test or ninth grade proficiency
test. School districts shall also provide such services to
students who are residents of the district under section 3313.64
of the Revised Code, but who are enrolled in chartered, nonpublic
schools. The services shall be provided in the public school, in
nonpublic schools, in public centers, or in mobile units located
on or off the nonpublic school premises. No school district shall
provide summer instructional or intervention services to nonpublic
school students as authorized by this section unless such services
are available to students attending the public schools within the
district. No school district shall provide services for use in
religious courses, devotional exercises, religious training, or

any other religious activity. Chartered, nonpublic schools shall
pay for any unreimbursed costs incurred by school districts for
providing summer instruction or intervention services to students
enrolled in chartered, nonpublic schools. School districts may
provide these services to students directly or contract with
postsecondary or nonprofit community-based institutions in
providing instruction.

EDUCATOR PREPARATION

Of the foregoing appropriation item 200-448, Educator
Preparation, \$100,000 in each fiscal year shall be provided in
conjunction with funding in the Board of Regents' budget under
appropriation item 235-435, Teacher Improvement Initiatives, to
the Teacher Quality Partnership project. The Teacher Quality
Partnership is a research consortium of Ohio's fifty colleges and
universities providing teacher preparation programs. Funds shall
be used to support a comprehensive longitudinal study of the
preparation, in-school support, and effectiveness of Ohio
teachers.

Of the foregoing appropriation item 200-448, Educator
Preparation, up to \$1,551,000 in each fiscal year shall be used by
the Department to support the Educator Standards Board under
section 3319.61 of the Revised Code as it develops and recommends
to the State Board of Education standards for educator training
and standards for teacher and other school leadership positions.

COMMUNITY SCHOOLS

Of the foregoing appropriation item 200-455, Community
Schools, up to \$1,308,661 in each fiscal year may be used by the
Department of Education for additional services and
responsibilities under section 3314.11 of the Revised Code.

Of the foregoing appropriation item 200-455, Community
Schools, up to \$225,000 in each fiscal year may be used by the

Department of Education for developing and conducting training 90678
sessions for sponsors and prospective sponsors of community 90679
schools as prescribed in division (A)(1) of section 3314.015 of 90680
the Revised Code. In developing the training sessions, the 90681
Department shall collect and disseminate examples of best 90682
practices used by sponsors of independent charter schools in Ohio 90683
and other states. 90684

The remaining appropriation may be used by the Department of 90685
Education to make grants of up to \$50,000 to each proposing group 90686
with a preliminary agreement obtained under division (C)(2) of 90687
section 3314.02 of the Revised Code in order to defray planning 90688
and initial start-up costs. In the first year of operation of a 90689
community school, the Department of Education may make a grant of 90690
not more than \$100,000 to the governing authority of the school to 90691
partially defray additional start-up costs. The amount of the 90692
grant shall be based on a thorough examination of the needs of the 90693
community school. The Department of Education shall not utilize 90694
moneys received under this section for any other purpose other 90695
than those specified under this section. 90696

A community school awarded start-up grants from appropriation 90697
item 200-613, Public Charter Schools (Fund 3T4), shall not be 90698
eligible for grants under this section. 90699

Section 206.09.21. PUPIL TRANSPORTATION 90700

Of the foregoing appropriation item 200-502, Pupil 90701
Transportation, up to \$822,400 in each fiscal year may be used by 90702
the Department of Education for training prospective and 90703
experienced school bus drivers in accordance with training 90704
programs prescribed by the Department. Up to \$58,115,428 in fiscal 90705
year 2006 and up to \$59,277,737 in fiscal year 2007 may be used by 90706
the Department of Education for special education transportation 90707
reimbursements to school districts and county MR/DD boards for 90708

transportation operating costs as provided in division (M) of 90709
section 3317.024 of the Revised Code. The remainder of 90710
appropriation item 200-502, Pupil Transportation, shall be used 90711
for the state reimbursement of public school districts' costs in 90712
transporting pupils to and from the school they attend in 90713
accordance with the district's policy, State Board of Education 90714
standards, and the Revised Code. 90715

Notwithstanding the distribution formula outlined in division 90716
(D) of section 3317.022 of the Revised Code, each school district 90717
shall receive an additional two per cent in state funding for 90718
transportation in fiscal year 2006 over what was received in 90719
fiscal year 2005, and the local share of transportation costs that 90720
is used in the calculation of the charge-off supplement and excess 90721
cost supplement for each school district in fiscal year 2006 shall 90722
be increased by two per cent from that used in calculations in 90723
fiscal year 2005. 90724

Notwithstanding the distribution formula outlined in division 90725
(D) of section 3317.022 of the Revised Code, each school district 90726
shall receive an additional two per cent in state funding for 90727
transportation in fiscal year 2007 over what was received in 90728
fiscal year 2006, and the local share of transportation costs that 90729
is used in the calculation of the charge-off supplement and excess 90730
cost supplement for each school district in fiscal year 2007 shall 90731
be increased by two per cent from that used in calculations in 90732
fiscal year 2006. 90733

The Department of Education shall recommend a new formula for 90734
allocating state funds for transportation costs. The Department 90735
shall submit the recommendation to the Director of Budget and 90736
Management, the Speaker of the House of Representatives, and the 90737
President of the Senate not later than July 1, 2006. 90738

School districts not receiving state funding for 90739

transportation in fiscal year 2005 under division (D) of section 90740
3317.022 of the Revised Code shall not receive state funding for 90741
transportation in fiscal year 2006 or fiscal year 2007. 90742

BUS PURCHASE ALLOWANCE 90743

The foregoing appropriation item 200-503, Bus Purchase 90744
Allowance, shall be distributed to school districts, educational 90745
service centers, and county MR/DD boards pursuant to rules adopted 90746
under section 3317.07 of the Revised Code. Up to 28 per cent of 90747
the amount appropriated may be used to reimburse school districts 90748
and educational service centers for the purchase of buses to 90749
transport handicapped and nonpublic school students and to county 90750
MR/DD boards, the Ohio School for the Deaf, and the Ohio School 90751
for the Blind for the purchase of buses to transport handicapped 90752
students. 90753

SCHOOL LUNCH MATCH 90754

The foregoing appropriation item 200-505, School Lunch Match, 90755
shall be used to provide matching funds to obtain federal funds 90756
for the school lunch program. 90757

Section 206.09.24. ADULT LITERACY EDUCATION 90758

The foregoing appropriation item 200-509, Adult Literacy 90759
Education, shall be used to support adult basic and literacy 90760
education instructional programs and the State Literacy Resource 90761
Center Program. 90762

Of the foregoing appropriation item 200-509, Adult Literacy 90763
Education, up to \$488,037 in each fiscal year shall be used for 90764
the support and operation of the State Literacy Resource Center. 90765

Of the foregoing appropriation item 200-509, Adult Literacy 90766
Education, up to \$175,000 in each fiscal year shall be used for 90767
state reimbursement to school districts for adult high school 90768
continuing education programs under section 3313.531 of the 90769

Revised Code or for costs associated with awarding adult high school diplomas under section 3313.611 of the Revised Code. 90770
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Of the foregoing appropriation item 200-509, Adult Literacy Education, \$130,000 in each fiscal year shall be used to support initiatives for English as a Second Language programs. Funding shall be distributed as follows: \$60,000 in each fiscal year for Jewish Community Federation of Cleveland, \$25,000 in each fiscal year for Yassenoff Jewish Community Center of Columbus, \$30,000 in each fiscal year for Jewish Family Services of Cincinnati, and \$15,000 in each fiscal year for Jewish Family Services of Dayton. 90772
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The remainder of the appropriation shall be used to continue to satisfy the state match and maintenance of effort requirements for the support and operation of the Department of Education-administered instructional grant program for adult basic and literacy education in accordance with the Department's state plan for adult basic and literacy education as approved by the State Board of Education and the Secretary of the United States Department of Education. 90780
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AUXILIARY SERVICES 90788

The foregoing appropriation item 200-511, Auxiliary Services, shall be used by the Department of Education for the purpose of implementing section 3317.06 of the Revised Code. Of the appropriation, up to \$2,000,000 in each fiscal year may be used for payment of the Post-Secondary Enrollment Options Program for nonpublic students under section 3365.10 of the Revised Code. 90789
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POSTSECONDARY ADULT CAREER-TECHNICAL EDUCATION 90795

Of the foregoing appropriation item 200-514, Postsecondary Adult Career-Technical Education, \$40,000 in each fiscal year shall be used for statewide coordination of the activities of the Ohio Young Farmers. 90796
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The remainder of appropriation item 200-514, Postsecondary Adult Career-Technical Education, shall be used by the State Board of Education to provide postsecondary adult career-technical education under sections 3313.52 and 3313.53 of the Revised Code.

Section 206.09.27. GIFTED PUPIL PROGRAM 90804

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 (P) 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 \$4,700,000 in each fiscal year 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 \$940,000 in each fiscal year for the Summer Honors Institute for gifted freshman and sophomore high school students. Up to \$65,800 in each fiscal year shall be used for the Ohio Summer School for the Gifted (Martin Essex Program).

NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 90819

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.

Section 206.09.30. SPECIAL EDUCATION ENHANCEMENTS 90824

Of the foregoing appropriation item 200-540, Special Education Enhancements, up to \$2,906,875 in each fiscal year shall be used for home instruction for children with disabilities; up to \$1,462,500 in each fiscal year shall be used for parent mentoring

programs; and up to \$2,783,396 in each fiscal year may be used for 90829
school psychology interns. 90830

Of the foregoing appropriation item 200-540, Special 90831
Education Enhancements, \$750,000 in each fiscal year shall be used 90832
for the Out of School Initiative of Sinclair Community College. 90833

Of the foregoing appropriation item 200-540, Special 90834
Education Enhancements, \$200,000 shall be used for a preschool 90835
special education pilot program in Bowling Green City School 90836
District. 90837

Of the foregoing appropriation item 200-540, Special 90838
Education Enhancements, \$200,000 in each fiscal year shall be used 90839
to support the Bellefaire Jewish Children's Bureau. 90840

Of the foregoing appropriation item 200-540, Special 90841
Education Enhancements, up to \$79,194,060 in fiscal year 2006 and 90842
up to \$79,986,001 in fiscal year 2007 shall be distributed by the 90843
Department of Education to county boards of mental retardation and 90844
developmental disabilities, educational service centers, and 90845
school districts for preschool special education units and 90846
preschool supervisory units under section 3317.052 of the Revised 90847
Code. The Department may reimburse county boards of mental 90848
retardation and developmental disabilities, educational service 90849
centers, and school districts for related services as defined in 90850
rule 3301-51-11 of the Administrative Code, for preschool 90851
occupational and physical therapy services provided by a physical 90852
therapy assistant and certified occupational therapy assistant, 90853
and for an instructional assistant. To the greatest extent 90854
possible, the Department of Education shall allocate these units 90855
to school districts and educational service centers. 90856

No physical therapy assistant who provides services under 90857
this section shall fail to practice in accordance with the 90858
requirements of Chapter 4755. of the Revised Code and rules 90859

4755-27-02 and 4755-27-03 of the Administrative Code. No 90860
occupational therapy assistant who provides services under this 90861
section shall fail to practice in accordance with the requirements 90862
of Chapter 4755. of the Revised Code and rules 4755-7-01 and 90863
4755-7-03 of the Administrative Code. 90864

The Department of Education shall require school districts, 90865
educational service centers, and county MR/DD boards serving 90866
preschool children with disabilities to document child progress 90867
using research-based indicators prescribed by the Department and 90868
report results annually. The reporting dates and method shall be 90869
determined by the Department. 90870

Of the foregoing appropriation item 200-540, Special 90871
Education Enhancements, up to \$315,000 in each fiscal year shall 90872
be used for the Collaborative Language and Literacy Instruction 90873
Project. 90874

The remainder of appropriation item 200-540, Special 90875
Education Enhancements, shall be used to fund special education 90876
and related services at county boards of mental retardation and 90877
developmental disabilities for eligible students under section 90878
3317.20 of the Revised Code and at institutions for eligible 90879
students under section 3317.201 of the Revised Code. 90880

Section 206.09.33. CAREER-TECHNICAL EDUCATION ENHANCEMENTS 90881

Of the foregoing appropriation item 200-545, Career-Technical 90882
Education Enhancements, up to \$2,436,070 in each fiscal year shall 90883
be used to fund career-technical education units at institutions. 90884

Of the foregoing appropriation item 200-545, Career-Technical 90885
Education Enhancements, up to \$2,621,507 in each fiscal year shall 90886
be used by the Department of Education to fund competitive grants 90887
to tech prep consortia that expand the number of students enrolled 90888
in tech prep programs. These grant funds shall be used to directly 90889

support expanded tech prep programs, including equipment, provided 90890
to students enrolled in school districts, including joint 90891
vocational school districts, and affiliated higher education 90892
institutions. 90893

Of the foregoing appropriation item 200-545, Career-Technical 90894
Education Enhancements, \$943,873 in fiscal year 2006 shall be used 90895
to provide an amount to each eligible school district for the 90896
replacement or updating of equipment essential for the instruction 90897
of students in job skills taught as part of a career-technical 90898
program or programs approved for such instruction by the State 90899
Board of Education. School districts replacing or updating 90900
career-technical education equipment may purchase or lease such 90901
equipment. The Department of Education shall review and approve 90902
all equipment requests and may allot appropriated funds to 90903
eligible school districts on the basis of the number of full-time 90904
equivalent workforce development teachers in all eligible 90905
districts making application for funds. 90906

The State Board of Education may adopt standards of need for 90907
equipment allocation. Pursuant to the adoption of any such 90908
standards of need by the State Board of Education, appropriated 90909
funds may be allotted to eligible districts according to such 90910
standards. Equipment funds allotted under either process shall be 90911
provided to a school district at 30, 40, or 50 per cent of cost on 90912
the basis of a rating developed by the Department of Education 90913
using the state share percentage as provided in division (B)(2) of 90914
section 3317.022 of the Revised Code. 90915

Of the foregoing appropriation item 200-545, Career-Technical 90916
Education Enhancements, up to \$3,401,000 in each fiscal year shall 90917
be used by the Department of Education to support existing High 90918
Schools That Work (HSTW) sites, develop and support new sites, 90919
fund technical assistance, and support regional centers and middle 90920
school programs. The purpose of HSTW is to combine challenging 90921

academic courses and modern career-technical studies to raise the 90922
academic achievement of students. HSTW provides intensive 90923
technical assistance, focused staff development, targeted 90924
assessment services, and ongoing communications and networking 90925
opportunities. 90926

Of the foregoing appropriation item 200-545, Career-Technical 90927
Education Enhancements, up to \$466,992 in each fiscal year shall 90928
be allocated for the Ohio Career Information System (OCIS) and 90929
used for the dissemination of career information data to public 90930
schools, libraries, rehabilitation centers, two- and four-year 90931
colleges and universities, and other governmental units. 90932

Of the foregoing appropriation item 200-545, Career-Technical 90933
Educational Enhancements, up to \$300,000 in each fiscal year shall 90934
be used by the Department of Education to enable students in 90935
agricultural programs to enroll in a fifth quarter of instruction 90936
based on the agricultural education model of delivering work-based 90937
learning through supervised agricultural experience. The 90938
Department of Education shall determine eligibility criteria and 90939
the reporting process for the Agriculture 5th Quarter Project and 90940
shall fund as many programs as possible given the set aside. 90941

Section 206.09.36. FOUNDATION FUNDING 90942

The foregoing appropriation item 200-550, Foundation Funding, 90943
includes \$85,000,000 in each fiscal year for the state education 90944
aid offset due to the change in public utility valuation as a 90945
result of Am. Sub. S.B. 3 and Am. Sub. S.B. 287, both of the 123rd 90946
General Assembly. This amount represents the total state education 90947
aid offset due to the valuation change for school districts and 90948
joint vocational school districts from all relevant appropriation 90949
line item sources. Upon certification by the Department of 90950
Education, in consultation with the Department of Taxation, to the 90951
Director of Budget and Management of the actual state aid offset, 90952

the cash transfer from fund 053, appropriation item 200-900,
School District Property Tax Replacement - Utility, shall be
decreased or increased by the Director of Budget and Management to
match the certification in accordance with section 5727.84 of the
Revised Code.

Of the foregoing appropriation item 200-550, Foundation
Funding, up to \$425,000 shall be expended in each fiscal year for
court payments under section 2151.357 of the Revised Code; an
amount shall be available in each fiscal year for the cost of
reappraisal guarantee under section 3317.04 of the Revised Code;
an amount shall be available in each fiscal year to fund up to 225
full-time equivalent approved GRADS teacher grants under division
(R) of section 3317.024 of the Revised Code; an amount shall be
available in each fiscal year to make payments to school districts
under division (A)(3) of section 3317.022 of the Revised Code; an
amount shall be available in each fiscal year to make payments to
school districts under division (F) of section 3317.022 of the
Revised Code; an amount shall be available in each fiscal year to
make payments to school districts under division (C) of section
3317.0212 of the Revised Code; and up to \$30,000,000 in each
fiscal year shall be reserved for payments under sections
3317.026, 3317.027, and 3317.028 of the Revised Code except that
the Controlling Board may increase the \$30,000,000 amount if
presented with such a request from the Department of Education. Of
the foregoing appropriation item 200-550, Foundation Funding, up
to \$18,000,000 in fiscal year 2006 and up to \$19,000,000 in fiscal
year 2007 shall be used to provide additional state aid to school
districts for special education students under division (C)(3) of
section 3317.022 of the Revised Code; up to \$2,000,000 in each
fiscal year shall be reserved for Youth Services tuition payments
under section 3317.024 of the Revised Code; and up to \$52,000,000
in each fiscal year shall be reserved to fund the state

reimbursement of educational service centers under section 3317.11 90985
of the Revised Code and the section of this act entitled 90986
"EDUCATIONAL SERVICE CENTERS FUNDING." An amount shall be 90987
available for special education weighted funding under division 90988
(C)(1) of section 3317.022 and division (D)(1) of section 3317.16 90989
of the Revised Code. 90990

Of the foregoing appropriation item 200-550, Foundation 90991
Funding, an amount shall be available in each fiscal year to be 90992
used by the Department of Education for transitional aid for 90993
school districts and joint vocational school districts. Funds 90994
shall be distributed under the sections of this act entitled 90995
"TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 90996
DISTRICTS" AND "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 90997
DISTRICTS." 90998

Of the foregoing appropriation item 200-550, Foundation 90999
Funding, up to \$1,000,000 in each fiscal year shall be used by the 91000
Department of Education for a program to pay for educational 91001
services for youth who have been assigned by a juvenile court or 91002
other authorized agency to any of the facilities described in 91003
division (A) of the section of this act entitled "PRIVATE 91004
TREATMENT FACILITY PROJECT." 91005

Of the foregoing appropriation item 200-550, Foundation 91006
Funding, up to \$3,700,000 in each fiscal year shall be used for 91007
school breakfast programs. Of this amount, up to \$900,000 shall be 91008
used in each fiscal year by the Department of Education to 91009
contract with the Children's Hunger Alliance to expand access to 91010
child nutrition programs consistent with the organization's 91011
continued ability to meet specified performance measures as 91012
detailed in the contract. Of this amount, the Children's Hunger 91013
Alliance shall use at least \$150,000 in each fiscal year to 91014
subcontract with an appropriate organization or organizations to 91015
expand summer food participation in underserved areas of the 91016

state, consistent with those organizations' continued ability to 91017
meet specified performance measures as detailed in the 91018
subcontracts. The remainder of the appropriation shall be used to 91019
partially reimburse school buildings within school districts that 91020
are required to have a school breakfast program under section 91021
3313.813 of the Revised Code, at a rate decided by the Department. 91022

Of the foregoing appropriation item 200-550, Foundation 91023
Funding, up to \$8,800,000 in fiscal year 2006 and up to \$8,600,000 91024
in fiscal year 2007 shall be used to operate the school choice 91025
program in the Cleveland Municipal School District under sections 91026
3313.974 to 3313.979 of the Revised Code. 91027

Of the portion of the funds distributed to the Cleveland 91028
Municipal School District under this section, up to \$10,401,887 in 91029
fiscal year 2006 and up to \$11,901,887 in fiscal year 2007 shall 91030
be used to operate the school choice program in the Cleveland 91031
Municipal School District under sections 3313.974 to 3313.979 of 91032
the Revised Code. 91033

The remaining portion of appropriation item 200-550, 91034
Foundation Funding, shall be expended for the public schools of 91035
city, local, exempted village, and joint vocational school 91036
districts, including base cost funding, special education speech 91037
service enhancement funding, career-technical education weight 91038
funding, career-technical education associated service funding, 91039
guarantee funding, teacher training and experience funding, 91040
poverty-based assistance, parity aid, charge-off supplement, and 91041
excess cost supplement under sections 3317.022, 3317.023, 91042
3317.029, 3317.0212, 3317.0216, 3317.0217, and 3317.16 of the 91043
Revised Code. 91044

Appropriation items 200-502, Pupil Transportation, 200-521, 91045
Gifted Pupil Program, 200-540, Special Education Enhancements, and 91046
200-550, Foundation Funding, other than specific set-asides, are 91047

collectively used in each fiscal year to pay state formula aid 91048
obligations for school districts and joint vocational school 91049
districts under Chapter 3317. of the Revised Code. The first 91050
priority of these appropriation items, with the exception of 91051
specific set-asides, is to fund state formula aid obligations 91052
under Chapter 3317. of the Revised Code. It may be necessary to 91053
reallocate funds among these appropriation items or use excess 91054
funds from other general revenue fund appropriation items in the 91055
Department of Education's budget in each fiscal year, in order to 91056
meet state formula aid obligations. If it is determined that it is 91057
necessary to transfer funds among these appropriation items or to 91058
transfer funds from other General Revenue Fund appropriations in 91059
the Department of Education's budget to meet state formula aid 91060
obligations, the Department of Education shall seek approval from 91061
the Controlling Board to transfer funds as needed. 91062

Section 206.09.37. DISTRICT SPENDING REQUIREMENTS 91063

The Department of Education shall review district spending 91064
requirements as specified in section 3317.029 of the Revised Code 91065
and shall submit a report recommending modifications by March 31, 91066
2007. Copies of the report shall be provided to the Director of 91067
Budget and Management, the Speaker of the House of 91068
Representatives, and the President of the Senate. The 91069
recommendations shall include decreasing degrees of flexibility of 91070
spending for districts not meeting adequate progress standards as 91071
defined by the Department of Education. Recommendations shall also 91072
specifically review the definition of class size reduction in 91073
division (J)(7) of section 3317.029 of the Revised Code. The 91074
reports submitted by school districts under the section of this 91075
act entitled "INTERVENTION FUNDING" shall be used to inform these 91076
recommendations. 91077

Section 206.09.39. TRANSITIONAL AID FOR CITY, LOCAL, AND	91078
EXEMPTED VILLAGE SCHOOL DISTRICTS	91079
(A) The Department of Education shall distribute funds within	91080
appropriation item 200-550, Foundation Funding, for transitional	91081
aid in each fiscal year to each qualifying city, local, and	91082
exempted village school district.	91083
In fiscal years 2006 and 2007, the Department shall pay	91084
transitional aid to each city, local, or exempted village school	91085
district that experiences any decrease in its SF-3 funding plus	91086
charge-off supplement for the current fiscal year from its SF-3	91087
funding plus charge-off supplement for the previous fiscal year.	91088
The amount of the transitional aid payment shall equal the	91089
difference between the district's SF-3 funding plus charge-off	91090
supplement for the current fiscal year and its SF-3 funding plus	91091
charge-off supplement for the previous fiscal year.	91092
(B)(1) Subject to divisions (B)(2) and (3) of this section,	91093
the "SF-3 funding plus charge-off supplement" for each city,	91094
local, and exempted village school district in fiscal years 2006	91095
and 2007 equals the sum of the following:	91096
(a) Base-cost funding under division (A) of section 3317.022	91097
of the Revised Code;	91098
(b) Special education and related services additional	91099
weighted funding under division (C)(1) of section 3317.022 of the	91100
Revised Code;	91101
(c) Speech services funding under division (C)(4) of section	91102
3317.022 of the Revised Code;	91103
(d) Vocational education additional weighted funding under	91104
division (E) of section 3317.022 of the Revised Code;	91105
(e) GRADS funding under division (R) of section 3317.024 of	91106
the Revised Code;	91107

(f) Adjustments for classroom teachers and educational service personnel under divisions (B), (C), and (D) of section 3317.023 of the Revised Code;	91108 91109 91110
(g) Poverty-Based Assistance under section 3317.029 of the Revised Code;	91111 91112
(h) Gifted education units under section 3317.05 of the Revised Code;	91113 91114
(i) Transportation under the section of this act entitled "PUPIL TRANSPORTATION";	91115 91116
(j) The excess cost supplement under division (F) of section 3317.022 of the Revised Code;	91117 91118
(k) Parity aid under section 3317.0217 of the Revised Code;	91119
(l) The reappraisal guarantee under division (C) of section 3317.04 of the Revised Code;	91120 91121
(m) The charge-off supplement under section 3317.0216 of the Revised Code.	91122 91123
(2) For purposes of calculating transitional aid in fiscal year 2006, a district's fiscal year 2005 SF-3 funding plus charge-off supplement is the difference of (a) the sum of the amounts described in divisions (A) to (O) of Section 41.37 of Am. Sub. H.B. 95 of the 125th General Assembly, as amended, plus any transitional aid paid to the district under that section, that the district actually received in fiscal year 2005 minus (b) the amount of parity aid and the amount of disadvantaged pupil impact aid deducted that year under division (C)(6) of section 3314.08 of the Revised Code, as that section existed that year, and Section 16 of Am. Sub. S.B. 2 of the 125th General Assembly on behalf of students entitled to attend school in the district who were enrolled in Internet- and computer-based community schools. For purposes of calculating transitional aid in fiscal year 2007, a	91124 91125 91126 91127 91128 91129 91130 91131 91132 91133 91134 91135 91136 91137

district's fiscal year 2006 SF-3 funding plus charge-off 91138
supplement is the sum of the amounts described in divisions 91139
(B)(1)(a) to (n) of this section, plus any transitional aid paid 91140
to the district under this section, that the district actually 91141
received in fiscal year 2006. 91142

(3) The SF-3 funding plus charge-off supplement in each 91143
fiscal year for each district is the sum of the amounts specified 91144
in divisions (B)(1)(a) to (n) and (B)(2) of this section less any 91145
general revenue fund spending reductions ordered by the Governor 91146
under section 126.05 of the Revised Code. 91147

(C)(1) When calculating the reappraisal guarantee under 91148
division (C) or (D) of section 3317.04 of the Revised Code in 91149
fiscal year 2006, the Department shall: 91150

(a) Include in a school district's fiscal year 2005 payments 91151
any transitional aid paid to the district in fiscal year 2005 91152
under Section 41.37 of Am. Sub. H.B. 95 of the 125th General 91153
Assembly, as amended; 91154

(b) Subtract from a school district's fiscal year 2005 91155
payments the amount of parity aid and the amount of disadvantaged 91156
pupil impact aid deducted that year under division (C)(6) of 91157
section 3314.08 of the Revised Code, as that section existed that 91158
year, and Section 16 of Am. Sub. S.B. 2 of the 125th General 91159
Assembly on behalf of students entitled to attend school in the 91160
district who were enrolled in Internet- and computer-based 91161
community schools. 91162

(2) When calculating the reappraisal guarantee under division 91163
(C) or (D) of section 3317.04 of the Revised Code in fiscal year 91164
2007, the Department shall include in a school district's fiscal 91165
year 2006 payments any transitional aid paid to the district in 91166
fiscal year 2006 under this section. 91167

(3) When calculating the reappraisal guarantee under division 91168

(C) or (D) of section 3317.04 of the Revised Code in fiscal year 2008, the Department shall include in a school district's fiscal year 2007 payments any transitional aid paid to the district in fiscal year 2007 under this section.

Section 206.09.42. TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS

(A) The Department of Education shall distribute funds within appropriation item 200-550, Foundation Funding, for transitional aid in each fiscal year to each joint vocational school district that experiences a decrease in its joint vocational funding for the current fiscal year from the previous fiscal year. The Department shall distribute to each such district transitional aid in an amount equal to the decrease in the district's joint vocational funding from the previous fiscal year.

(B)(1) Subject to divisions (B)(2) and (3) of this section, a district's joint vocational funding equals the sum of the following:

(a) Base-cost funding under division (B) of section 3317.16 of the Revised Code;

(b) Special education and related services additional weighted funding under division (D)(1) of section 3317.16 of the Revised Code;

(c) Speech services funding under division (D)(2) of section 3317.16 of the Revised Code;

(d) Vocational education additional weighted funding under division (C) of section 3317.16 of the Revised Code;

(e) GRADS funding under division (R) of section 3317.024 of the Revised Code;

(f) The state aid guarantee under division (H) of section

3317.16 of the Revised Code.	91198
(2) For purposes of calculating transitional aid in fiscal year 2007, a district's fiscal year 2006 joint vocational funding is the sum of the amounts described in divisions (B)(1)(a) to (f) of this section, plus any transitional aid paid to the district under this section, that the district actually received in fiscal year 2006.	91199 91200 91201 91202 91203 91204
(3) The joint vocational funding in each fiscal year for each district is the sum of the amounts specified in divisions (B)(1)(a) to (f) and (B)(2) of this section less any general revenue fund spending reductions ordered by the Governor under section 126.05 of the Revised Code.	91205 91206 91207 91208 91209
EMERGENCY LOAN INTEREST SUBSIDY	91210
The foregoing appropriation item 200-558, Emergency Loan Interest Subsidy, shall be used to provide a subsidy to school districts receiving emergency school loans pursuant to section 3313.484 of the Revised Code. The subsidy shall be used to pay these districts the difference between the amount of interest the district is paying on an emergency loan, and the interest that the district would have paid if the interest rate on the loan had been two per cent.	91211 91212 91213 91214 91215 91216 91217 91218
Section 206.09.45. READING/WRITING IMPROVEMENT-CLASSROOM GRANTS	91219 91220
The foregoing appropriation item 200-566, Reading/Writing Improvement-Classroom Grants, shall be disbursed by the Department of Education to provide reading improvement grants to public schools in city, local, and exempted village school districts; community schools; and educational service centers serving kindergarten through twelfth grade students to help struggling students improve their reading skills, improve reading outcomes in	91221 91222 91223 91224 91225 91226 91227

low-performing schools, and help close achievement gaps.	91228
SAFE AND SUPPORTIVE SCHOOLS	91229
Of the foregoing appropriation item 200-578, Safe and	91230
Supportive Schools, up to \$224,250 in each fiscal year shall be	91231
used to fund a safe school center to provide resources for parents	91232
and for school and law enforcement personnel.	91233
The remainder of the appropriation shall be distributed based	91234
on guidelines developed by the Department of Education to enhance	91235
school safety. The guidelines shall provide a list of	91236
research-based best practices and programs from which local	91237
grantees shall select based on local needs. These practices shall	91238
include, but not be limited to, school resource officers and safe	91239
and drug free school coordinators and social-emotional development	91240
programs.	91241
Section 206.09.48. PROPERTY TAX ALLOCATION - EDUCATION	91242
The Superintendent of Public Instruction shall not request,	91243
and the Controlling Board shall not approve, the transfer of funds	91244
from appropriation item 200-901, Property Tax Allocation -	91245
Education, to any other appropriation item.	91246
The appropriation item 200-901, Property Tax Allocation -	91247
Education, is appropriated to pay for the state's costs incurred	91248
because of the homestead exemption and the property tax rollback.	91249
In cooperation with the Department of Taxation, the Department of	91250
Education shall distribute these funds directly to the appropriate	91251
school districts of the state, notwithstanding sections 321.24 and	91252
323.156 of the Revised Code, which provide for payment of the	91253
homestead exemption and property tax rollback by the Tax	91254
Commissioner to the appropriate county treasurer and the	91255
subsequent redistribution of these funds to the appropriate local	91256
taxing districts by the county auditor.	91257

Appropriation item 200-906, Tangible Tax Exemption - 91258
Education, is appropriated to pay for the state's costs incurred 91259
because of the tangible personal property tax exemption required 91260
by division (C)(3) of section 5709.01 of the Revised Code. In 91261
cooperation with the Department of Taxation, the Department of 91262
Education shall distribute to each county treasurer the total 91263
amount appearing in the notification from the county treasurer 91264
under division (G) of section 321.24 of the Revised Code, for all 91265
school districts located in the county, notwithstanding section 91266
321.24 of the Revised Code insofar as it provides for payment of 91267
the \$10,000 tangible personal property tax exemption by the Tax 91268
Commissioner to the appropriate county treasurer for all local 91269
taxing districts located in the county. Pursuant to division (G) 91270
of section 321.24 of the Revised Code, the county auditor shall 91271
distribute the amount paid by the Department of Education among 91272
the appropriate school districts. 91273

Upon receipt of these amounts, each school district shall 91274
distribute the amount among the proper funds as if it had been 91275
paid as real or tangible personal property taxes. Payments for the 91276
costs of administration shall continue to be paid to the county 91277
treasurer and county auditor as provided for in sections 319.54, 91278
321.26, and 323.156 of the Revised Code. 91279

Any sums, in addition to the amounts specifically 91280
appropriated in appropriation items 200-901, Property Tax 91281
Allocation - Education, for the homestead exemption and the 91282
property tax rollback payments, and 200-906, Tangible Tax 91283
Exemption - Education, for the \$10,000 tangible personal property 91284
tax exemption payments, which are determined to be necessary for 91285
these purposes, are hereby appropriated. 91286

Section 206.09.51. TEACHER CERTIFICATION AND LICENSURE 91287

The foregoing appropriation item 200-681, Teacher 91288

Certification and Licensure, shall be used by the Department of
Education in each year of the biennium to administer and support
teacher certification and licensure activities.

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SCHOOL DISTRICT SOLVENCY ASSISTANCE

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Of the foregoing appropriation item 200-687, School District
Solvency Assistance, \$9,000,000 in each fiscal year shall be
allocated to the School District Shared Resource Account and
\$9,000,000 in each fiscal year shall be allocated to the
Catastrophic Expenditures Account. These funds shall be used to
provide assistance and grants to school districts to enable them
to remain solvent under section 3316.20 of the Revised Code.
Assistance and grants shall be subject to approval by the
Controlling Board. Any required reimbursements from school
districts for solvency assistance shall be made to the appropriate
account in the School District Solvency Assistance Fund (Fund
5H3).

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Notwithstanding any provision of law to the contrary, upon
the request of the Superintendent of Public Instruction, the
Director of Budget and Management may make transfers to the School
District Solvency Assistance Fund (Fund 5H3) from any Department
of Education-administered fund or the General Revenue Fund to
maintain sufficient cash balances in the School District Solvency
Assistance Fund (Fund 5H3) in fiscal years 2006 and 2007. Any
funds transferred are hereby appropriated. The transferred funds
may be used by the Department of Education to provide assistance
and grants to school districts to enable them to remain solvent
and to pay unforeseeable expenses of a temporary or emergency
nature that the school district is unable to pay from existing
resources. The Director of Budget and Management shall notify the
members of the Controlling Board of any such transfers.

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READING FIRST

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The foregoing appropriation item 200-632, Reading First, 91320
shall be used by school districts to administer federal diagnostic 91321
tests as well as other functions permitted by federal statute. 91322
Notwithstanding section 3301.079 of the Revised Code, federal 91323
diagnostic tests may be recognized as meeting the state diagnostic 91324
testing requirements outlined in section 3301.079 of the Revised 91325
Code. 91326

HALF-MILL MAINTENANCE EQUALIZATION 91327

The foregoing appropriation item 200-626, Half-Mill 91328
Maintenance Equalization, shall be used in fiscal year 2007 to 91329
make payments pursuant to section 3318.18 of the Revised Code. 91330

Section 206.09.54. EARLY LEARNING INITIATIVE 91331

(A) As used in this section: 91332

(1) "Title IV-A services" means benefits and services that 91333
are allowable under Title IV-A of the "Social Security Act," as 91334
specified in 42 U.S.C. 604(a), except that they shall not be 91335
benefits and services included in the term "assistance" as defined 91336
in 45 C.F.R. 260.31(a) and shall be benefits and services that are 91337
excluded from the definition of the term "assistance" under 45 91338
C.F.R. 260.31(b). 91339

(2) "Title IV-A funds" means funds provided under the 91340
temporary assistance for needy families block grant established by 91341
Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 91342
U.S.C. 601, as amended. 91343

(3) "Child care" has the same meaning as in section 5104.01 91344
of the Revised Code. 91345

(4) "Eligible child" means a child who is at least three 91346
years of age but not of compulsory school age or enrolled in 91347
kindergarten, is eligible for Title IV-A services, and whose 91348
family income does not exceed one hundred eighty-five per cent of 91349

the federal poverty line at application. If the family income of a child receiving early learning services under this section exceeds one hundred ninety-five per cent of the federal poverty line, the child ceases to be eligible for an early learning program.

(5) "Early learning program" means a program for eligible children that is funded with Title IV-A funds and provides Title IV-A services that are both of the following:

(a) Early learning services, as defined by the Department of Education pursuant to division (C)(1) of this section;

(b) Child care.

(6) "Early learning provider" means an entity that is receiving Title IV-A funds to operate an early learning program.

(7) "Early learning agency" means an early learning provider or an entity that has entered into an agreement with an early learning provider requiring the early learning provider to operate an early learning program on behalf of the entity.

(8) "Federal poverty line" has the same meaning as in section 5104.01 of the Revised Code.

(9) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.

(B) The Early Learning Initiative is hereby established. The Initiative shall be administered by the Department of Education and the Department of Job and Family Services in accordance with sections 5101.80 and 5101.801 of the Revised Code. The Initiative shall provide early learning programs and child care to eligible children. Early learning programs may provide early learning services on a full-day basis, a part-day basis, or both a full-day and part-day basis.

(C) The Department of Education shall do all of the following:

(1) Define the early learning services that will be provided to eligible children through the Early Learning Initiative;	91380 91381
(2) In consultation with the Department of Job and Family Services, develop an application form and criteria for the selection of early learning agencies. The criteria shall require an early learning agency, or each early learning provider with which the agency has entered into an agreement for the operation of an early learning program on the agency's behalf, to be licensed or certified by the Department of Education under sections 3301.52 to 3301.59 of the Revised Code or by the Department of Job and Family Services under Chapter 5104. of the Revised Code.	91382 91383 91384 91385 91386 91387 91388 91389 91390 91391
(3) Establish early learning program guidelines for school readiness to assess the operation of early learning programs.	91392 91393
(D) Any entity that seeks to be an early learning agency shall apply to the Department of Education by a deadline established by the Department. The Department of Education shall select entities that meet the criteria established under division (C)(2) of this section to be early learning agencies. Upon selection of an entity to be an early learning agency, the Department of Education shall designate the number of eligible children the agency will serve. The Department of Education shall notify the Office of Budget and Management and the Department of Job and Family Services of the number so designated.	91394 91395 91396 91397 91398 91399 91400 91401 91402 91403
(E) The Department of Education and the Department of Job and Family Services shall enter into a contract with each early learning agency selected under division (D) of this section. The contract shall outline the terms and conditions applicable to the provision of Title IV-A services for eligible children and shall include at least the following:	91404 91405 91406 91407 91408 91409
(1) The respective duties of the early learning agency, the	91410

Department of Education, and the Department of Job and Family Services;	91411 91412
(2) Requirements applicable to the allowable use of and accountability for Title IV-A funds;	91413 91414
(3) A requirement that the amount used by the early learning agency for development and administrative costs shall not exceed fifteen per cent of the total approved costs for the early learning program;	91415 91416 91417 91418
(4) Reporting requirements, including a requirement that the early learning provider inform the Department of Education when the provider learns that a kindergarten eligible child will not be enrolled in kindergarten;	91419 91420 91421 91422
(5) The reimbursement methodology, including a requirement that reimbursement shall be based upon the weekly attendance rate of each eligible child, which shall be consistent with the rules adopted pursuant to division (C)(3) of Section 206.67.12 of this act;	91423 91424 91425 91426 91427
(6) Audit requirements;	91428
(7) Provisions for suspending, modifying, or terminating the contract;	91429 91430
(8) A requirement that a child enrolled in a Head Start Plus program during fiscal year 2005 be given higher priority if the child is an eligible child and enrolls in an early learning program.	91431 91432 91433 91434
The requirements of section 127.16 of the Revised Code do not apply to contracts entered into under this section.	91435 91436
(F) If an early learning agency, or an early learning provider operating an early learning program on the agency's behalf, substantially fails to meet the early learning program guidelines for school readiness or exhibits below average	91437 91438 91439 91440

performance, as determined by the Department of Education, the
agency shall develop and implement a corrective action plan. The
Department of Education shall approve the corrective action plan
prior to implementation.

(G) If an early learning agency fails to implement a
corrective action plan under division (F) of this section, the
Department of Education may direct the Department of Job and
Family Services to withhold funding from the agency or either the
Department of Education or the Department of Job and Family
Services may suspend or terminate the contract with the agency.

(H) Each early learning program shall do all of the
following:

(1) Meet teacher qualification requirements prescribed by
section 3301.311 of the Revised Code;

(2) Align curriculum to the early learning content standards;

(3) Meet any assessment requirements prescribed by section
3301.0715 of the Revised Code that apply to the program;

(4) Require teachers, except teachers enrolled and working to
obtain a degree pursuant to section 3301.311 of the Revised Code,
to attend a minimum of twenty hours per year of professional
development as prescribed by the Department of Education regarding
the implementation of content standards and assessments;

(5) Document and report child progress;

(6) Meet and report compliance with the early learning
program guidelines for school success.

(I) Of the foregoing appropriation item 200-663, Early
Learning Initiative, up to \$2,200,000 in each fiscal year may be
used by the Department of Education to perform administrative
functions for the Early Learning Initiative. The Director of
Budget and Management may transfer appropriation, as needed, from

the Department of Education, appropriation item 200-663, Early Learning Initiative in Fund 5W2, to the Department of Job and Family Services, appropriation item 600-689, TANF Block Grant in Fund 3V6, for the successful operation of the Early Learning Initiative. This transfer shall take place not less than fifteen days after the Department of Education has provided the Office of Budget and Management and the Department of Job and Family Services its determination as to the number of children to be served by each early learning agency under division (D) of this section. The appropriation transferred is hereby authorized.

START-UP FUNDS

Funds appropriated for the purpose of providing start-up grants to Title IV-A Head Start and Title IV-A Head Start Plus agencies in fiscal year 2004 and fiscal year 2005 for the provision of services to children eligible for Title IV-A services under the Title IV-A Head Start or Title IV-A Head Start Plus programs shall be reimbursed to the General Revenue Fund as follows:

(A) If, for fiscal year 2006, an entity that was a Title IV-A Head Start or Title IV-A Head Start Plus agency will not be an early learning agency or early learning provider, the entity shall repay the entire amount of the start-up grant it received in fiscal year 2004 and fiscal year 2005 not later than June 30, 2007, in accordance with a payment schedule agreed to by the Department of Education.

(B) If, for fiscal year 2006, an entity that was a Title IV-A Head Start or Title IV-A Head Start Plus agency will be an early learning agency or early learning provider and the number of eligible children served beginning in fiscal year 2006 is less than the number for which the start-up grant was based, the amount of reimbursement shall be adjusted based on the number of eligible

children who will be served by the entity in fiscal year 2006 and
the rate of reimbursement for the early learning program set by
the Department of Job and Family Services. The entity shall repay
the amount determined pursuant to this division by not later than
June 30, 2007, in accordance with a payment schedule agreed to by
the Department of Education.

(C) If, for fiscal year 2006, an entity that was a Title IV-A
Head Start or Title IV-A Head Start Plus agency will be an early
learning agency or early learning provider and the number of
eligible children served beginning in fiscal year 2006 is greater
than or equal to the number for which the start-up grants were
based, the entity shall be allowed to retain the total amount of
the start-up grant it received.

(D) Within ninety days after the effective date of this
section, the Title IV-A Head Start agencies, Title IV-A Head Start
Plus agencies, and the Department of Education shall determine the
amounts of the start-up grants to be repaid and within thirty days
thereafter determine the repayment schedule for such amounts. The
Department of Education shall refer any amounts remaining due and
payable to the state after June 30, 2007, to the Attorney General
for collection under section 131.02 of the Revised Code.

(E) Any start-up grants that are retained by early learning
agencies or early learning providers pursuant to this section
shall be reimbursed to the General Revenue Fund when the early
learning program ceases or is no longer funded from Title IV-A or
if an early learning agency's or early learning provider's
participation in the early learning program ceases.

Section 206.09.55. AUXILIARY SERVICES REIMBURSEMENT

Notwithstanding section 3317.064 of the Revised Code, if the
unobligated cash balance is sufficient, the Treasurer of State

shall transfer \$1,500,000 in fiscal year 2006 within thirty days 91532
after the effective date of this section, and \$1,500,000 in fiscal 91533
year 2007 by August 1, 2006, from the Auxiliary Services Personnel 91534
Unemployment Compensation Fund to the Department of Education's 91535
Auxiliary Services Reimbursement Fund (Fund 598). 91536

Section 206.09.57. LOTTERY PROFITS EDUCATION FUND 91537

Appropriation item 200-612, Foundation Funding (Fund 017), 91538
shall be used in conjunction with appropriation item 200-550, 91539
Foundation Funding (GRF), to provide payments to school districts 91540
under Chapter 3317. of the Revised Code. 91541

The Department of Education, with the approval of the 91542
Director of Budget and Management, shall determine the monthly 91543
distribution schedules of appropriation item 200-550, Foundation 91544
Funding (GRF), and appropriation item 200-612, Foundation Funding 91545
(Fund 017). If adjustments to the monthly distribution schedule 91546
are necessary, the Department of Education shall make such 91547
adjustments with the approval of the Director of Budget and 91548
Management. 91549

The Director of Budget and Management shall transfer via 91550
intrastate transfer voucher the amount appropriated under the 91551
Lottery Profits Education Fund for appropriation item 200-682, 91552
Lease Rental Payment Reimbursement, to the General Revenue Fund on 91553
a schedule determined by the director. These funds shall support 91554
the appropriation item 230-428, Lease Rental Payments (GRF), of 91555
the School Facilities Commission. 91556

Section 206.09.60. LOTTERY PROFITS EDUCATION RESERVE FUND 91557

(A) There is hereby created the Lottery Profits Education 91558
Reserve Fund (Fund 018) in the State Treasury. Investment earnings 91559
of the Lottery Profits Education Reserve Fund shall be credited to 91560
the fund. The Superintendent of Public Instruction may certify 91561

cash balances exceeding \$75,000,000 in the Lottery Profits 91562
Education Reserve Fund (Fund 018) to the Director of Budget and 91563
Management in June of any given fiscal year. Prior to making the 91564
certification, the Superintendent of Public Instruction shall 91565
determine whether the funds above the \$75,000,000 threshold are 91566
needed to help pay for foundation program obligations for that 91567
fiscal year under Chapter 3317. of the Revised Code. If those 91568
funds are needed for the foundation program, the Superintendent of 91569
Public Instruction shall notify and consult with the Director of 91570
Budget and Management to determine the amount that may be 91571
transferred to the Public School Building Fund (Fund 021). Upon 91572
this determination, the Director of Budget and Management shall 91573
transfer the amount from the Lottery Profits Education Reserve 91574
Fund (Fund 018) to the Public School Building Fund (Fund 021). The 91575
amount transferred is hereby appropriated to appropriation item 91576
CAP-622, Public School Buildings. 91577

For fiscal years 2006 and 2007, notwithstanding any 91578
provisions of law to the contrary, amounts necessary to make loans 91579
authorized by sections 3317.0210, 3317.0211, and 3317.62 of the 91580
Revised Code are hereby appropriated to the Lottery Profits 91581
Education Reserve Fund (Fund 018). Loan repayments from loans made 91582
in previous years shall be deposited to the fund. 91583

(B) On July 15, 2005, or as soon as possible thereafter, the 91584
Director of the Ohio Lottery Commission shall certify to the 91585
Director of Budget and Management the amount by which lottery 91586
profit transfers received by the Lottery Profits Education Fund 91587
(Fund 017) exceeded \$637,900,000 in fiscal year 2005. The Director 91588
of Budget and Management shall transfer the amount so certified, 91589
plus the cash balance in Fund 017, to the Lottery Profits 91590
Education Reserve Fund (Fund 018). 91591

(C) On July 15, 2006, or as soon as possible thereafter, the 91592
Director of the Ohio Lottery Commission shall certify to the 91593

Director of Budget and Management the amount by which lottery 91594
profit transfers received by the Lottery Profits Education Fund 91595
(Fund 017) exceeded \$637,900,000 in fiscal year 2006. The Director 91596
of Budget and Management shall transfer the amount so certified, 91597
plus the cash balance in Fund 017, to the Lottery profits 91598
Education Reserve Fund (Fund 018). 91599

(D) Any amounts transferred under division (B) or (C) of this 91600
section may be made available by the Controlling Board in fiscal 91601
years 2006 or 2007, at the request of the Superintendent of Public 91602
Instruction, to provide assistance and grants to school districts 91603
to enable them to remain solvent and to pay unforeseeable expenses 91604
of a temporary or emergency nature that they are unable to pay 91605
from existing resources under section 3316.20 of the Revised Code, 91606
and to provide payments to school districts under Chapter 3317. of 91607
the Revised Code. 91608

Section 206.09.61. GENERAL REVENUE FUND TRANSFERS TO SCHOOL 91609
DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 047) 91610

Notwithstanding any provision of law to the contrary, the 91611
Director of Budget and Management shall transfer \$10,010,000 in 91612
fiscal year 2006 and \$70,210,000 in fiscal year 2007 from the 91613
General Revenue Fund to appropriation item 200-909, School 91614
District Property Tax Replacement - Business (Fund 047) in the 91615
Department of Education. The funds shall be used to reimburse 91616
school districts and joint vocational districts under section 91617
5751.21 of the Revised Code. 91618

Section 206.09.63. SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - 91619
BUSINESS 91620

The foregoing appropriation item, 200-909, School District 91621
Property Tax Replacement - Business, in Fund 047, shall be used by 91622
the Department of Education, in consultation with the Department 91623

of Taxation, to make payments to school districts and joint 91624
vocational school districts under section 5751.21 of the Revised 91625
Code. 91626

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY 91627

The foregoing appropriation item 200-900, School District 91628
Property Tax Replacement-Utility, in Fund 053, shall be used by 91629
the Department of Education, in consultation with the Department 91630
of Taxation, to make payments to school districts and joint 91631
vocational school districts under section 5727.85 of the Revised 91632
Code. 91633

***Section 206.09.66. DISTRIBUTION FORMULAS** 91634

The Department of Education shall report the following to the 91635
Director of Budget and Management, the Legislative Office of 91636
Education Oversight, and the Legislative Service Commission: 91637

(A) Changes in formulas for distributing state 91638
appropriations, including administratively defined formula 91639
factors; 91640

(B) Discretionary changes in formulas for distributing 91641
federal appropriations; 91642

(C) Federally mandated changes in formulas for distributing 91643
federal appropriations. 91644

Any such changes shall be reported two weeks prior to the 91645
effective date of the change. 91646

Section 206.09.69. EDUCATIONAL SERVICE CENTERS FUNDING 91647

(A) As used in this section: 91648

(1) "Internet- or computer-based community school" has the 91649
same meaning as in section 3314.02 of the Revised Code. 91650

(2) "Service center ADM" has the same meaning as in section 91651

3317.11 of the Revised Code.

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(B) Notwithstanding division (F) of section 3317.11 of the Revised Code, no funds shall be provided under that division to an educational service center in either fiscal year for any pupils of a city or exempted village school district unless an agreement to provide services under section 3313.843 of the Revised Code was entered into by January 1, 1997, except that funds shall be provided to an educational service center for any pupils of a city school district if the agreement to provide services was entered into within one year of the date upon which such district changed from a local school district to a city school district.

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(C) Notwithstanding any provision of the Revised Code to the contrary, an educational service center that sponsors a community school under Chapter 3314. of the Revised Code in either fiscal year may include the students of that community school in its service center ADM for purposes of state funding under division (F) of section 3317.11 of the Revised Code, unless the community school is an Internet- or computer-based community school. A service center shall include the community school students in its service center ADM only to the extent that the students are not already so included, and only in accordance with guidelines issued by the Department of Education. If the students of a community school sponsored by an educational service center are included in the service center ADM of another educational service center, those students shall be removed from the service center ADM of the other educational service center and added to the service center ADM of the community school's sponsoring service center. The General Assembly authorizes this procedure as an incentive for educational service centers to take over sponsorship of community schools from the State Board of Education as the State Board's sponsorship is phased out in accordance with Sub. H.B. 364 of the 124th General Assembly. No student of an Internet- or

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computer-based community school shall be counted in the service center ADM of any educational service center. The Department shall pay educational service centers under division (F) of section 3317.11 of the Revised Code for community school students included in their service center ADMs under this division only if sufficient funds earmarked within appropriation item 200-550, Foundation Funding, for payments under that division remain after first paying for students attributable to their local and client school districts, in accordance with divisions (B) and (D) of this section.

(D) If insufficient funds are earmarked within appropriation item 200-550, Foundation Funding, for payments under division (F) of section 3317.11 of the Revised Code and division (C) of this section in fiscal year 2006 or fiscal year 2007, the Department shall prioritize the distribution of the earmarked funds as follows:

(1) The Department shall first distribute to each educational service center the per-student amount specified in division (F) of section 3317.11 of the Revised Code for each student in its service center ADM attributable to the local school districts within the service center's territory.

(2) The Department shall distribute the remaining funds in each fiscal year to each educational service center for the students in its service center ADM attributable to each city and exempted village school district that had entered into an agreement with an educational service center for that fiscal year under section 3313.843 of the Revised Code by January 1, 1997, up to the per-student amount specified in division (F) of section 3317.11 of the Revised Code. If insufficient funds remain to pay each service center the full amount specified in division (F) of that section for each such student, the Department shall distribute the remaining funds to each service center

proportionally, on a per-student basis for each such student, 91716
unless that proportional per-student amount exceeds the amount 91717
specified in division (F)(1) of that section. In that case, the 91718
Department shall distribute the per-student amount specified in 91719
division (F)(1) of that section to each service center for each 91720
such student and shall distribute the remainder proportionally, on 91721
a per-student basis for each such student, to the multi-county 91722
service centers described in division (F)(2) of that section. 91723

(3) If the Department has paid each service center under 91724
divisions (D)(1) and (2) of this section, the full amount 91725
specified in division (F) of section 3317.11 of the Revised Code 91726
for each student attributable to its local school districts and 91727
its client school districts described in division (D)(2) of this 91728
section the Department shall distribute any remaining funds 91729
proportionally, on a per-student basis, to each service center 91730
that sponsors a community school, other than an Internet- or 91731
computer-based community school, for the students included in the 91732
service center ADM under division (C) of this section. These 91733
payments shall not exceed per student the amount specified in 91734
division (F) of section 3317.11 of the Revised Code. 91735

***Section 206.09.72.** For the school year commencing July 1, 91736
2005, or the school year commencing July 1, 2006, or both, the 91737
Superintendent of Public Instruction may waive for the board of 91738
education of any school district the ratio of teachers to pupils 91739
in kindergarten through fourth grade required under paragraph 91740
(A)(3) of rule 3301-35-05 of the Administrative Code if the 91741
following conditions apply: 91742

(A) The board of education requests the waiver. 91743

(B) After the Department of Education conducts an on-site 91744
evaluation of the district related to meeting the required ratio, 91745
the board of education demonstrates to the satisfaction of the 91746

Superintendent of Public Instruction that providing the facilities 91747
necessary to meet the required ratio during the district's regular 91748
school hours with pupils in attendance would impose an extreme 91749
hardship on the district. 91750

(C) The board of education provides assurances that are 91751
satisfactory to the Superintendent of Public Instruction that the 91752
board will act in good faith to meet the required ratio as soon as 91753
possible. 91754

Section 206.09.75. PRIVATE TREATMENT FACILITY PROJECT 91755

(A) As used in this section: 91756

(1) The following are "participating residential treatment 91757
centers": 91758

(a) Private residential treatment facilities that have 91759
entered into a contract with the Department of Youth Services to 91760
provide services to children placed at the facility by the 91761
Department and which, in fiscal year 2006 or fiscal year 2007 or 91762
both, the Department pays through appropriation item 470-401, Care 91763
and Custody; 91764

(b) Abraxas, in Shelby; 91765

(c) Paint Creek, in Bainbridge; 91766

(d) Act One, in Akron; 91767

(e) Friars Club, in Cincinnati. 91768

(2) "Education program" means an elementary or secondary 91769
education program or a special education program and related 91770
services. 91771

(3) "Served child" means any child receiving an education 91772
program pursuant to division (B) of this section. 91773

(4) "School district responsible for tuition" means a city, 91774

exempted village, or local school district that, if tuition 91775
payment for a child by a school district is required under law 91776
that existed in fiscal year 1998, is the school district required 91777
to pay that tuition. 91778

(5) "Residential child" means a child who resides in a 91779
participating residential treatment center and who is receiving an 91780
educational program under division (B) of this section. 91781

(B) A youth who is a resident of the state and has been 91782
assigned by a juvenile court or other authorized agency to a 91783
residential treatment facility specified in division (A) of this 91784
section shall be enrolled in an approved educational program 91785
located in or near the facility. Approval of the educational 91786
program shall be contingent upon compliance with the criteria 91787
established for such programs by the Department of Education. The 91788
educational program shall be provided by a school district or 91789
educational service center, or by the residential facility itself. 91790
Maximum flexibility shall be given to the residential treatment 91791
facility to determine the provider. In the event that a voluntary 91792
agreement cannot be reached and the residential facility does not 91793
choose to provide the educational program, the educational service 91794
center in the county in which the facility is located shall 91795
provide the educational program at the treatment center to 91796
children under twenty-two years of age residing in the treatment 91797
center. 91798

(C) Any school district responsible for tuition for a 91799
residential child shall, notwithstanding any conflicting provision 91800
of the Revised Code regarding tuition payment, pay tuition for the 91801
child for fiscal year 2006 and fiscal year 2007 to the education 91802
program provider and in the amount specified in this division. If 91803
there is no school district responsible for tuition for a 91804
residential child and if the participating residential treatment 91805
center to which the child is assigned is located in the city, 91806

exempted village, or local school district that, if the child were
not a resident of that treatment center, would be the school
district where the child is entitled to attend school under
sections 3313.64 and 3313.65 of the Revised Code, that school
district, notwithstanding any conflicting provision of the Revised
Code, shall pay tuition for the child for fiscal year 2006 and
fiscal year 2007 under this division unless that school district
is providing the educational program to the child under division
(B) of this section.

A tuition payment under this division shall be made to the
school district, educational service center, or residential
treatment facility providing the educational program to the child.

The amount of tuition paid shall be:

(1) The amount of tuition determined for the district under
division (A) of section 3317.08 of the Revised Code;

(2) In addition, for any student receiving special education
pursuant to an individualized education program as defined in
section 3323.01 of the Revised Code, a payment for excess costs.
This payment shall equal the actual cost to the school district,
educational service center, or residential treatment facility of
providing special education and related services to the student
pursuant to the student's individualized education program, minus
the tuition paid for the child under division (C)(1) of this
section.

A school district paying tuition under this division shall
not include the child for whom tuition is paid in the district's
average daily membership certified under division (A) of section
3317.03 of the Revised Code.

(D) In each of fiscal years 2006 and 2007, the Department of
Education shall reimburse, from appropriations made for the
purpose, a school district, educational service center, or

residential treatment facility, whichever is providing the 91838
service, that has demonstrated that it is in compliance with the 91839
funding criteria for each served child for whom a school district 91840
must pay tuition under division (C) of this section. The amount of 91841
the reimbursement shall be the formula amount specified in section 91842
3317.022 of the Revised Code, except that the department shall 91843
proportionately reduce this reimbursement if sufficient funds are 91844
not available to pay this amount to all qualified providers. 91845

(E) Funds provided to a school district, educational service 91846
center, or residential treatment facility under this section shall 91847
be used to supplement, not supplant, funds from other public 91848
sources for which the school district, service center, or 91849
residential treatment facility is entitled or eligible. 91850

(F) The Department of Education shall track the utilization 91851
of funds provided to school districts, educational service 91852
centers, and residential treatment facilities under this section 91853
and monitor the effect of the funding on the educational programs 91854
they provide in participating residential treatment facilities. 91855
The department shall monitor the programs for educational 91856
accountability. 91857

Section 206.09.78. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 91858
ASSESSMENT OF EDUCATION PROGRESS 91859

The General Assembly intends for the Superintendent of Public 91860
Instruction to provide for school district participation in the 91861
administration of the National Assessment of Education Progress in 91862
accordance with section 3301.27 of the Revised Code. Each school 91863
and school district selected for participation by the 91864
Superintendent of Public Instruction shall participate. 91865

Section 206.09.81. DEPARTMENT OF EDUCATION APPROPRIATION 91866
TRANSFERS FOR STUDENT ASSESSMENT 91867

In fiscal year 2006 and fiscal year 2007, if the 91868
Superintendent of Public Instruction determines that additional 91869
funds are needed to fully fund the requirements of Am. Sub. H.B. 3 91870
of the 125th General Assembly and this act for assessments of 91871
student performance, the Superintendent of Public Instruction may 91872
recommend the reallocation of unspent and unencumbered 91873
appropriations within the Department of Education to the General 91874
Revenue Fund appropriation item 200-437, Student Assessment, to 91875
the Director of Budget and Management. If the Director of Budget 91876
and Management determines that such a reallocation is required, 91877
the Director of Budget and Management may transfer unspent and 91878
unencumbered funds within the Department of Education as necessary 91879
to appropriation item 200-437, Student Assessment. If these 91880
unspent and unencumbered funds are not sufficient to fully fund 91881
the assessment requirements in fiscal year 2007, the 91882
Superintendent of Public Instruction may request that the 91883
Controlling Board transfer up to \$5,000,000 cash from the Lottery 91884
Profits Education Reserve Fund (Fund 018) to the General Revenue 91885
Fund and appropriate these transferred funds to appropriation item 91886
200-437, Student Assessment. 91887

Section 206.09.82. (A) As used in this section: 91888

(1) "IEP" has the same meaning as in section 3314.08 of the 91889
Revised Code. 91890

(2) "SBH student" means a student receiving special education 91891
and related services for severe behavior handicap conditions 91892
pursuant to an IEP. 91893

(B) This section applies only to a community school 91894
established under Chapter 3314. of the Revised Code that in each 91895
of fiscal years 2006 and 2007 enrolls a number of SBH students 91896
equal to at least fifty per cent of the total number of students 91897
enrolled in the school in the applicable fiscal year. 91898

(C) In addition to any payments made under section 3314.08 of the Revised Code, in each of fiscal years 2006 and 2007, the Department of Education shall pay to a community school to which this section applies a subsidy equal to the difference between the aggregate amount calculated and paid in that fiscal year to the community school for special education and related services additional weighted costs for the SBH students enrolled in the school and the aggregate amount that would have been calculated for the school for special education and related services additional weighted costs for those same students in fiscal year 2001. If the difference is a negative number, the amount of the subsidy shall be zero.

(D) The amount of any subsidy paid to a community school under this section shall not be deducted from the school district in which any of the students enrolled in the community school are entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. The amount of any subsidy paid to a community school under this section shall be paid from funds appropriated to the Department of Education in appropriation item 200-550, Foundation Funding.

Section 206.09.84. (A) As used in this section:

(1) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 and 3313.65 of the Revised Code.

(2) "Formula ADM" and "category six special education ADM" have the same meanings as in section 3317.02 of the Revised Code.

(3) "Individualized education program" has the same meaning as in section 3323.01 of the Revised Code.

(4) "Parent" has the same meaning as in section 3313.64 of the Revised Code.

(5) "Qualified special education child" is a child for whom 91929
all of the following conditions apply: 91930

(a) The school district in which the child is entitled to 91931
attend school has identified the child as autistic. 91932

(b) The school district in which the child is entitled to 91933
attend school has developed an individualized education program 91934
under Chapter 3323. of the Revised Code for the child. 91935

(c) The child either: 91936

(i) Was enrolled in the school district in which the child is 91937
entitled to attend school in any grade from preschool through 91938
twelve in the school year prior to the year in which a scholarship 91939
under this section is first sought for the child; or 91940

(ii) Is eligible to enter school in any grade preschool 91941
through twelve in the school district in which the child is 91942
entitled to attend school in the school year in which a 91943
scholarship under this section is first sought for the child. 91944

(6) "Registered private provider" means a nonpublic school or 91945
other nonpublic entity that has been approved by the Department of 91946
Education to participate in the program established under this 91947
section. 91948

(B) There is hereby established the Pilot Project Special 91949
Education Scholarship Program. Under the program, in fiscal years 91950
2006 and 2007, the Department of Education shall pay a scholarship 91951
to the parent of each qualified special education child upon 91952
application of that parent pursuant to procedures and deadlines 91953
established by rule of the State Board of Education. Each 91954
scholarship shall be used only to pay tuition for the child on 91955
whose behalf the scholarship is awarded to attend a special 91956
education program that implements the child's individualized 91957
education program and that is operated by a school district other 91958

than the school district in which the child is entitled to attend 91959
school, by another public entity, or by a registered private 91960
provider. Each scholarship shall be in an amount not to exceed the 91961
lesser of the tuition charged for the child by the special 91962
education program or twenty thousand dollars. The purpose of the 91963
scholarship is to permit the parent of a qualified special 91964
education child the choice to send the child to a special 91965
education program, instead of the one operated by or for the 91966
school district in which the child is entitled to attend school, 91967
to receive the services prescribed in the child's individualized 91968
education program once the individualized education program is 91969
finalized. A scholarship under this section shall not be awarded 91970
to the parent of a child while the child's individualized 91971
education program is being developed by the school district in 91972
which the child is entitled to attend school, or while any 91973
administrative or judicial mediation or proceedings with respect 91974
to the content of the child's individualized education program are 91975
pending. A scholarship under this section shall not be used for a 91976
child to attend a public special education program that operates 91977
under a contract, compact, or other bilateral agreement between 91978
the school district in which the child is entitled to attend 91979
school and another school district or other public provider, or 91980
for a child to attend a community school established under Chapter 91981
3314. of the Revised Code. However, nothing in this section or in 91982
any rule adopted by the State Board of Education shall prohibit a 91983
parent whose child attends a public special education program 91984
under a contract, compact, or other bilateral agreement, or a 91985
parent whose child attends a community school, from applying for 91986
and accepting a scholarship under this section so that the parent 91987
may withdraw the child from that program or community school and 91988
use the scholarship for the child to attend a special education 91989
program for which the parent is required to pay for services for 91990
the child. A child attending a special education program with a 91991

scholarship under this section shall continue to be entitled to 91992
transportation to and from that program in the manner prescribed 91993
by law. 91994

(C)(1) Notwithstanding anything to the contrary in the 91995
Revised Code, a child for whom a scholarship is awarded under this 91996
section shall be counted in the formula ADM and the category six 91997
special education ADM of the district in which the child is 91998
entitled to attend school and not in the formula ADM and the 91999
category six special education ADM of any other school district. 92000

(2) In each fiscal year, the Department shall deduct from the 92001
amounts paid to each school district under Chapter 3317. of the 92002
Revised Code, and, if necessary, sections 321.24 and 323.156 of 92003
the Revised Code, the aggregate amount of scholarships awarded 92004
under this section for qualified special education children 92005
included in the formula ADM and category six special education ADM 92006
of that school district as provided in division (C)(1) of this 92007
section. The scholarships deducted shall be considered as an 92008
approved special education and related services expense for the 92009
purpose of the school district's compliance with division (C)(5) 92010
of section 3317.022 of the Revised Code. 92011

(3) From time to time, the Department shall make a payment to 92012
the parent of each qualified special education child for whom a 92013
scholarship has been awarded under this section. The scholarship 92014
amount shall be proportionately reduced in the case of any such 92015
child who is not enrolled in the special education program for 92016
which a scholarship was awarded under this section for the entire 92017
school year. The Department shall make no payments to the parent 92018
of a child while any administrative or judicial mediation or 92019
proceedings with respect to the content of the child's 92020
individualized education program are pending. 92021

(D) A scholarship shall not be paid to a parent for payment 92022

of tuition owed to a nonpublic entity unless that entity is a registered private provider. The Department shall approve entities that meet the standards established by rule of the State Board for the program established under this section.

(E) The State Board shall adopt rules under Chapter 119. of the Revised Code prescribing procedures necessary to implement this section, including, but not limited to, procedures and deadlines for parents to apply for scholarships, standards for registered private providers, and procedures for approval of entities as registered private providers. The Board shall adopt the rules so that the program established under this section is operational by January 1, 2004.

Section 206.09.90. INTERVENTION FUNDING

No later than September 30, 2006, each school district shall report, in a manner defined by the Department of Education, how state intervention funding provided under division (B)(1) of section 3317.012 and division (C) of section 3317.029 of the Revised Code in fiscal year 2006 was deployed. To the degree that school districts do not meet adequate progress standards as defined by the Department of Education, the Department shall use the reported information to intervene at the district and building levels to make recommendations on how state funding for intervention should be deployed in a more effective manner. This information shall also be used by the Department to inform its recommendations required in the section of this act entitled "DISTRICT SPENDING REQUIREMENTS."

Section 206.09.93. EARMARK ACCOUNTABILITY

At the request of the Superintendent of Public Instruction, any entity that receives a budget earmark under the Department of Education shall submit annually to the chairpersons of the

committees of the House of Representatives and the Senate 92053
primarily concerned with education and to the Department of 92054
Education a report that includes a description of the services 92055
supported by the funds, a description of the results achieved by 92056
those services, an analysis of the effectiveness of the program, 92057
and an opinion as to the program's applicability to other school 92058
districts. For an earmarked entity that received state funds from 92059
an earmark in the prior fiscal year, no funds shall be provided by 92060
the Department of Education to an earmarked entity for a fiscal 92061
year until its report for the prior fiscal year has been 92062
submitted. 92063

Section 206.09.99. The revisions by this act to the 92064
Post-Secondary Enrollment Options Program established under 92065
Chapter 3365. of the Revised Code shall apply as follows: 92066

(A) The amendment to the definition of "tuition base" in 92067
section 3365.01 of the Revised Code, as amended by this act, shall 92068
apply to payments for courses taken beginning in the 2005-2006 92069
school year. 92070

(B) The requirement that a secondary grade student be a 92071
resident of this state in order to participate in the 92072
Post-Secondary Enrollment Options Program as specified in section 92073
3365.02 of the Revised Code, as amended by this act, shall not 92074
apply to students participating in the program during fiscal year 92075
2005. That requirement applies to students participating in the 92076
program after July 1, 2005, regardless of whether they 92077
participated in the program prior to that date. 92078

(C) The statement in section 3365.02 of the Revised Code, as 92079
amended by this act, concerning the purpose of the program applies 92080
to courses taken beginning in the 2005-2006 school year. 92081

(D) The requirement to seek reimbursement for college courses 92082

that a student failed, as specified in section 3365.02 of the Revised Code, as amended by this act, and section 3365.11 of the Revised Code, shall apply to courses taken beginning in the 2005-2006 school year.

(E) The opportunity to elect high school credit under Option A of the program, as specified in sections 3365.04, 3365.041, 3365.05, and 3365.08 of the Revised Code, as amended by this act, shall apply beginning in the 2005-2006 academic year.

Section 206.10.03. Not later than September 1, 2005, the Superintendent of Public Instruction shall begin preparations to implement the Educational Choice Scholarship Pilot Program established by sections 3310.01 to 3310.17 of the Revised Code. The Superintendent shall ensure that school districts, chartered nonpublic schools, students, and parents are informed of the Educational Choice Scholarship Pilot Program and how the Program may affect them. The Superintendent shall provide such information in sufficient time for affected parties to meet all deadlines imposed for participation in the Educational Choice Scholarship Pilot Program in the 2006-2007 school year. The State Board of Education shall adopt the rules required by section 3310.16 of the Revised Code so that those rules are in effect and the Educational Choice Scholarship Pilot Program is operational in the school year that commences July 1, 2006.

The Superintendent shall select not more than 14,000 students in fiscal year 2007 to be awarded scholarships under the Educational Choice Scholarship Pilot Program.

Section 206.10.05. There is hereby established a committee to study the consolidation of school districts. The committee shall consist of three members of the House of Representatives, appointed by the Speaker of the House of Representatives, and

three members of the Senate, appointed by the President of the 92113
Senate. From each house, two members shall be of the majority 92114
party and one member shall be of the minority party. The Speaker 92115
of the House of Representatives shall designate the chairman of 92116
the committee. Members shall not receive compensation for their 92117
services. 92118

The committee shall study the feasibility of city, local, and 92119
exempted village school district consolidation and the economic 92120
impact, including possible cost savings, of consolidation for the 92121
state and school districts. If the committee determines school 92122
district consolidation is feasible, the committee shall recommend 92123
legislation to accomplish the consolidation. 92124

The committee shall report its findings to the General 92125
Assembly not later than one year after the effective date of this 92126
section. Copies of the findings shall be provided to the Governor, 92127
the President and Minority Leader of the Senate, the Speaker and 92128
Minority Leader of the House of Representatives, and the 92129
chairpersons, vice-chairpersons, and ranking minority members of 92130
the education committees of the House of Representatives and the 92131
Senate. Following its report of findings, the committee shall 92132
cease to exist. 92133

Section 206.10.09. Within thirty days after the effective 92134
date of this section, the Department of Education shall notify 92135
each entity approved to be a sponsor of community schools pursuant 92136
to division (B)(1) of section 3314.015 of the Revised Code prior 92137
to the effective date of this section and each entity that is not 92138
required to be so approved by section 3314.021 of the Revised Code 92139
or Section 6 of Sub. H.B. 364 of the 124th General Assembly of the 92140
number of schools the entity may sponsor under that division. 92141

Section 206.10.10. (A) Within thirty days after the effective 92142

date of this section, the Department of Education shall do both of 92143
the following: 92144

(1) Conduct a random lottery to determine thirty community 92145
schools sponsored by entities described in division (C)(1)(b) to 92146
(f) of section 3314.02 of the Revised Code that will be permitted 92147
to open for operation in order to reach the limit on such schools 92148
prescribed by division (A)(4) of section 3314.013 of the Revised 92149
Code, as enacted by this act; 92150

(2) Conduct a random lottery to determine thirty community 92151
schools sponsored by the school districts in which the schools are 92152
proposed to be located that will be permitted to open for 92153
operation in order to reach the limit on such schools prescribed 92154
by division (A)(5) of section 3314.013 of the Revised Code, as 92155
enacted by this act. 92156

(B) Sponsors of community schools shall apply to the 92157
Department to include a community school in the lottery conducted 92158
under division (A)(1) or (2) of this section, as applicable. A 92159
sponsor may make application for any community school it sponsors 92160
for which the following conditions are met: 92161

(1) The sponsor has entered into a contract with the 92162
governing authority of the school under section 3314.03 of the 92163
Revised Code. 92164

(2) The school is prepared to open for its initial year of 92165
operation in the 2005-2006 school year. 92166

However, no sponsor may apply to include a community school 92167
in a lottery if the selection of the school would cause the 92168
sponsor to exceed the sponsor's limit on the number of schools it 92169
may sponsor as prescribed by division (B)(1) of section 3314.015 92170
of the Revised Code, as amended by this act. 92171

(C) The Department shall establish the application method and 92172

deadline for sponsors to apply for the lotteries conducted under 92173
this section. The Department shall allow sufficient time between 92174
the date on which sponsors are notified of the number of schools 92175
they may sponsor, as required by Section 206.10.09 of this act, 92176
and the deadline for lottery applications to enable sponsors to 92177
complete the application process. 92178

Section 206.10.11. No community school established under 92179
Chapter 3314. of the Revised Code that was not open for operation 92180
as of May 1, 2005, shall operate from a home, as defined in 92181
section 3313.64 of the Revised Code. 92182

Section 206.10.12. (A) The School Physical Fitness and 92183
Wellness Advisory Council is hereby established. The Council shall 92184
consist of the following members: 92185

(1) A representative of the Ohio Association for Health, 92186
Physical Education, Recreation and Dance, appointed by the 92187
Association; 92188

(2) A school food service director, appointed by the Ohio 92189
School Food Service Association; 92190

(3) A representative of the Ohio School Boards Association, 92191
appointed by the Association; 92192

(4) A registered dietician, appointed by the Ohio Dietetic 92193
Association; 92194

(5) A representative of the Ohio State Medical Association, 92195
appointed by the Association; 92196

(6) A representative of the food industry, appointed by the 92197
Ohio Chamber of Commerce; 92198

(7) A representative of the Ohio Parent Teacher Association, 92199
appointed by the Association; 92200

(8) A representative of the Ohio Soft Drink Association, 92201
appointed by the Association; 92202

(9) A representative of the Department of Education, 92203
appointed by the Superintendent of Public Instruction; 92204

(10) A representative of the Ohio Parks and Recreation 92205
Association, appointed by the Association; 92206

(11) The Director of Health; 92207

(12) A representative of the Ohio Children's Hunger Alliance, 92208
appointed by the Alliance. 92209

(B) Appointments to the Council shall be made within thirty 92210
days after the effective date of this section. The representative 92211
of the Department of Education shall be the chairperson of the 92212
Council. The Council shall meet at least every two months. The 92213
Department of Education shall provide administrative support to 92214
the Council in the performance of its duties. 92215

(C) The Council shall develop guidelines for best practices 92216
regarding nutrition education, physical activity for students, and 92217
school-based activities and school-business partnerships that 92218
promote student wellness. For this purpose, the Council shall 92219
examine research concerning these issues and review existing 92220
guidelines and best practices established by associations or 92221
governmental entities at the national, state, and local levels. 92222
The best practices guidelines developed by the Council shall 92223
provide information that school districts participating in a 92224
school lunch program under the "National School Lunch Act," 60 92225
Stat. 230 (1946), 42 U.S.C. 1751, as amended, may use when 92226
adopting local wellness policies as required by the "Child 92227
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended. 92228
The Council also shall develop strategies for districts to use in 92229
evaluating the implementation of their local wellness policies to 92230
determine if the goals and objectives described in those policies 92231

are being met.

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(D) Not later than December 31, 2005, the Council shall
compile a written report containing its best practices guidelines
and evaluation strategies. Copies of the report shall be provided
to each school district participating in a school lunch program as
described in division (C) of this section, the Governor, the
Speaker of the House of Representatives, and the President of the
Senate. Upon submission of its report, the Council shall cease to
exist.

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Section 206.10.15. For fiscal years 2006 and 2007, the
Department of Education shall provide funding to the Ohio Wyami
Appalachian Teacher Cohorts Program under the Columbiana County
Educational Service Center to provide teacher professional
development in Ohio's Appalachian counties. The program shall
provide professional development that is based on a review of
scientifically based research and is expected to improve student
academic achievement as required by Title II of the "No Child Left
Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6612 et seq., for
approximately eighty public and charter nonpublic teachers from
Ohio's Appalachian counties each year. The Department of Education
shall provide \$1,500,000 each fiscal year in federal grant funds
from the State Grants For Improving Teacher Quality Program to the
Columbiana County Educational Service Center for this purpose. The
Center shall not expend these funds outside of Ohio.

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Section 206.10.21. (A) Notwithstanding section 3313.41 of the
Revised Code, a school district board of education in support of
economic development within the territory of the district may
dispose of real property that it owns in its corporate capacity,
and that exceeds in value ten thousand dollars, by direct sale in
lieu of offering the property for sale at public auction as

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provided in division (A) of that section, in lieu of offering the 92262
property for sale to an entity listed in division (C) of that 92263
section, or in lieu of offering the property for sale to a 92264
community school as provided in division (G) of that section, if 92265
all of the following conditions are satisfied: 92266

(1) The real property is encumbered by easements, liens, or 92267
other use restrictions that benefit the person acquiring the 92268
property under this section; 92269

(2) The real property was part of or adjacent to real 92270
property previously disposed of by the board of education; 92271

(3) The real property when sold will be used for commercial 92272
development. 92273

(B) This section expires December 31, 2005. 92274

Section 206.10.24. Regardless of the changes made by this act 92275
regarding the reporting of formula ADM by school districts, not 92276
later than July 1, 2006, the Superintendent of Public Instruction 92277
shall recommend to the General Assembly a plan whereby: 92278

(A) School districts make a second annual certification of 92279
formula ADM in the second half of each fiscal year, prior to the 92280
first day of April; 92281

(B) This second annual certification of formula ADM may be 92282
used to guarantee a minimum level of state funding to each school 92283
district for the next fiscal year, with sufficient notice so that 92284
the districts may prepare in advance of each school year. 92285

The recommended plan shall include methods to accommodate 92286
enrollment growth trends in fast-growing districts. 92287

Section 206.13. ELC OHIO ELECTIONS COMMISSION 92288

General Revenue Fund 92289

GRF 051-321 Operating Expenses	\$	411,623	\$	411,623	92290
TOTAL GRF General Revenue Fund	\$	411,623	\$	411,623	92291
General Services Fund Group					92292
4P2 051-601 Ohio Elections					92293
Commission Fund	\$	225,000	\$	225,000	92294
TOTAL GSF General Services Fund	\$	225,000	\$	225,000	92295
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	636,623	\$	636,623	92296

Section 206.16. FUN STATE BOARD OF EMBALMERS AND FUNERAL					92298
DIRECTORS					92299
General Services Fund Group					92300
4K9 881-609 Operating Expenses	\$	598,933	\$	0	92301
TOTAL GSF General Services					92302
Fund Group	\$	598,933	\$	0	92303
TOTAL ALL BUDGET FUND GROUPS	\$	598,933	\$	0	92304

Section 206.19. ERB STATE EMPLOYMENT RELATIONS BOARD					92306
General Revenue Fund					92307
GRF 125-321 Operating Expenses	\$	3,265,397	\$	3,363,359	92308
TOTAL GRF General Revenue Fund	\$	3,265,397	\$	3,363,359	92309
General Services Fund Group					92310
572 125-603 Training and	\$	75,541	\$	75,541	92311
Publications					
TOTAL GSF General Services					92312
Fund Group	\$	75,541	\$	75,541	92313
TOTAL ALL BUDGET FUND GROUPS	\$	3,340,938	\$	3,438,900	92314

Section 206.24. ENG STATE BOARD OF ENGINEERS AND SURVEYORS					92316
General Services Fund Group					92317
4K9 892-609 Operating Expenses	\$	1,058,881	\$	1,058,881	92318
TOTAL GSF General Services					92319

Fund Group	\$	1,058,881	\$	1,058,881	92320
TOTAL ALL BUDGET FUND GROUPS	\$	1,058,881	\$	1,058,881	92321
Section 206.27.		EPA ENVIRONMENTAL PROTECTION AGENCY			92323
General Revenue Fund					92324
GRF 715-403 Clean Ohio	\$	92,707	\$	0	92325
GRF 715-501 Local Air Pollution Control	\$	128,297	\$	0	92326
GRF 717-321 Surface Water	\$	1,112,342	\$	0	92327
GRF 718-321 Groundwater	\$	136,719	\$	0	92328
GRF 719-321 Air Pollution Control	\$	311,494	\$	0	92329
GRF 721-321 Drinking Water	\$	318,783	\$	0	92330
GRF 723-321 Hazardous Waste	\$	12,606	\$	0	92331
GRF 724-321 Pollution Prevention	\$	87,538	\$	0	92332
GRF 725-321 Laboratory	\$	152,043	\$	0	92333
GRF 726-321 Corrective Actions	\$	147,473	\$	0	92334
TOTAL GRF General Revenue Fund	\$	2,500,002	\$	0	92335
General Services Fund Group					92336
199 715-602 Laboratory Services	\$	1,078,348	\$	1,083,574	92337
219 715-604 Central Support Indirect	\$	15,804,913	\$	16,345,805	92338
4A1 715-640 Operating Expenses	\$	3,369,731	\$	3,369,731	92339
TOTAL GSF General Services					92340
Fund Group	\$	20,252,992	\$	20,799,110	92341
Federal Special Revenue Fund Group					92342
3F2 715-630 Revolving Loan Fund - Operating	\$	152,021	\$	293,129	92343
3F3 715-632 Fed Supported Cleanup and Response	\$	2,792,648	\$	2,777,648	92344
3F4 715-633 Water Quality Management	\$	710,000	\$	710,000	92345
3F5 715-641 Nonpoint Source	\$	7,815,000	\$	7,810,000	92346

		Pollution Management					
3J1	715-620	Urban Stormwater	\$	706,000	\$	710,000	92347
3K2	715-628	Clean Water Act 106	\$	4,723,845	\$	5,023,846	92348
3K4	715-634	DOD Monitoring and Oversight	\$	1,450,333	\$	1,450,333	92349
3K6	715-639	Remedial Action Plan	\$	320,000	\$	319,000	92350
3N4	715-657	DOE Monitoring and Oversight	\$	3,181,736	\$	3,231,963	92351
3V7	715-606	Agencywide Grants	\$	458,115	\$	479,115	92352
352	715-611	Wastewater Pollution	\$	525,000	\$	530,000	92353
353	715-612	Public Water Supply	\$	3,384,959	\$	3,388,619	92354
354	715-614	Hazardous Waste Management - Federal	\$	4,203,891	\$	4,203,891	92355
357	715-619	Air Pollution Control - Federal	\$	6,966,337	\$	7,243,950	92356
362	715-605	Underground Injection Control - Federal	\$	111,874	\$	111,874	92357
TOTAL FED		Federal Special Revenue					92358
Fund Group			\$	37,501,759	\$	38,283,368	92359
State Special Revenue Fund Group							92360
3T3	715-669	Drinking Water SRF	\$	2,411,614	\$	2,482,910	92361
4J0	715-638	Underground Injection Control	\$	438,285	\$	458,418	92362
4K2	715-648	Clean Air - Non Title V	\$	3,234,278	\$	3,178,062	92363
4K3	715-649	Solid Waste	\$	13,800,377	\$	14,282,845	92364
4K4	715-650	Surface Water Protection	\$	11,606,000	\$	12,420,000	92365
4K5	715-651	Drinking Water Protection	\$	7,202,901	\$	7,492,035	92366
4P5	715-654	Cozart Landfill	\$	149,728	\$	149,728	92367
4R5	715-656	Scrap Tire Management	\$	6,000,000	\$	6,000,000	92368
4R9	715-658	Voluntary Action	\$	1,008,765	\$	1,032,098	92369

		Program				
4T3	715-659	Clean Air - Title V	\$	16,960,373	\$	17,180,980 92370
		Permit Program				
4U7	715-660	Construction &	\$	586,797	\$	582,305 92371
		Demolition Debris				
5BC	715-617	Clean Ohio	\$	648,939	\$	741,646 92372
5BC	715-622	Local Air Pollution	\$	898,072	\$	1,026,369 92373
		Control				
5BC	715-624	Surface Water	\$	7,685,071	\$	8,797,413 92374
5BC	715-667	Groundwater	\$	957,022	\$	1,093,741 92375
5BC	715-672	Air Pollution Control	\$	4,234,681	\$	5,199,290 92376
5BC	715-673	Drinking Water	\$	2,231,467	\$	2,550,250 92377
5BC	715-675	Hazardous Waste	\$	88,241	\$	100,847 92378
5BC	715-676	Assistance and	\$	612,764	\$	700,302 92379
		Prevention				
5BC	715-677	Laboratory	\$	1,064,290	\$	1,216,333 92380
5BC	715-678	Corrective Action	\$	1,032,302	\$	1,179,775 92381
5CD	715-682	Clean Diesel School	\$	650,000	\$	850,000 92382
		Buses				
5H4	715-664	Groundwater Support	\$	2,325,922	\$	2,408,871 92383
5N2	715-613	Dredge and Fill	\$	30,000	\$	30,000 92384
500	715-608	Immediate Removal	\$	482,000	\$	482,000 92385
		Special Account				
503	715-621	Hazardous Waste	\$	11,270,231	\$	11,711,473 92386
		Facility Management				
505	715-623	Hazardous Waste	\$	11,482,988	\$	11,482,988 92387
		Cleanup				
505	715-674	Clean Ohio	\$	104,500	\$	109,725 92388
		Environmental Review				
541	715-670	Site Specific Cleanup	\$	33,000	\$	34,650 92389
542	715-671	Risk Management	\$	146,188	\$	146,188 92390
		Reporting				
592	715-627	Anti Tampering	\$	17,203	\$	9,707 92391

		Settlement					
6A1	715-645	Environmental	\$	1,500,000	\$	1,500,000	92392
		Education					
602	715-626	Motor Vehicle	\$	1,190,944	\$	250,000	92393
		Inspection and Maintenance					
644	715-631	ER Radiological Safety	\$	286,114	\$	286,114	92394
660	715-629	Infectious Waste	\$	160,000	\$	100,000	92395
		Management					
676	715-642	Water Pollution	\$	4,964,625	\$	4,964,625	92396
		Control Loan Administration					
678	715-635	Air Toxic Release	\$	210,621	\$	210,622	92397
679	715-636	Emergency Planning	\$	2,828,647	\$	2,828,647	92398
696	715-643	Air Pollution Control	\$	750,000	\$	750,000	92399
		Administration					
699	715-644	Water Pollution	\$	750,000	\$	750,000	92400
		Control Administration					
TOTAL SSR	State Special Revenue		\$	122,034,950	\$	126,770,957	92401
	Fund Group						
	Clean Ohio Revitalization Fund Group						92402
5S1	715-607	Clean Ohio - Operating	\$	208,174	\$	208,174	92403
TOTAL CLF	Clean Ohio Revitalization		\$	208,174	\$	208,174	92404
	Fund Group						
TOTAL ALL BUDGET FUND GROUPS			\$	182,497,877	\$	186,061,609	92405
	AUTOMOBILE EMISSIONS TESTING PROGRAM OPERATION AND OVERSIGHT						92406
	(A) There is hereby created the Auto Emissions Test Fund						92407
	(Fund 5BY). When renewing a contract to continue the E-check						92408
	program after December 31, 2005, the Ohio Environmental Protection						92409
	Agency (EPA) shall use the foregoing appropriation item 715-681,						92410
	Auto Emissions Test in the Auto Emissions Test Fund (Fund 5BY), to						92411
	pay the contracted amount per test for the operation, and Ohio						92412

EPA's costs for oversight, of the auto emissions testing programs 92413
in counties still designated as non-attainment or designated by 92414
the General Assembly to continue such tests under mandate of the 92415
federal Clean Air Act. These amounts are hereby appropriated. 92416

(B)(1) Not later than July 1, 2005, the Director of 92417
Environmental Protection, in conjunction with the Office of Budget 92418
and Management, shall estimate the amount necessary for operation 92419
of the Auto Emissions Testing Program for the period beginning 92420
January 1, 2006, and ending June 30, 2006. Notwithstanding section 92421
183.02 of the Revised Code, of the tobacco revenue that is 92422
credited to the Tobacco Master Settlement Agreement Fund (Fund 92423
087) in fiscal year 2005, the Director of Budget and Management 92424
shall withhold from the share that is determined pursuant to 92425
section 183.02 of the Revised Code to be the amount to be 92426
transferred from the Tobacco Master Settlement Agreement Fund 92427
(Fund 086) to the Tobacco Use Prevention and Cessation Trust Fund 92428
(Fund H87) an amount equal to the estimate determined pursuant to 92429
this division. 92430

(2) Not later than December 31, 2005, the Director of 92431
Environmental Protection shall certify to the Director of Budget 92432
and Management the actual amount, not to exceed the estimated 92433
amount, necessary for the Auto Emissions Testing Program for the 92434
period beginning January 1, 2006, and ending June 30, 2006. 92435
Notwithstanding section 183.02 of the Revised Code, on January 1, 92436
2006, or as soon as possible thereafter, the Director of Budget 92437
and Management shall transfer the amount certified pursuant to 92438
this division from the Tobacco Master Settlement Agreement Fund 92439
(Fund 087) to the Auto Emissions Test Fund (Fund 5BY). Amounts 92440
transferred are hereby appropriated to appropriation item 715-681, 92441
Auto Emissions Test, in the Environmental Protection Agency. 92442

(3) On January 1, 2006, or as soon as possible thereafter, 92443
the Director of Budget and Management shall transfer to the 92444

Tobacco Use Prevention and Cessation Trust Fund (Fund H87) any 92445
amount withheld from being transferred to the Tobacco Use 92446
Prevention and Cessation Trust Fund pursuant to division (B)(1) of 92447
this section that is greater than the amount that is transferred 92448
under division (B)(2) of this section. 92449

(C) An amount equal to the remaining balance in appropriation 92450
item 715-681, Auto Emissions Test, from fiscal year 2006 is hereby 92451
appropriated for fiscal year 2007 into appropriation item 715-681, 92452
Auto Emissions Test. 92453

(D) Not later than June 30, 2006, the Director of 92454
Environmental Protection shall certify to the Director of Budget 92455
and Management the amount needed for the Auto Emissions Testing 92456
Program for fiscal year 2007 taking into account the amounts 92457
appropriated for fiscal year 2007 pursuant to division (C) of this 92458
section. 92459

Notwithstanding section 183.02 of the Revised Code, on July 92460
1, 2006, or as soon as possible thereafter, the Director of Budget 92461
and Management shall transfer cash equal to the amount certified 92462
pursuant to this division from the Tobacco Master Settlement 92463
Agreement Fund (Fund 087) to the Auto Emissions Test Fund (Fund 92464
5BY) in the Environmental Protection Agency. Of the tobacco 92465
revenue that is credited to the Tobacco Master Settlement 92466
Agreement Fund (Fund 087) in fiscal year 2006, the share that is 92467
determined pursuant to section 183.02 of the Revised Code to be 92468
the amount transferred by the Director of Budget and Management 92469
from the Tobacco Master Settlement Agreement Fund (Fund 087) to 92470
the Tobacco Use Prevention and Cessation Trust Fund (Fund H87) 92471
shall be reduced by the amount that is transferred from the 92472
Tobacco Master Settlement Agreement Fund (Fund 087) to the Auto 92473
Emissions Test Fund (Fund 5BY) under this division. Amounts 92474
transferred are hereby appropriated to appropriation item 715-681, 92475
Auto Emissions Test, in the Environmental Protection Agency. 92476

(E) Not later than July 31, 2007, the Director of Budget and Management shall transfer the unencumbered cash balance of the Auto Emissions Test Fund (Fund 5BY) to the Tobacco Use Prevention and Cessation Trust Fund (Fund H87).

(F) The funds identified in this section shall not be used to cover the testing costs of any dealers that are required to provide passing certificates under section 3704.14 of the Revised Code or to provide more than two free tests for any vehicle in a three-hundred-sixty-five-day period. The cost of testing and retesting for any vehicle shall not exceed the contracted amount per test.

NPDES TRANSFER TO AGRICULTURE

On or after the date on which the United States Environmental Protection Agency approves the state program submitted under division (A)(1) of section 903.08 of the Revised Code, the Director of Environmental Protection, the Director of Agriculture, and the Director of Budget and Management shall calculate the amount of compensation to be made to the Environmental Protection Agency and to the Department of Agriculture from federal moneys disbursed and received for purposes of administering the National Pollutant Discharge Elimination System (NPDES) Program and shall calculate the amount of statematching funding that is required for administering that program. The Environmental Protection Agency and the Department of Agriculture may apply separately to the United States Environmental Protection Agency for each agency's respective share of the federal moneys. If the United States Environmental Protection Agency awards all federal moneys for administration of the NPDES program to one agency, that agency shall transfer the appropriate amount of moneys to the other agency in accordance with the calculations of compensation made pursuant to these provisions.

CASH TRANSFER FOR ENVIRONMENTAL PROTECTION FUND				92508
On July 1, 2005, or as soon as possible thereafter, the				92509
Director of Budget and Management may transfer \$1,000,000 in cash				92510
from the Central Support Indirect Fund (Fund 219) into the				92511
Environmental Protection Fund (Fund 5BC).				92512
On July 1, 2005, or as soon as possible thereafter, the				92513
Director of Budget and Management may transfer \$6,000,000 in cash				92514
from the Hazardous Waste Facility Management Fund (Fund 503) into				92515
the Environmental Protection Fund (Fund 5BC).				92516
On July 1, 2005, or as soon as possible thereafter, the				92517
Director of Budget and Management may transfer \$3,000,000 in cash				92518
from the Solid Waste Fund (Fund 4K3) into the Environmental				92519
Protection Fund (Fund 5BC).				92520
On July 1, 2005, or as soon as possible thereafter, the				92521
Director of Budget and Management may transfer \$1,000,000 in cash				92522
from the Hazardous Waste Cleanup Fund (Fund 505) into the				92523
Environmental Protection Fund (Fund 5BC).				92524
Section 206.30. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION				92525
General Revenue Fund				92526
GRF 172-321 Operating Expenses	\$	479,161	\$ 483,859	92527
TOTAL GRF General Revenue Fund	\$	479,161	\$ 483,859	92528
TOTAL ALL BUDGET FUND GROUPS	\$	479,161	\$ 483,859	92529
Section 206.31. ETC ETECH OHIO				92531
General Revenue Fund				92532
GRF 935-321 Operations	\$	7,174,453	\$ 6,830,918	92533
GRF 935-401 Statehouse News Bureau	\$	244,400	\$ 244,400	92534
GRF 935-402 Ohio Government	\$	716,417	\$ 716,417	92535
Telecommunications				
Studio				

GRF 935-403	Technical Operations	\$	1,768,150	\$	1,768,150	92536
GRF 935-404	Telecommunications	\$	3,632,413	\$	3,632,413	92537
	Operating Subsidy					
GRF 935-406	Technical and	\$	6,484,763	\$	6,607,144	92538
	Instructional					
	Professional					
	Development					
GRF 935-539	Educational Technology	\$	5,968,791	\$	5,968,791	92539
TOTAL GRF	General Revenue Fund	\$	25,989,387	\$	25,768,233	92540
General Services Fund Group						92541
4F3 935-603	Affiliate Services	\$	2,000,000	\$	2,000,000	92542
4T2 935-605	Government	\$	150,000	\$	150,000	92543
	Television/Telecommunications					
	Operating					
5D4 935-640	Conference/Special	\$	1,600,645	\$	1,821,817	92544
	Purposes					
TOTAL GSF	General Services Fund	\$	3,750,645	\$	3,971,817	92545
Group						
Federal Special Revenue Fund Group						92546
3S3 935-606	Enhancing Education	\$	589,363	\$	589,363	92547
	Technology					
TOTAL FED	Federal Special Revenue	\$	589,363	\$	589,363	92548
Fund Group						
State Special Revenue Fund Group						92549
4W9 935-630	Telecommunity	\$	50,000	\$	25,000	92550
4X1 935-634	Distance Learning	\$	250,000	\$	100,000	92551
5T3 935-607	Gates Foundation	\$	600,000	\$	200,000	92552
	Grants					
TOTAL SSR	State Special Revenue	\$	900,000	\$	325,000	92553
Fund Group						
TOTAL ALL BUDGET FUND GROUPS		\$	31,229,395	\$	30,654,413	92554

Section 206.31.03. OPERATIONS	92556
eTech Ohio shall enter into an agreement with the Department	92557
of Administrative Services to provide for the maintenance of all	92558
of its towers. eTech Ohio and the Department of Administrative	92559
Services shall develop a plan to address the best method for	92560
transferring ownership and control of all the towers to the	92561
Department of Administrative Services. This plan shall be	92562
submitted to the Office of Budget and Management by July 1, 2006.	92563
Section 206.31.06. TELECOMMUNICATIONS	92564
STATEHOUSE NEWS BUREAU	92565
The foregoing appropriation item 935-401, Statehouse News	92566
Bureau, shall be used solely to support the operations of the Ohio	92567
Statehouse News Bureau.	92568
OHIO GOVERNMENT TELECOMMUNICATIONS STUDIO	92569
The foregoing appropriation item 935-402, Ohio Government	92570
Telecommunications Studio, shall be used solely to support the	92571
operations of the Ohio Government Telecommunications Studio.	92572
TECHNICAL OPERATIONS	92573
The foregoing appropriation item 935-403, Technical	92574
Operations, shall be used by eTech Ohio to pay expenses of the	92575
television and radio transmission infrastructure.	92576
TELECOMMUNICATIONS OPERATING SUBSIDY	92577
Of the foregoing appropriation item 935-404,	92578
Telecommunications Operating Subsidy, \$45,000 in each fiscal year	92579
shall be used to contract for dial-up newspaper reading services	92580
for the blind and physically handicapped. The contract shall be	92581
awarded through a competitive bidding process. eTech Ohio shall	92582
not disburse these funds without prior approval of the Controlling	92583

Board.	92584
The remainder of appropriation item 935-404,	92585
Telecommunications Operating Subsidy, shall be distributed by	92586
eTech Ohio to Ohio's qualified public educational television	92587
stations, radio reading services, and educational radio stations	92588
to support their operations. The funds shall be distributed	92589
pursuant to an allocation formula used by the Ohio Educational	92590
Telecommunications Network Commission unless and until a	92591
substitute formula is developed by eTech Ohio in consultation with	92592
Ohio's qualified public educational television stations, radio	92593
reading services, and educational radio stations.	92594
Section 206.31.09. TECHNICAL AND INSTRUCTIONAL PROFESSIONAL	92595
DEVELOPMENT	92596
The foregoing appropriation item 935-406, Technical and	92597
Instructional Professional Development, shall be used by eTech	92598
Ohio to make grants or provide services to qualifying public	92599
schools, including the State School for the Blind and the State	92600
School for the Deaf, and the Ohio Department of Youth Services,	92601
for the provision of hardware, software, telecommunications	92602
services, and staff development to support educational uses of	92603
technology in the classroom. eTech Ohio shall consider the	92604
professional development needs associated with the OhioReads	92605
Program when making funding allocations and program decisions.	92606
Of the foregoing appropriation item 935-406, Technical and	92607
Instructional Professional Development, up to \$200,000 in each	92608
fiscal year shall be used by eTech Ohio to provide competitive	92609
professional development grants to school districts. Grant	92610
proposals shall focus on developing innovative programs that	92611
enhance the abilities of teachers to use innovative methods for	92612
integrating technology to implement state academic content	92613
standards in classroom lessons. Grant requirements and awards	92614

shall be approved by eTech Ohio, with priority given to school
districts designated in academic emergency, academic watch, or
continuous improvement. eTech Ohio shall develop a website to
share information learned through these programs with school
districts statewide. The website shall be linked with the Ohio
Department of Education's Instructional Management System.

Of the foregoing appropriation item 935-406, Technical and
Instructional Professional Development, up to \$1,260,000 in each
fiscal year shall be allocated equally among the 12 Ohio
educational television stations and used with the advice and
approval of eTech Ohio. Funds shall be used for the production of
interactive instructional programming series with priority given
to resources aligned with state academic content standards in
consultation with the Ohio Department of Education and for
teleconferences to support eTech Ohio. The programming shall be
targeted to the needs of the poorest two hundred school districts
as determined by the district's adjusted valuation per pupil as
defined in section 3317.0213 of the Revised Code as that section
existed prior to the effective date of this section.

The remainder of appropriation item 935-406, Technical and
Instructional Professional Development, shall be used by eTech
Ohio for professional development for teachers and administrators
for the use of educational technology. eTech Ohio may make grants
to provide technical assistance and professional development on
the use of educational technology to school districts.

Eligible recipients of grants include regional training
centers, educational service centers, data acquisition sites,
educational technology centers, institutions of higher education,
public television stations, special education resource centers,
area media centers, or other nonprofit educational organizations.
In addition, services provided through these grants may include
use of private entities subcontracting through the grant

recipient.

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Grants shall be made to entities on a contractual basis with eTech Ohio. Contracts shall include provisions that demonstrate how services will benefit technology use in the public schools, and in particular how services will support eTech Ohio's efforts to integrate technology in the public schools. Contracts shall specify the scope of assistance being offered and the potential number of professionals who will be served. Contracting entities may be awarded more than one grant at a time. Grants shall be awarded in a manner consistent with the goals and priorities of eTech Ohio. Special emphasis in the award of grants shall be placed on collaborative efforts among service providers.

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Application for grants from appropriation item 935-406, Technical and Instructional Professional Development, shall be consistent with a school district's technology plan that shall meet the minimum specifications for school district technology plans as prescribed by eTech Ohio. Funds allocated through these grants may be combined with funds received through other state or federal grants for technology so long as the school district's technology plan specifies the use of these funds.

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Section 206.31.12. EDUCATION TECHNOLOGY

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The foregoing appropriation item 935-539, Education Technology, shall be used to provide funding to suppliers of information services to school districts for the provision of hardware, software, and staff development in support of educational uses of technology in the classroom as prescribed by the State Plan for Technology pursuant to section 3301.07 of the Revised Code, and to support assistive technology for children and youth with disabilities.

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Of the foregoing appropriation item 935-539, Education

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Technology, up to \$1,829,240 in each fiscal year shall be used by 92677
eTech Ohio to link all public K-12 classrooms to each other and 92678
the Internet, and to provide access to voice, video, and data 92679
educational resources for students and teachers through the OneNet 92680
Ohio Program. 92681

Up to \$4,139,551 in each fiscal year shall be used by eTech 92682
Ohio to contract with educational television to provide Ohio 92683
public schools with instructional resources and services with 92684
priority given to resources and services aligned with state 92685
academic content standards and such resources and services shall 92686
be based upon the advice and approval of eTech Ohio, based on a 92687
formula used by the Ohio SchoolNet Commission unless and until a 92688
substitute formula is developed by eTech Ohio in consultation with 92689
Ohio's educational technology agencies and noncommercial 92690
educational television stations. 92691

Resources may include, but not be limited to, the following: 92692
prerecorded video materials (including videotape, laser discs, and 92693
CD-ROM discs); computer software for student use or student access 92694
to electronic communication, databases, spreadsheet, and word 92695
processing capability; live student courses or courses delivered 92696
electronically; automated media systems; and instructional and 92697
professional development materials for teachers. eTech Ohio shall 92698
collaborate with public television stations and cooperate with 92699
education technology agencies in the acquisition, development, and 92700
delivery of such educational resources to ensure high-quality and 92701
educational soundness at the lowest possible cost. Delivery of 92702
such resources may utilize a variety of technologies, with a 92703
preference given to a high speed integrated information network 92704
that can transport video, voice, data, and graphics 92705
simultaneously. 92706

Services shall include presentations and technical assistance 92707
that will help students and teachers integrate educational 92708

materials that support curriculum objectives, match specific
learning styles, and are appropriate for individual interests and
ability levels.

Such instructional resources and services shall be made
available for purchase by chartered nonpublic schools or by school
districts for the benefit of pupils attending chartered nonpublic
schools.

eTech Ohio shall monitor the developments of technology,
coordinate with the Office of Information Technology, and assure
the most effective and highest quality operation of eTech Ohio
networks. All efforts may be aligned with the State's ongoing
efforts to coordinate appropriate network operations through the
Office of Information Technology and through the Third Frontier
Network.

Section 206.31.15. TELECOMMUNITY

The foregoing appropriation item 935-630, Telecommunity,
shall be distributed by eTech Ohio on a grant basis to eligible
school districts to establish "distance learning" through
interactive video technologies in the school district. Per
agreements with eight Ohio local telephone companies: ALLTEL Ohio,
CENTURY Telephone of Ohio, Chillicothe Telephone Company,
Cincinnati Bell Telephone Company, Orwell Telephone Company,
Sprint North Central Telephone, VERIZON, and Western Reserve
Telephone Company, school districts are eligible for funds if they
are within one of the listed telephone company service areas.
Funds to administer the program shall be expended by eTech Ohio up
to the amount specified in agreements with the listed telephone
companies.

Within thirty days after the effective date of this section,
the Director of Budget and Management shall transfer to Fund 4W9

in the state special revenue fund group any investment earnings 92739
from moneys paid by any telephone company as part of any 92740
settlement agreement between the listed companies and the Public 92741
Utilities Commission in fiscal years 1996 and beyond. 92742

DISTANCE LEARNING 92743

The foregoing appropriation item 935-634, Distance Learning, 92744
shall be distributed by eTech Ohio on a grant basis to eligible 92745
school districts to establish "distance learning" in the school 92746
district. Per the agreement with Ameritech, school districts are 92747
eligible for funds if they are within an Ameritech service area. 92748
Funds to administer the program shall be expended by eTech Ohio up 92749
to the amount specified in the agreement with Ameritech. 92750

Within thirty days after the effective date of this section, 92751
the Director of Budget and Management shall transfer to fund 4X1 92752
in the State Special Revenue Fund Group any investment earnings 92753
from moneys paid by any telephone company as part of a settlement 92754
agreement between the company and the Public Utilities Commission 92755
in fiscal year 1995. 92756

GATES FOUNDATION GRANTS 92757

The foregoing appropriation item 935-607, Gates Foundation 92758
Grants, shall be used by eTech Ohio to provide professional 92759
development to school district principals, superintendents, and 92760
other administrative staff for the use of education technology. 92761

Section 206.33. ETH OHIO ETHICS COMMISSION 92762

General Revenue Fund 92763

GRF 146-321 Operating Expenses	\$	1,536,213	\$	1,536,213	92764
TOTAL GRF General Revenue Fund	\$	1,536,213	\$	1,536,213	92765

General Services Fund Group 92766

4M6 146-601 Operating Expenses	\$	502,543	\$	432,543	92767
TOTAL GSF General Services					92768

Fund Group	\$	502,543	\$	432,543	92769
TOTAL ALL BUDGET FUND GROUPS	\$	2,038,756	\$	1,968,756	92770

Section 206.36. EXP OHIO EXPOSITIONS COMMISSION 92772

General Revenue Fund 92773

GRF 723-403 Junior Fair Subsidy	\$	400,000	\$	400,000	92774
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TOTAL GRF General Revenue Fund	\$	400,000	\$	400,000	92775
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State Special Revenue Fund Group 92776

4N2 723-602 Ohio State Fair	\$	520,000	\$	520,000	92777
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Harness Racing

506 723-601 Operating Expenses	\$	13,643,315	\$	13,643,315	92778
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TOTAL SSR State Special Revenue					92779
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Fund Group	\$	14,163,315	\$	14,163,315	92780
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TOTAL ALL BUDGET FUND GROUPS	\$	14,563,315	\$	14,563,315	92781
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Section 206.39. GOV OFFICE OF THE GOVERNOR 92783

General Revenue Fund 92784

GRF 040-321 Operating Expenses	\$	3,981,582	\$	3,981,582	92785
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GRF 040-403 Federal Relations	\$	422,760	\$	422,760	92786
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GRF 040-408 Office of Veterans'	\$	292,923	\$	267,923	92787
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Affairs

TOTAL GRF General Revenue Fund	\$	4,697,265	\$	4,672,265	92788
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General Services Fund Group 92789

5AK 040-607 Federal Relations	\$	354,514	\$	354,514	92790
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TOTAL GSF General Services Fund	\$	354,514	\$	354,514	92791
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Group

TOTAL ALL BUDGET FUND GROUPS	\$	5,051,779	\$	5,026,779	92792
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APPOINTMENT OF LEGAL COUNSEL FOR THE GOVERNOR 92793

The Governor may expend a portion of the foregoing 92794

appropriation item 040-321, Operating Expenses, to hire or appoint 92795

legal counsel to be used in proceedings involving the Governor in 92796

the Governor's official capacity or the Governor's office only,	92797
without the approval of the Attorney General, notwithstanding	92798
sections 109.02 and 109.07 of the Revised Code.	92799
OHIO VETERANS' HALL OF FAME	92800
Of the foregoing appropriation item 040-408, Office of	92801
Veterans' Affairs, \$25,000 shall be used in fiscal year 2006 to	92802
fund Ohio Veterans' Hall of Fame expenses.	92803
FEDERAL RELATIONS	92804
A portion of the foregoing appropriation items 040-403,	92805
Federal Relations, and 040-607, Federal Relations, may be used to	92806
support Ohio's membership in national or regional associations.	92807
The Office of the Governor may charge any state agency of the	92808
executive branch using an intrastate transfer voucher such amounts	92809
necessary to defray the costs incurred for the conduct of federal	92810
relations associated with issues that can be attributed to the	92811
agency. Amounts collected shall be deposited to the Office of the	92812
Governor Federal Relations Fund (Fund 5AK).	92813
Section 206.42. DOH DEPARTMENT OF HEALTH	92814
General Revenue Fund	92815
GRF 440-407 Animal Borne Disease \$ 2,452,101 \$ 2,452,101	92816
and Prevention	
GRF 440-412 Cancer Incidence \$ 1,002,619 \$ 1,002,619	92817
Surveillance System	
GRF 440-413 Local Health \$ 3,786,794 \$ 3,786,794	92818
Department Support	
GRF 440-416 Child and Family \$ 9,682,874 \$ 9,582,874	92819
Health Services	
GRF 440-418 Immunizations \$ 8,600,615 \$ 9,400,615	92820
GRF 440-431 Free Clinic Liability \$ 275,000 \$ 325,000	92821
Insurance	

GRF 440-444	AIDS Prevention and Treatment	\$	7,158,127	\$	7,158,127	92822
GRF 440-446	Infectious Disease Prevention	\$	200,000	\$	200,000	92823
GRF 440-451	Lab and Public Health Prevention Programs	\$	6,085,250	\$	6,085,250	92824
GRF 440-452	Child and Family Health Services Match	\$	1,024,017	\$	1,024,017	92825
GRF 440-453	Health Care Quality Assurance	\$	10,253,728	\$	10,253,728	92826
GRF 440-454	Local Environmental Health	\$	889,752	\$	889,752	92827
GRF 440-459	Help Me Grow	\$	9,323,797	\$	9,323,797	92828
GRF 440-461	Center for Vital and Health Stats	\$	3,629,535	\$	3,629,535	92829
GRF 440-505	Medically Handicapped Children	\$	9,591,784	\$	8,791,784	92830
GRF 440-507	Targeted Health Care Services Over 21	\$	1,631,023	\$	1,631,023	92831
TOTAL GRF	General Revenue Fund	\$	75,587,016	\$	75,537,016	92832
	General Services Fund Group					92833
142 440-618	Agency Health Services	\$	2,461,915	\$	2,561,915	92834
211 440-613	Central Support Indirect Costs	\$	26,584,707	\$	26,584,707	92835
473 440-622	Lab Operating Expenses	\$	4,154,045	\$	4,154,045	92836
683 440-633	Employee Assistance Program	\$	1,208,214	\$	1,208,214	92837
698 440-634	Nurse Aide Training	\$	170,000	\$	170,000	92838
TOTAL GSF	General Services Fund Group					92839
		\$	34,578,881	\$	34,678,881	92840
	Federal Special Revenue Fund Group					92841
320 440-601	Maternal Child Health	\$	28,779,322	\$	29,025,635	92842

		Block Grant					
387	440-602	Preventive Health	\$	7,755,005	\$	7,826,659	92843
		Block Grant					
389	440-604	Women, Infants, and Children	\$	219,920,083	\$	230,077,451	92844
391	440-606	Medicaid/Medicare	\$	24,211,198	\$	24,850,959	92845
392	440-618	Federal Public Health Programs	\$	126,678,202	\$	127,677,458	92846
		TOTAL FED Federal Special Revenue					92847
		Fund Group	\$	407,343,810	\$	419,458,162	92848
		State Special Revenue Fund Group					92849
4D6	440-608	Genetics Services	\$	2,617,000	\$	2,617,000	92850
4F9	440-610	Sickle Cell Disease Control	\$	1,035,344	\$	1,035,344	92851
4G0	440-636	Heirloom Birth Certificate	\$	5,000	\$	5,000	92852
4G0	440-637	Birth Certificate Surcharge	\$	5,000	\$	5,000	92853
4L3	440-609	Non-Governmental Grants and Awards	\$	144,119	\$	144,119	92854
4T4	440-603	Child Highway Safety	\$	233,894	\$	233,894	92855
4V6	440-641	Save Our Sight	\$	1,767,994	\$	1,767,994	92856
470	440-618	Fee Supported Programs	\$	16,025,194	\$	16,025,194	92857
471	440-619	Certificate of Need	\$	581,572	\$	594,572	92858
477	440-627	Medically Handicapped Children Audit	\$	3,800,000	\$	3,693,016	92859
5BL	440-638	Healthy Ohioans	\$	5,000,000	\$	0	92860
5B5	440-616	Quality, Monitoring, and Inspection	\$	838,479	\$	838,479	92861
5CB	440-640	Poison Control Centers	\$	200,000	\$	200,000	92862
5C0	440-615	Alcohol Testing and Permit	\$	1,455,405	\$	1,455,405	92863
5D6	440-620	Second Chance Trust	\$	1,054,951	\$	1,054,951	92864

5G4	440-639	Adoption Services	\$	20,000	\$	20,000	92865
5L1	440-623	Nursing Facility	\$	617,517	\$	617,517	92866
		Technical Assistance Program					
610	440-626	Radiation Emergency Response	\$	850,000	\$	850,000	92867
666	440-607	Medically Handicapped Children - County Assessments	\$	14,320,687	\$	14,320,687	92868
TOTAL SSR State Special Revenue							92869
Fund Group			\$	50,572,156	\$	45,478,172	92870
Holding Account Redistribution Fund Group							92871
R14	440-631	Vital Statistics	\$	70,000	\$	70,000	92872
R48	440-625	Refunds, Grants Reconciliation, and Audit Settlements	\$	20,000	\$	20,000	92873
TOTAL 090 Holding Account							92874
Redistribution Fund Group			\$	90,000	\$	90,000	92875
TOTAL ALL BUDGET FUND GROUPS			\$	568,171,863	\$	575,242,231	92876

Section 206.42.03. CHILD AND FAMILY HEALTH SERVICES 92878

Of the foregoing appropriation item 440-416, Child and Family Health Services, not more than \$1,700,000 in each fiscal year shall be used for women's health services. 92879
92880
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Of the foregoing appropriation item 440-416, Child and Family Health Services, not more than \$270,000 shall be used in each fiscal year for the OPTIONS dental care access program. 92882
92883
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Of the foregoing appropriation item 440-416, Child and Family Health Services, not more than \$900,000 in each fiscal year shall be used by federally qualified health centers and federally designated look-alikes to provide services to uninsured low-income persons. 92885
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Of the foregoing appropriation item 440-416, Child and Family Health Services, not more than \$500,000 in each fiscal year shall be used for abstinence-only education. The Director of Health shall develop guidelines for the establishment of abstinence programs for teenagers with the purpose of decreasing unplanned pregnancies and abortion. The guidelines shall be developed pursuant to Title V of the "Social Security Act," 42 U.S.C. 510, and shall include, but are not limited to, advertising campaigns and direct training in schools and other locations.

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$10,000 in each fiscal year shall be allocated to the Jewish Family Services in Cleveland, \$10,000 in each fiscal year shall be allocated to the Jewish Family Services in Cincinnati, \$10,000 shall be allocated in each fiscal year to the Jewish Family Services in Columbus, and \$10,000 in each fiscal year shall be allocated to the Wexner Heritage Village in Columbus for interpreters for health care.

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$10,000 in each fiscal year shall be provided to the Jewish Family Services in Dayton, \$5,000 in each fiscal year shall be provided to the Jewish Community Center in Akron, \$5,000 in each fiscal year shall be provided to the Jewish Community Center in Sylvania, \$2,500 in each fiscal year shall be provided to the Jewish Community Center in Youngstown, and \$2,500 in each fiscal year shall be provided to the Jewish Community Center in Canton.

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$450,000 in each fiscal year shall be allocated to the Visiting Nurse Association.

Of the foregoing appropriation item 440-416, Child and Family Health Services, \$16,667 in each fiscal year shall be allocated to

the Yassenoff Jewish Community Center, \$16,667 in each fiscal year 92921
shall be allocated to the Jewish Community Center in Cincinnati, 92922
and \$16,666 in each fiscal year shall be allocated to the Jewish 92923
Community Center in Cleveland for children's health and nutrition 92924
camp programs. 92925

Of the foregoing appropriation item 440-416, Child and Family 92926
Health Services, \$25,000 in each fiscal year shall be allocated to 92927
Clermont County's Comprehensive Community Suicide Prevention 92928
Program. 92929

Of the foregoing appropriation item 440-416, Child and Family 92930
Health Services, \$100,000 in fiscal year 2006 shall be allocated 92931
to People Working Cooperatively in Cincinnati. 92932

Of the foregoing appropriation item 440-416, Child and Family 92933
Health Services, \$50,000 in each fiscal year shall be allocated to 92934
the Mayerson Inclusion Project. 92935

Section 206.42.06. WOMEN'S HEALTH SERVICES 92936

None of the funds received through grants for women's health 92937
services under this section from the foregoing appropriation item 92938
440-416, Child and Family Health Services, shall be used to 92939
provide abortion services. None of the funds received through 92940
these grants shall be used for counseling for or referrals for 92941
abortion, except in the case of a medical emergency. These funds 92942
shall be distributed by the Director of Health to programs that 92943
the Department of Health determines will provide services that are 92944
physically and financially separate from abortion-providing and 92945
abortion-promoting activities, and that do not include counseling 92946
for or referrals for abortion, other than in the case of medical 92947
emergency. 92948

These women's health services include and are limited to the 92949
following: pelvic examinations and laboratory testing; breast 92950

examinations and patient education on breast cancer; screening for 92951
cervical cancer; screening and treatment for Sexually Transmitted 92952
Diseases (STDs) and HIV screening; voluntary choice of 92953
contraception, including abstinence and natural family planning; 92954
patient education and pre-pregnancy counseling on the dangers of 92955
smoking, alcohol, and drug use during pregnancy; education on 92956
sexual coercion and violence in relationships; and prenatal care 92957
or referral for prenatal care. These health care services shall be 92958
provided by licensed doctors, licensed nurses, licensed medical 92959
assistants, licensed counselors, and licensed social workers in a 92960
medical clinic setting. 92961

The Director of Health shall adopt rules under Chapter 119. 92962
of the Revised Code specifying reasonable eligibility standards 92963
that must be met to receive the state funding and provide 92964
reasonable methods by which a grantee wishing to be eligible for 92965
federal funding may comply with these requirements for state 92966
funding without losing its eligibility for federal funding. 92967

Each applicant for these funds shall provide sufficient 92968
assurance to the Director of Health of all of the following: 92969

(A) The program shall not discriminate in the provision of 92970
services based on an individual's religion, race, national origin, 92971
handicapping condition, age, sex, number of pregnancies, or 92972
marital status; 92973

(B) The program shall provide services without subjecting 92974
individuals to any coercion to accept services or to employ any 92975
particular methods of family planning; 92976

(C) Acceptance of services shall be solely on a voluntary 92977
basis and may not be made a prerequisite to eligibility for, or 92978
receipt of, any other service, assistance from, or participation 92979
in, any other program of the service provider; 92980

(D) The costs for services provided by the program, if any 92981

are charged, shall be based on the patient's ability to pay and 92982
priority in the provision of services shall be given to persons 92983
from low-income families. 92984

In distributing these grant funds, the Director of Health 92985
shall give priority to grant requests from local departments of 92986
health for women's health services to be provided directly by 92987
personnel of the local department of health. The Director of 92988
Health shall issue a single request for proposals for all grants 92989
under this set-aside. The Director of Health shall send a 92990
notification of this request for proposals to every local 92991
department of health in this state and shall place a notification 92992
on the department's web site. The Director shall allow at least 30 92993
days after issuing this notification before closing the period to 92994
receive applications. 92995

After the closing date for receiving grant applications, the 92996
Director of Health shall first consider grant applications from 92997
local departments of health that apply for grants for women's 92998
health services to be provided directly by personnel of the local 92999
department of health. Local departments of health that apply for 93000
grants for women's health services to be provided directly by 93001
personnel of the local department of health need not provide all 93002
the listed women's health services in order to qualify for a 93003
grant. However, in prioritizing awards among local departments of 93004
health that qualify for funding under this paragraph, the Director 93005
of Health may consider, among other reasonable factors, the 93006
comprehensiveness of the women's health services to be offered, 93007
provided that no local department of health shall be discriminated 93008
against in the process of awarding these grant funds because the 93009
applicant does not provide contraception. 93010

If funds remain after awarding grants to all local 93011
departments of health that qualify for the priority, the Director 93012
of Health may make grants to other applicants. Awards to other 93013

applicants may be made to those applicants that will offer all 93014
eight of the listed women's health services or that will offer all 93015
of the services except contraception. No applicant shall be 93016
discriminated against in the process of awarding these grant funds 93017
because the applicant does not provide contraception. 93018

Section 206.42.09. IMMUNIZATIONS 93019

Of the foregoing appropriation item 440-418, Immunizations, 93020
\$800,000 in fiscal year 2007 shall be used for the purchase of 93021
varicella vaccines. 93022

FREE CLINIC LIABILITY INSURANCE 93023

Of the foregoing appropriation item 440-431, Free Clinic 93024
Liability Insurance, up to \$20,000 in each fiscal year may be used 93025
by the Department of Health for administrative expenses related to 93026
the Medical Liability Insurance Reimbursement Program. The 93027
remainder in each fiscal year shall be used to pay for medical 93028
liability insurance for free clinics, including the clinics' staff 93029
and volunteer health care professionals and volunteer health care 93030
workers. The necessity and feasibility of the program shall be 93031
reviewed as part of the next biennial budget. 93032

HIV/AIDS PREVENTION/TREATMENT 93033

Of the foregoing appropriation item 440-444, AIDS Prevention 93034
and Treatment, not more than \$6.7 million per fiscal year shall be 93035
used to assist persons with HIV/AIDS in acquiring HIV-related 93036
medications. 93037

INFECTIOUS DISEASE PREVENTION 93038

The foregoing appropriation item 440-446, Infectious Disease 93039
Prevention, shall be used for the purchase of drugs for sexually 93040
transmitted diseases. 93041

HELP ME GROW 93042

The foregoing appropriation item 440-459, Help Me Grow, shall 93043
be used by the Department of Health to distribute subsidies to 93044
counties to implement the Help Me Grow Program. Appropriation item 93045
440-459, Help Me Grow, may be used in conjunction with Temporary 93046
Assistance for Needy Families from the Department of Job and 93047
Family Services, Early Intervention funding from the Department of 93048
Mental Retardation and Developmental Disabilities, and in 93049
conjunction with other early childhood funds and services to 93050
promote the optimal development of young children. Local contracts 93051
shall be developed between local departments of job and family 93052
services and family and children first councils for the 93053
administration of TANF funding for the Help Me Grow Program. The 93054
Department of Health shall enter into an interagency agreement 93055
with the Department of Education, Department of Mental Retardation 93056
and Developmental Disabilities, Department of Job and Family 93057
Services, and Department of Mental Health to ensure that all early 93058
childhood programs and initiatives are coordinated and school 93059
linked. 93060

TARGETED HEALTH CARE SERVICES OVER 21 93061

In each fiscal year, of the foregoing appropriation item 93062
440-507, Targeted Health Care Services Over 21, \$731,023 shall be 93063
used to administer the cystic fibrosis program and implement the 93064
Hemophilia Insurance Premium Payment Program. 93065

Of the foregoing appropriation item 440-507, Targeted Health 93066
Care Services Over 21, \$900,000 in each fiscal year shall be used 93067
to provide essential medications for the cystic fibrosis program. 93068

MATERNAL CHILD HEALTH BLOCK GRANT 93069

Of the foregoing appropriation item 440-601, Maternal Child 93070
Health Block Grant (Fund 320), \$2,091,299 shall be used in each 93071
fiscal year for the purposes of abstinence-only education. The 93072
Director of Health shall develop guidelines for the establishment 93073

of abstinence programs for teenagers with the purpose of 93074
decreasing unplanned pregnancies and abortion. The guidelines 93075
shall be developed under Title V of the "Social Security Act," 42 93076
U.S.C. 510, and shall include, but are not limited to, advertising 93077
campaigns and direct training in schools and other locations. 93078

GENETICS SERVICES 93079

The foregoing appropriation item 440-608, Genetics Services 93080
(Fund 4D6), shall be used by the Department of Health to 93081
administer programs authorized by sections 3701.501 and 3701.502 93082
of the Revised Code. None of these funds shall be used to counsel 93083
or refer for abortion, except in the case of a medical emergency. 93084

SAFETY AND QUALITY OF CARE STANDARDS 93085

The Department of Health may use Fund 471, Certificate of 93086
Need, for administering sections 3702.11 to 3702.20 and 3702.30 of 93087
the Revised Code in each fiscal year. 93088

MEDICALLY HANDICAPPED CHILDREN AUDIT 93089

The Medically Handicapped Children Audit Fund (Fund 477) 93090
shall receive revenue from audits of hospitals and recoveries from 93091
third-party payers. Moneys may be expended for payment of audit 93092
settlements and for costs directly related to obtaining recoveries 93093
from third-party payers and for encouraging Medically Handicapped 93094
Children's Program recipients to apply for third-party benefits. 93095
Moneys also may be expended for payments for diagnostic and 93096
treatment services on behalf of medically handicapped children, as 93097
defined in division (A) of section 3701.022 of the Revised Code, 93098
and Ohio residents who are twenty-one or more years of age and who 93099
are suffering from cystic fibrosis or hemophilia. Moneys may also 93100
be expended for administrative expenses incurred in operating the 93101
Medically Handicapped Children's Program. 93102

CASH TRANSFER FROM LIQUOR CONTROL FUND TO ALCOHOL TESTING AND 93103

PERMIT FUND	93104
The Director of Budget and Management, pursuant to a plan	93105
submitted by the Department of Health, or as otherwise determined	93106
by the Director of Budget and Management, shall set a schedule to	93107
transfer cash from the Liquor Control Fund (Fund 043) to the	93108
Alcohol Testing and Permit Fund (Fund 5C0) to meet the operating	93109
needs of the Alcohol Testing and Permit program.	93110
The Director of Budget and Management shall transfer to the	93111
Alcohol Testing and Permit Fund (Fund 5C0) from the Liquor Control	93112
Fund (Fund 043) created in section 4301.12 of the Revised Code	93113
such amounts at such times as determined by the transfer schedule.	93114
MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS	93115
The foregoing appropriation item 440-607, Medically	93116
Handicapped Children - County Assessments (Fund 666), shall be	93117
used to make payments under division (E) of section 3701.023 of	93118
the Revised Code.	93119
Section 206.42.12. MEDICALLY HANDICAPPED CHILDREN - FUTURE	93120
FUNDING	93121
(A) There is hereby created the Legislative Committee on the	93122
Future Funding of the Bureau for Children with Medical Handicaps.	93123
The Speaker of the House of Representatives shall appoint three	93124
members of the House of Representatives, not more than two of whom	93125
shall belong to the same political party as the Speaker. The	93126
President of the Senate shall appoint three members of the Senate,	93127
not more than two of whom shall belong to the same political party	93128
as the President. The Speaker of the House of Representatives and	93129
the President of the Senate shall each appoint three members of	93130
the general public who each suffer from a different disease or	93131
disorder covered by the Program for Medically Handicapped Children	93132
(otherwise known as the Bureau for Children with Medical	93133

Handicaps) in the Ohio Department of Health, or family members of	93134
such individuals. The following also shall serve on the Committee:	93135
(1) The Director of Health, or the Director's designee;	93136
(2) The Superintendent of Insurance, or the Superintendent's designee;	93137 93138
(3) The Director of Job and Family Services, or the Director's designee;	93139 93140
(4) One person designated by the County Commissioners Association of Ohio;	93141 93142
(5) One person designated by the Ohio Children's Hospital Association;	93143 93144
(6) One person designated by the Ohio Association of Health Plans;	93145 93146
(7) One person designated by the American Academy of Pediatrics;	93147 93148
(8) One person designated by the Ohio hospital association;	93149
(9) One person designated by the Ohio association of health commissioners;	93150 93151
(10) One person designated by the Ohio nurses association.	93152
Members of the Committee shall elect a chairperson. A	93153
majority of the members of the Committee constitutes a quorum for	93154
the conduct of Committee meetings.	93155
(B) Members of the Committee shall receive no compensation.	93156
(C) The Committee shall do all of the following:	93157
(1) Examine the current status of the Program and recommend	93158
best practices to be used in assisting working parents who have	93159
children with special health needs;	93160
(2) Review all existing statutes and rules in Ohio pertaining	93161

to the Program;	93162
(3) Review payment strategies in other states that facilitate adequate care for children with chronic conditions and support their families;	93163 93164 93165
(4) Review all funding sources for the Program, including funding received from county levies, the General Revenue Fund and other state-based sources, and the Maternal and Child Health Block Grant of Title V of the "Social Security Act," 40 Stat. 620 (1935), 42 U.S.C. 301;	93166 93167 93168 93169 93170
(5) Request testimony from parents of children with special health needs and the children themselves and from health care professionals and other individuals who provide services to Bureau patients;	93171 93172 93173 93174
(D) Not later than December 31, 2006, the Committee shall make recommendations and submit a report to the Governor, the President and Minority Leader of the Senate, and the Speaker and Minority Leader of the House of Representatives. The report shall include an analysis of the current system of services covered by the Program and may include determinations and recommendations regarding how the state can best address the current and future needs of patients served by the Program. On submission of the report, the Committee shall cease to exist.	93175 93176 93177 93178 93179 93180 93181 93182 93183
Section 206.42.13. REVISION OF RULES GOVERNING PROGRAM FOR MEDICALLY HANDICAPPED CHILDREN	93184 93185
Not later than December 1, 2005, the Public Health Council shall revise rule 3701-43-16 of the Administrative Code regarding financial eligibility for payment for treatment under the Program for Medically Handicapped Children. As part of the revision, the Public Health Council shall return the financial eligibility levels for fiscal years 2006 and 2007 to the levels in effect	93186 93187 93188 93189 93190 93191

prior to October 13, 2003.	93192
Beginning July 1, 2005, the Department of Health shall	93193
contact all persons who lost eligibility for the Program for	93194
Medically Handicapped Children or their parents or guardians to	93195
inform them of revisions made to the Program's eligibility rules.	93196
Section 206.42.16. NURSING FACILITY TECHNICAL ASSISTANCE	93197
PROGRAM	93198
The Director of Budget and Management shall transfer, by	93199
intrastate transfer voucher, each fiscal year, cash from Fund 4E3,	93200
Resident Protection Fund, in the Ohio Department of Job and Family	93201
Services, to Fund 5L1, Nursing Facility Technical Assistance	93202
Program Fund, in the Ohio Department of Health, to be used under	93203
section 3721.026 of the Revised Code. The transfers shall equal	93204
\$183,843 in fiscal year 2006 and \$617,517 in fiscal year 2007.	93205
Section 206.42.19. TRANSFER FROM STATE FIRE MARSHAL'S FUND	93206
(FUND 546) TO THE POISON CONTROL FUND (FUND 5CB) IN THE DEPARTMENT	93207
OF HEALTH	93208
Notwithstanding section 3737.71 of the Revised Code, on July	93209
1, 2005, or as soon as possible thereafter, the Director of Budget	93210
and Management shall transfer \$200,000 cash from the State Fire	93211
Marshal's Fund (Fund 546) in the Department of Commerce to the	93212
Poison Control Fund (Fund 5CB) in the Department of Health, which	93213
is hereby created. Notwithstanding section 3737.71 of the Revised	93214
Code, on July 1, 2006, or as soon as possible thereafter, the	93215
Director of Budget and Management shall transfer \$200,000 cash	93216
from the State Fire Marshal's Fund (Fund 546) in the Department of	93217
Commerce to the Poison Control Fund (Fund 5CB) in the Department	93218
of Health.	93219
POISON CONTROL CENTERS	93220

Of the foregoing appropriation item 440-640, Poison Control 93221
Centers, in each fiscal year, the poison control centers in the 93222
municipal corporations of Cleveland, Cincinnati, and Columbus 93223
shall each receive an allocation of \$50,000, and the Greater 93224
Dayton Area Hospital Association shall also receive an allocation 93225
of \$50,000 for poison control purposes. 93226

Section 206.45. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 93227

Agency Fund Group 93228
461 372-601 Operating Expenses \$ 16,819 \$ 16,819 93229
TOTAL AGY Agency Fund Group \$ 16,819 \$ 16,819 93230
TOTAL ALL BUDGET FUND GROUPS \$ 16,819 \$ 16,819 93231

Section 206.48. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 93233

General Revenue Fund 93234
GRF 148-100 Personal Services \$ 145,880 \$ 145,880 93235
GRF 148-200 Maintenance \$ 35,901 \$ 35,901 93236
TOTAL GRF General Revenue Fund \$ 181,781 \$ 181,781 93237
General Services Fund Group 93238
601 148-602 Gifts and \$ 20,000 \$ 20,000 93239
Miscellaneous
TOTAL GSF General Services 93240
Fund Group \$ 20,000 \$ 20,000 93241
TOTAL ALL BUDGET FUND GROUPS \$ 201,781 \$ 201,781 93242

Section 206.51. OHS OHIO HISTORICAL SOCIETY 93244

General Revenue Fund 93245
GRF 360-501 Operating Subsidy \$ 3,288,274 \$ 3,288,274 93246
GRF 360-502 Site Operations \$ 8,388,725 \$ 8,388,725 93247
GRF 360-504 Ohio Preservation \$ 281,041 \$ 281,041 93248
Office
GRF 360-505 Afro-American Museum \$ 754,884 \$ 754,884 93249

GRF 360-506 Hayes Presidential Center	\$	509,231	\$	509,231	93250
GRF 360-508 Historical Grants	\$	1,097,500	\$	1,072,500	93251
TOTAL GRF General Revenue Fund	\$	14,319,655	\$	14,294,655	93252
TOTAL ALL BUDGET FUND GROUPS	\$	14,319,655	\$	14,294,655	93253

SUBSIDY APPROPRIATION 93254

Upon approval by the Director of Budget and Management, the 93255
foregoing appropriation items shall be released to the Ohio 93256
Historical Society in quarterly amounts that in total do not 93257
exceed the annual appropriations. The funds and fiscal records of 93258
the society for fiscal years 2006 and 2007 shall be examined by 93259
independent certified public accountants approved by the Auditor 93260
of State, and a copy of the audited financial statements shall be 93261
filed with the Office of Budget and Management. The society shall 93262
prepare and submit to the Office of Budget and Management the 93263
following: 93264

(A) An estimated operating budget for each fiscal year of the 93265
biennium. The operating budget shall be submitted at or near the 93266
beginning of each calendar year. 93267

(B) Financial reports, indicating actual receipts and 93268
expenditures for the fiscal year to date. These reports shall be 93269
filed at least semiannually during the fiscal biennium. 93270

The foregoing appropriations shall be considered to be the 93271
contractual consideration provided by the state to support the 93272
state's offer to contract with the Ohio Historical Society under 93273
section 149.30 of the Revised Code. 93274

HAYES PRESIDENTIAL CENTER 93275

If a United States government agency, including, but not 93276
limited to, the National Park Service, chooses to take over the 93277
operations or maintenance of the Hayes Presidential Center, in 93278
whole or in part, the Ohio Historical Society shall make 93279

arrangements with the National Park Service or other United States	93280
government agency for the efficient transfer of operations or	93281
maintenance.	93282
HISTORICAL GRANTS	93283
Of the foregoing appropriation item 360-508, Historical	93284
Grants, \$250,000 in each fiscal year shall be distributed to the	93285
Western Reserve Historical Society in Cleveland.	93286
Of the foregoing appropriation item 360-508, Historical	93287
Grants, \$225,000 in each fiscal year shall be distributed to the	93288
Great Lakes Historical Society in Vermilion.	93289
Of the foregoing appropriation item 360-508, Historical	93290
Grants, \$75,000 in each fiscal year shall be distributed to the	93291
Hebrew Union College in Cincinnati for the Center for Holocaust	93292
and Humanity Education, \$100,000 in each fiscal year shall be	93293
distributed to Art Academy of Cincinnati, and \$250,000 in each	93294
fiscal year shall be distributed to the Cincinnati Museum Center.	93295
Of the foregoing appropriation item 360-508, Historical	93296
Grants, \$12,500 in each fiscal year shall be distributed to the	93297
Roseville Historical Society.	93298
Of the foregoing appropriation item 360-508, Historical	93299
Grants, \$125,000 in each fiscal year shall be distributed to the	93300
Harbor Heritage Society Steamship Mather in Cleveland.	93301
Of the foregoing appropriation item 360-508, Historical	93302
Grants, \$35,000 in each fiscal year shall be distributed to the	93303
Castle Farm project in the City of Mason.	93304
PROCESSING FEES	93305
The Ohio Historical Society shall not charge or retain an	93306
administrative, service, or processing fee for distributing money	93307
that the General Assembly appropriates to the Society for grants	93308
or subsidies that the Society provides to other entities for their	93309

site-related programs.				93310	
Of the foregoing appropriation item 360-508, Historical				93311	
Grants, \$25,000 in fiscal year 2006 shall be distributed to the				93312	
Springboro Historical Society Heritage Triangle.				93313	
Section 206.54. REP OHIO HOUSE OF REPRESENTATIVES				93314	
General Revenue Fund				93315	
GRF 025-321 Operating Expenses	\$	20,169,168	\$	20,370,859	93316
TOTAL GRF General Revenue Fund	\$	20,169,168	\$	20,370,859	93317
General Services Fund Group				93318	
103 025-601 House Reimbursement	\$	1,419,469	\$	1,419,469	93319
4A4 025-602 Miscellaneous Sales	\$	37,474	\$	37,474	93320
TOTAL GSF General Services				93321	
Fund Group	\$	1,456,943	\$	1,456,943	93322
TOTAL ALL BUDGET FUND GROUPS	\$	21,626,111	\$	21,827,802	93323
OPERATING EXPENSES				93324	
On July 1, 2005, or as soon as possible thereafter, the Chief				93325	
Administrative Officer of the House of Representatives shall				93326	
certify to the Director of Budget and Management the total fiscal				93327	
year 2005 unencumbered appropriations in appropriation item				93328	
025-321, Operating Expenses. The Chief Administrative Officer may				93329	
direct the Director of Budget and Management to transfer an amount				93330	
not to exceed the total fiscal year 2005 unencumbered				93331	
appropriations to fiscal year 2006 for use within appropriation				93332	
item 025-321, Operating Expenses. Additional appropriation				93333	
authority equal to the amount certified by the Chief				93334	
Administrative Officer is hereby appropriated to appropriation				93335	
item 025-321, Operating Expenses, in fiscal year 2006.				93336	
On July 1, 2006, or as soon as possible thereafter, the Chief				93337	
Administrative Officer of the House of Representatives shall				93338	
certify to the Director of Budget and Management the total fiscal				93339	

year 2006 unencumbered appropriations in appropriation item 93340
025-321, Operating Expenses. The Chief Administrative Officer may 93341
direct the Director of Budget and Management to transfer an amount 93342
not to exceed the total fiscal year 2006 unencumbered 93343
appropriations to fiscal year 2007 for use within appropriation 93344
item 025-321, Operating Expenses. Additional appropriation 93345
authority equal to the amount certified by the Chief 93346
Administrative Officer is hereby appropriated to appropriation 93347
item 025-321, Operating Expenses, in fiscal year 2007. 93348

Section 206.57. HFA OHIO HOUSING FINANCE AGENCY

93349

General Services Fund Group

93350

5AZ 997-601 Housing Finance Agency \$ 8,100,000 \$ 8,100,000 93351

Personal Services

TOTAL GSF General Services Fund \$ 8,100,000 \$ 8,100,000 93352

Group

TOTAL ALL BUDGET FUND GROUPS \$ 8,100,000 \$ 8,100,000 93353

Section 206.60. IGO OFFICE OF THE INSPECTOR GENERAL

93355

General Revenue Fund

93356

GRF 965-321 Operating Expenses \$ 1,700,868 \$ 979,085 93357

TOTAL GRF General Revenue Fund \$ 1,700,868 \$ 979,085 93358

General Services Fund Group

93359

4Z3 965-602 Special Investigations \$ 100,000 \$ 100,000 93360

TOTAL GSF General Services Fund \$ 100,000 \$ 100,000 93361

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,800,868 \$ 1,079,085 93362

BUREAU OF WORKERS' COMPENSATION FIDUCIARY REVIEW

93363

Of the foregoing appropriation item 965-321, Operating 93364
Expenses, up to \$750,000 in fiscal year 2006 shall be used to 93365
contract with an independent firm to conduct a fiduciary review of 93366

assets invested pursuant to the Administrator of Workers'				93367
Compensation's authority under Chapters 4121., 4123., 4127., and				93368
4131. of the Revised Code.				93369
SPECIAL INVESTIGATIONS				93370
Of the foregoing appropriation item 965-602, Special				93371
Investigations, up to \$100,000 in each fiscal year may be used for				93372
investigative costs, pursuant to section 121.481 of the Revised				93373
Code.				93374
Section 206.63. INS DEPARTMENT OF INSURANCE				93375
Federal Special Revenue Fund Group				93376
3U5 820-602 OSHIIP Operating Grant	\$	1,080,000	\$ 1,080,000	93377
3AV 820-604 Federal Grant -	\$	55,000	\$ 0	93378
Special Project				
TOTAL FED Federal Special				93379
Revenue Fund Group	\$	1,135,000	\$ 1,080,000	93380
State Special Revenue Fund Group				93381
554 820-601 Operating Expenses -	\$	564,754	\$ 571,772	93382
OSHIIP				
554 820-606 Operating Expenses	\$	22,654,232	\$ 22,832,214	93383
555 820-605 Examination	\$	7,639,581	\$ 7,639,581	93384
TOTAL SSR State Special Revenue				93385
Fund Group	\$	30,858,567	\$ 31,043,567	93386
TOTAL ALL BUDGET FUND GROUPS	\$	31,993,567	\$ 32,123,567	93387
MARKET CONDUCT EXAMINATION				93388
When conducting a market conduct examination of any insurer				93389
doing business in this state, the Superintendent of Insurance may				93390
assess the costs of the examination against the insurer. The				93391
superintendent may enter into consent agreements to impose				93392
administrative assessments or fines for conduct discovered that				93393
may be violations of statutes or rules administered by the				93394

superintendent. All costs, assessments, or fines collected shall 93395
 be deposited to the credit of the Department of Insurance 93396
 Operating Fund (Fund 554). 93397

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 93398

The Director of Budget and Management, at the request of the 93399
 Superintendent of Insurance, may transfer funds from the 93400
 Department of Insurance Operating Fund (Fund 554), created by 93401
 section 3901.021 of the Revised Code, to the Superintendent's 93402
 Examination Fund (Fund 555), created by section 3901.071 of the 93403
 Revised Code, only for expenses incurred in examining domestic 93404
 fraternal benefit societies as required by section 3921.28 of the 93405
 Revised Code. 93406

Section 206.66. JFS DEPARTMENT OF JOB AND FAMILY SERVICES 93407

General Revenue Fund 93408

GRF 600-321 Support Services 93409

State \$ 63,797,907 \$ 60,565,397 93410

Federal \$ 8,114,493 \$ 8,454,541 93411

Support Services Total \$ 71,912,400 \$ 69,019,938 93412

GRF 600-410 TANF State \$ 272,619,061 \$ 272,619,061 93413

GRF 600-413 Child Care \$ 84,120,596 \$ 84,120,596 93414

Match/Maintenance of
 Effort

GRF 600-416 Computer Projects 93415

State \$ 114,516,710 \$ 117,226,021 93416

Federal \$ 37,579,198 \$ 34,255,465 93417

Computer Projects \$ 152,095,908 \$ 151,481,486 93418

Total

GRF 600-420 Child Support \$ 5,091,446 \$ 5,091,446 93419

Administration

GRF 600-421 Office of Family \$ 4,864,932 \$ 4,864,932 93420

Stability

GRF 600-423	Office of Children and Families	\$	5,408,020	\$	5,431,690	93421
GRF 600-425	Office of Ohio Health Plans					93422
	State	\$	24,803,631	\$	24,054,873	93423
	Federal	\$	26,539,544	\$	25,810,409	93424
	Office of Ohio Health Plans Total	\$	51,343,175	\$	49,865,282	93425
GRF 600-502	Child Support Match	\$	16,814,103	\$	16,814,103	93426
GRF 600-511	Disability Financial Assistance	\$	22,839,371	\$	22,839,371	93427
GRF 600-512	Non-TANF Disaster Assistance	\$	1,000,000	\$	1,000,000	93428
GRF 600-513	Disability Medical Assistance	\$	19,500,000	\$	25,500,000	93429
GRF 600-521	Entitlement Administration - Local	\$	151,206,401	\$	151,206,401	93430
GRF 600-523	Children and Families Subsidy	\$	69,438,543	\$	69,438,543	93431
GRF 600-525	Health Care/Medicaid					93432
	State	\$	3,751,848,959	\$	3,795,940,675	93433
	Federal	\$	5,612,109,788	\$	5,731,692,576	93434
	Health Care Total	\$	9,363,958,747	\$	9,527,633,251	93435
GRF 600-526	Medicare Part D	\$	155,349,266	\$	339,578,325	93436
GRF 600-528	Adoption Services					93437
	State	\$	33,698,298	\$	35,516,130	93438
	Federal	\$	40,331,807	\$	43,022,485	93439
	Adoption Services Total	\$	74,030,105	\$	78,538,615	93440
TOTAL GRF	General Revenue Fund					93441
	State	\$	4,777,417,244	\$	5,006,307,564	93442
	Federal	\$	5,744,174,880	\$	5,868,735,476	93443
	GRF Total	\$	10,521,592,074	\$	10,875,043,040	93444

General Services Fund Group					93445
4A8 600-658 Child Support	\$	26,680,794	\$	26,680,794	93446
Collections					
4R4 600-665 BCII Services/Fees	\$	36,974	\$	36,974	93447
5C9 600-671 Medicaid Program	\$	73,015,021	\$	63,947,536	93448
Support					
5N1 600-677 County Technologies	\$	1,000,000	\$	1,000,000	93449
613 600-645 Training Activities	\$	135,000	\$	135,000	93450
TOTAL GSF General Services					93451
Fund Group	\$	100,867,789	\$	91,800,304	93452
Federal Special Revenue Fund Group					93453
3AW 600-675 Faith Based	\$	750,000	\$	750,000	93454
Initiatives					
3A2 600-641 Emergency Food	\$	2,600,000	\$	2,800,000	93455
Distribution					
3BB 600-635 Children's Hospitals -	\$	9,000,000	\$	9,000,000	93456
Federal					
3D3 600-648 Children's Trust Fund	\$	2,040,524	\$	2,040,524	93457
Federal					
3F0 600-623 Health Care Federal	\$	616,011,784	\$	771,889,193	93458
3F0 600-650 Hospital Care	\$	343,239,047	\$	343,239,047	93459
Assurance Match					
3G5 600-655 Interagency	\$	1,364,802,369	\$	1,426,954,440	93460
Reimbursement					
3H7 600-617 Child Care Federal	\$	208,000,000	\$	208,000,000	93461
3N0 600-628 IV-E Foster Care	\$	153,963,142	\$	153,963,142	93462
Maintenance					
3S5 600-622 Child Support Projects	\$	534,050	\$	534,050	93463
3V0 600-688 Workforce Investment	\$	208,322,037	\$	208,097,948	93464
Act					
3V4 600-678 Federal Unemployment	\$	153,435,545	\$	157,202,750	93465
Programs					

3V4	600-679	Unemployment	\$	3,829,430	\$	3,800,573	93466
		Compensation Review					
		Commission - Federal					
3V6	600-689	TANF Block Grant	\$	767,104,142	\$	792,483,200	93467
3W3	600-659	TANF/Title XX Transfer	\$	8,000,000	\$	5,400,000	93468
327	600-606	Child Welfare	\$	33,160,190	\$	33,090,786	93469
331	600-686	Federal Operating	\$	43,966,134	\$	44,929,546	93470
384	600-610	Food Stamps and State	\$	188,238,706	\$	181,250,799	93471
		Administration					
385	600-614	Refugee Services	\$	6,083,829	\$	6,542,439	93472
395	600-616	Special	\$	4,567,112	\$	4,564,877	93473
		Activities/Child and					
		Family Services					
396	600-620	Social Services Block	\$	120,993,012	\$	121,004,222	93474
		Grant					
397	600-626	Child Support	\$	287,468,576	\$	287,468,576	93475
398	600-627	Adoption Maintenance/	\$	314,639,519	\$	314,639,519	93476
		Administration					
TOTAL FED Federal Special Revenue							93477
Fund Group			\$	4,840,749,148	\$	5,079,645,631	93478
State Special Revenue Fund Group							93479
198	600-647	Children's Trust Fund	\$	6,788,522	\$	6,788,522	93480
4A9	600-607	Unemployment	\$	10,811,527	\$	10,811,527	93481
		Compensation					
		Administration Fund					
4A9	600-694	Unemployment	\$	3,188,473	\$	3,188,473	93482
		Compensation Review					
		Commission					
4E3	600-605	Nursing Home	\$	4,759,914	\$	4,759,914	93483
		Assessments					
4E7	600-604	Child and Family	\$	1,237,500	\$	300,000	93484
		Services Collections					
4F1	600-609	Foundation	\$	61,420	\$	61,420	93485

		Grants/Child and Family Services					
4J5	600-613	Nursing Facility Bed Assessments	\$	34,613,984	\$	34,613,984	93486
4J5	600-618	Residential State Supplement Payments	\$	15,700,000	\$	15,700,000	93487
4K1	600-621	ICF/MR Bed Assessments	\$	20,074,255	\$	20,064,131	93488
4R3	600-687	Banking Fees	\$	800,000	\$	800,000	93489
4Z1	600-625	HealthCare Compliance	\$	10,000,000	\$	10,000,000	93490
5AA	600-673	Ohio's Best Rx Administration	\$	5,000,000	\$	5,000,000	93491
5AX	600-697	Public Assistance Reconciliation	\$	60,000,000	\$	0	93492
5BE	600-693	Child Support Operating	\$	5,000,000	\$	5,000,000	93493
5BG	600-653	Managed Care Assessment	\$	18,795,483	\$	99,410,121	93494
5CR	600-636	Children's Hospitals - State	\$	6,000,000	\$	6,000,000	93495
5F2	600-667	Building Consolidation	\$	250,000	\$	250,000	93496
5F3	600-668	Building Consolidation	\$	1,000,000	\$	1,000,000	93497
5P5	600-692	Health Care Services	\$	828,587,776	\$	538,301,761	93498
5Q9	600-619	Supplemental Inpatient Hospital Payments	\$	56,125,998	\$	56,125,998	93499
5R2	600-608	Medicaid-Nursing Facilities	\$	160,192,055	\$	176,632,090	93500
5S3	600-629	MR/DD Medicaid Administration and Oversight	\$	1,620,960	\$	1,620,960	93501
5U3	600-654	Health Care Services Administration	\$	10,115,870	\$	15,474,709	93502
5U6	600-663	Children and Family Support	\$	4,929,717	\$	4,929,717	93503

5Z9 600-672 TANF Quality Control	\$	647,409	\$	688,421	93504
Reinvestments					
651 600-649 Hospital Care	\$	231,893,404	\$	231,893,404	93505
Assurance Program Fund					
TOTAL SSR State Special Revenue					93506
Fund Group	\$	1,498,194,267	\$	1,249,415,152	93507
Agency Fund Group					93508
192 600-646 Support Intercept -	\$	110,000,000	\$	110,000,000	93509
Federal					
5B6 600-601 Food Stamp Intercept	\$	2,000,000	\$	2,000,000	93510
583 600-642 Support Intercept -	\$	16,000,000	\$	16,000,000	93511
State					
TOTAL AGY Agency Fund Group	\$	128,000,000	\$	128,000,000	93512
Holding Account Redistribution Fund Group					93513
R12 600-643 Refunds and Audit	\$	3,600,000	\$	3,600,000	93514
Settlements					
R13 600-644 Forgery Collections	\$	10,000	\$	10,000	93515
TOTAL 090 Holding Account	\$	3,610,000	\$	3,610,000	93516
Redistribution Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	17,093,013,278	\$	17,427,514,127	93517

Section 206.66.03. APPROPRIATION ITEM RESTRUCTURING 93519

(A) If the Directors of Job and Family Services and Budget 93520
and Management agree, the Director of Budget and Management may, 93521
in fiscal years 2006 and 2007, reduce appropriations in 93522
appropriation items 600-321, Support Services, and 600-416, 93523
Computer Projects, by amounts equal to the federal share in each 93524
appropriation item. The total amount by which these appropriation 93525
items are reduced in accordance with this division is hereby 93526
appropriated to appropriation item 600-651, Federal General 93527
Operating (Fund 3AX). 93528

(B) The Department of Job and Family Services may submit to 93529

the Office of Budget and Management a plan to realign 93530
appropriation items 600-321, Support Services, and 600-416, 93531
Computer Projects. The plan may include a request for the Director 93532
of Budget and Management to transfer appropriations from 93533
appropriation items 600-321, Support Services, and 600-416, 93534
Computer Projects, to any other General Revenue Fund appropriation 93535
items in Section 312.03 of this act. If the plan is approved by 93536
the Office of Budget and Management, the Director of Budget and 93537
Management shall transfer appropriations as requested in the plan. 93538
Dollars spent pursuant to appropriations transferred in accordance 93539
with this division shall be for the same purposes for which the 93540
original appropriations were made. 93541

(C) In fiscal year 2007, the Department of Job and Family 93542
Services, with the approval of the Office of Budget and 93543
Management, shall utilize a method for determining the payments 93544
from applicable appropriation items into the Support Services 93545
State Operating Fund (Fund 230). The method shall contain 93546
characteristics of administrative ease and uniform application. 93547
Payments to the Support Services State Operating Fund (Fund 230) 93548
shall be made by intrastate transfer voucher. Amounts transferred 93549
in accordance with this division are hereby appropriated to 93550
appropriation item 600-661, Support Services State Operating (Fund 93551
230). 93552

Section 206.66.06. GOVERNOR'S OFFICE OF FAITH-BASED AND 93553
COMMUNITY INITIATIVES 93554

Of the foregoing appropriation item 600-321, Support 93555
Services, up to \$312,500 per fiscal year may be used to support 93556
the activities of the Governor's Office of Faith-Based and 93557
Community Initiatives. 93558

MEDICAID ADMINISTRATIVE STUDY COUNCIL FUNDING 93559

Of the foregoing appropriation item 600-321, Support 93560
Services, \$1,000,000 in fiscal year 2006 and \$500,000 in fiscal 93561
year 2007 shall be provided to the Medicaid Administrative Study 93562
Council to carry out the duties of the Council as specified under 93563
the section of this act entitled "MEDICAID ADMINISTRATIVE STUDY 93564
COUNCIL." 93565

Section 206.66.09. TANF OHIO WORKS FIRST CASH ASSISTANCE 93566
PAYMENTS 93567

The Department of Job and Family Services shall use a portion 93568
of the moneys appropriated for the TANF program in appropriation 93569
items 600-410, TANF State; 600-658, Child Support Collections; and 93570
600-689, TANF Block Grant, to increase the cash assistance 93571
provided to recipients of benefits under the TANF Ohio Works First 93572
program by up to 10 per cent as compared to the cash assistance 93573
provided prior to July 1, 2005. The increased TANF cash assistance 93574
benefit shall be effective October 1, 2005. 93575

Section 206.66.10. MEDICAID DATA SYSTEM 93576

The Department of Job and Family Services shall fund the cost 93577
of the assessment specified in division (A) of section 5111.915 of 93578
the Revised Code and upon receipt of federal approval and assured 93579
ninety per cent reimbursement for the project fund the development 93580
or enhancement of a data collection or data warehouse system 93581
specified in division (B) of section 5111.915 of the Revised Code. 93582

Section 206.66.12. OHIO'S BEST RX START-UP COSTS 93583

An amount equal to the remaining unencumbered balance in 93584
appropriation item 600-440, Ohio's Best Rx Start-Up Costs, from 93585
fiscal year 2005 is hereby appropriated for fiscal year 2006 into 93586
appropriation item 600-440, Ohio's Best Rx Start-Up Costs. An 93587
amount equal to the remaining unencumbered balance in 93588

appropriation item 600-440, Ohio's Best Rx Start-Up Costs, from 93589
fiscal year 2006 is hereby appropriated for fiscal year 2007 into 93590
appropriation item 600-440, Ohio's Best Rx Start-up Costs. The 93591
appropriation item 600-440, Ohio's Best Rx Start-Up Costs, shall 93592
be used by the Department of Job and Family Services to pay for 93593
the administrative and operational expenses for the Ohio's Best Rx 93594
Program in accordance with Chapter 5110. of the Revised Code, 93595
including costs associated with the duties assigned by the 93596
Department to the Ohio's Best Rx Program Administrator and for 93597
making payments to participating terminal distributors until 93598
sufficient cash exists to make payments from the accounts created 93599
in sections 5110.32 and 5110.33 of the Revised Code. Of 93600
appropriation item 600-440, Ohio's Best Rx Start-Up Costs, not 93601
more than \$750,000 per fiscal year may be used by the department 93602
for administrative and operational costs, excluding outreach, that 93603
are not associated with the Ohio's Best Rx Program Administrator 93604
or the payments to participating terminal distributors. 93605

If the Director of Job and Family Services estimates that the 93606
appropriation is insufficient to fully cover start-up costs, the 93607
Director shall, in consultation with the Director of Budget and 93608
Management, submit a letter to the Governor, President of the 93609
Senate, Speaker of the House of Representatives, and the minority 93610
leaders of the Senate and House of Representatives. The letter 93611
shall declare the additional appropriation estimated to be needed 93612
and shall show a breakdown of how the additional appropriation 93613
will be used. The Director of Job and Family Services shall obtain 93614
the approval of the Controlling Board for any supplemental 93615
appropriation, if required. The amount approved by the Controlling 93616
Board is hereby appropriated. The use of state funds for program 93617
costs as provided in this section shall in no way obligate the 93618
state to fund further program costs, as the program is a discount 93619
program, not an entitlement program. 93620

OHIO'S BEST RX ADMINISTRATION 93621

The foregoing appropriation item 600-673, Ohio's Best Rx 93622
Administration, shall be used on an ongoing basis to cover 93623
expenses associated with the Ohio's Best Rx Program defined in 93624
section 5110.33 of the Revised Code. If receipts to the fund 93625
exceed the appropriated amount, the Director of Job and Family 93626
Services may request that the Director of Budget and Management 93627
increase the appropriation of this fund. Upon approval from the 93628
Director of Budget and Management, the additional amounts are 93629
hereby appropriated. 93630

Section 206.66.21. TANF TRANSFERS 93631

(A) Notwithstanding any provision of law to the contrary, 93632
through June 30, 2007, if the Director of Budget and Management 93633
determines that the estimated ending fund balance of the General 93634
Revenue Fund will be greater than the amounts assumed in this act 93635
for either fiscal year, the director may transfer the excess 93636
balance, up to a total of \$96,000,000 to Fund 5AX, Public 93637
Assistance Reconciliation Fund, to pay the state's outstanding 93638
TANF liability to the federal government. Upon transfer, these 93639
amounts are hereby appropriated. This division does not apply to 93640
division (A) of Section 312.09, Budget Stabilization Fund 93641
Transfers, of this act. 93642

(B) In executing division (A) of this section and division 93643
(A) of Section 312.09, Budget Stabilization Fund Transfers, it is 93644
intended that these divisions be applied and construed so that 93645
both of the transfers authorized under these divisions may be made 93646
through June 30, 2007. 93647

Section 206.66.22. FISCAL YEAR 2006 MEDICAID REIMBURSEMENT 93648
SYSTEM FOR NURSING FACILITIES 93649

(A) As used in this section: 93650

"2003 cost report" means a complete and adequate Medicaid cost report covering calendar year 2003 filed with the Department of Job and Family Services under section 5111.26 of the Revised Code. 93651
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"Change of operator," "entering operator," and "exiting operator" have the same meanings as in section 5111.65 of the Revised Code. 93655
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"Franchise permit fee" means the fee imposed by sections 3721.50 to 3721.58 of the Revised Code. 93658
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"Nursing facility" and "provider" have the same meaning as in section 5111.20 of the Revised Code. 93660
93661

"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. 93662
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93664
93665

"Reviewable activity" has the same meaning as in section 3702.51 of the Revised Code. 93666
93667

(B) Except as otherwise provided in this section, the provider of a nursing facility that has a valid Medicaid provider agreement on June 30, 2005, and a valid Medicaid provider agreement for fiscal year 2006 shall be paid, for nursing facility services the nursing facility provides during fiscal year 2006, the sum of the following: 93668
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(1) The rate the provider is paid for nursing facility services the nursing facility provides on June 30, 2005; 93674
93675

(2) Unless the nursing facility is exempt from paying the franchise permit fee, one dollar and ninety-five cents. 93676
93677

(C) If a nursing facility undergoes a change of operator on July 1, 2005, the entering operator shall be paid, for nursing facility services the nursing facility provides during fiscal year 93678
93679
93680

2006, the rate paid to the exiting operator for nursing facility 93681
services that the nursing facility provided on June 30, 2005, 93682
plus, if the entering operator pays the franchise permit fee, one 93683
dollar and ninety-five cents. If a nursing facility undergoes a 93684
change of operator during the period beginning July 2, 2005, and 93685
ending June 30, 2006, the entering operator shall be paid, for 93686
nursing facility services the nursing facility provides during the 93687
period beginning on the effective date of the change of operator 93688
and ending June 30, 2006, the rate paid to the exiting operator 93689
for nursing facility services that the nursing facility provided 93690
on the day immediately before the effective date of the change of 93691
operator. 93692

(D) If, during fiscal year 2006, a nursing facility obtains 93693
certification as a nursing facility from the Director of Health 93694
and begins participation in the Medicaid program, the provider of 93695
the nursing facility shall be paid, for nursing facility services 93696
the nursing facility provides during the period beginning on the 93697
date the nursing facility begins participation in the Medicaid 93698
program and ending June 30, 2006, a rate that is the median of all 93699
rates paid to providers of nursing facilities on July 1, 2005. 93700

(E) If, during fiscal year 2007, one or more Medicaid 93701
certified beds are added to a nursing facility with a valid 93702
Medicaid provider agreement for fiscal year 2006, the provider of 93703
the nursing facility shall be paid a rate for the new beds that is 93704
the same as the nursing facility's rate for the Medicaid certified 93705
beds that are in the nursing facility on the day before the new 93706
beds are added. 93707

(F) If the United States Centers for Medicare and Medicaid 93708
Services requires that the franchise permit fee be reduced or 93709
eliminated, the Department of Job and Family Services shall reduce 93710
the amount it pays providers of nursing facilities under this 93711
section as necessary to reflect the loss to the state of the 93712

revenue and federal financial participation generated from the 93713
franchise permit fee. 93714

(G)(1) A nursing facility's rate established under this 93715
section shall not be subject to any adjustments except as follows: 93716

(a) An adjustment resulting from an audit of the nursing 93717
facility's 2003 cost report may be applied to a rate established 93718
under this section for the nursing facility not later than three 93719
years after the first day of the fiscal year for which the rate is 93720
established. 93721

(b) Subject to division (G)(2) of this section, the nursing 93722
facility's rate established under this section may be adjusted 93723
pursuant to a process established in rules adopted under section 93724
5111.02 of the Revised Code to reflect a change in the nursing 93725
facility's capital costs due to any of the following: 93726

(i) A change of provider agreement that goes into effect 93727
before July 1, 2005, and for which a rate adjustment is not 93728
implemented before June 30, 2005; 93729

(ii) A reviewable activity for which a certificate of need 93730
application is filed with the Director of Health before July 1, 93731
2005, costs are incurred before June 30, 2005, and a rate 93732
adjustment is not implemented before June 30, 2005; 93733

(iii) An activity that the Director of Health, before July 1, 93734
2005, rules is not a reviewable activity and for which costs are 93735
incurred before June 30, 2005, and a rate adjustment is not 93736
implemented before June 30, 2005. 93737

(2) A nursing facility's rate established under this section 93738
may be adjusted pursuant to division (G)(1)(b)(ii) or (iii) of 93739
this section only if, after all other Medicaid obligations have 93740
been met, there are appropriations in appropriation item 600-525, 93741
Health Care/Medicaid, that would otherwise lapse to the General 93742

Revenue Fund. The Department of Job and Family Services may make
adjustments pursuant to division (G)(1)(b)(ii) and (iii) of this
section to the extent possible using the remaining appropriations
that would otherwise lapse.

(H) 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 under the Medicaid program for nursing facility
services provided during fiscal year 2006 notwithstanding anything
to the contrary in sections 5111.20 to 5111.33 of the Revised
Code.

Section 206.66.23. FISCAL YEAR 2007 MEDICAID REIMBURSEMENT
SYSTEM FOR NURSING FACILITIES

(A) As used in this section:

"Franchise permit fee" means the fee imposed by sections
3721.50 to 3721.58 of the Revised Code.

"Nursing facility" and "provider" have the same meanings as
in section 5111.20 of the Revised Code.

"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.

(B) Except as provided in division (C) of this section, the
provider of a nursing facility that has a valid Medicaid provider
agreement on June 30, 2006, and a valid Medicaid provider
agreement for fiscal year 2007 shall be paid, for nursing facility
services the nursing facility provides during fiscal year 2007,
the rate determined for the nursing facility under sections
5111.20 to 5111.33 of the Revised Code.

(C) If the rate determined for a nursing facility under
sections 5111.20 to 5111.33 of the Revised Code for nursing

facility services provided during fiscal year 2007 is more than 93773
one hundred two per cent of the rate the provider is paid for 93774
nursing facility services the nursing facility provides on June 93775
30, 2006, the Department of Job and Family Services shall reduce 93776
the nursing facility's fiscal year 2007 rate so that the rate is 93777
no more than one hundred two per cent of the nursing facility's 93778
rate for June 30, 2006. If the rate determined for a nursing 93779
facility under sections 5111.20 to 5111.33 of the Revised Code for 93780
nursing facility services provided during fiscal year 2007 is less 93781
than ninety-eight per cent of the rate the provider was paid for 93782
nursing facility services the nursing facility provides on June 93783
30, 2006, the Department shall increase the nursing facility's 93784
fiscal year 2007 rate so that the rate is no less than 93785
ninety-eight per cent of the nursing facility's rate for June 30, 93786
2006. 93787

(D) If the United States Centers for Medicare and Medicaid 93788
Services requires that the franchise permit fee be reduced or 93789
eliminated, the Department of Job and Family Services shall reduce 93790
the amount it pays providers of nursing facilities under this 93791
section as necessary to reflect the loss to the state of the 93792
revenue and federal financial participation generated from the 93793
franchise permit fee. 93794

(E) The Department of Job and Family Services shall follow 93795
this section in determining the rate to be paid to the provider of 93796
a nursing facility that has a valid Medicaid provider agreement on 93797
June 30, 2006, and a valid Medicaid provider agreement for fiscal 93798
year 2007 notwithstanding anything to the contrary in sections 93799
5111.20 to 5111.33 of the Revised Code. 93800

Section 206.66.24. TRANSITION METHODOLOGY FOR MEDICAID 93801
REIMBURSEMENT FOR NURSING FACILITIES 93802

(A) There is hereby created the Nursing Facility Rate 93803

Transition Advisory Council. The Council shall consist of all of 93804
the following: 93805

(1) The Director of Job and Family Services or the Director's 93806
designee; 93807

(2) The Deputy Director of the Office of Ohio Health Plans of 93808
the Department of Job and Family Services or the Deputy Director's 93809
designee; 93810

(3) The Director of Health or the Director's designee; 93811

(4) One representative of Medicaid recipients residing in 93812
nursing facilities appointed by the Governor; 93813

(5) One representative of each of the following organizations 93814
appointed by the organization: 93815

(a) The Ohio Academy of Nursing Homes; 93816

(b) The Association of Ohio Philanthropic Homes and Housing 93817
for the Aging; 93818

(c) The Ohio Health Care Association. 93819

(B) Members of the Nursing Facility Rate Transition Advisory 93820
Council shall receive no compensation for serving on the Council. 93821

(C) The Director of Job and Family Services shall serve as 93822
chair of the Nursing Facility Rate Transition Advisory Council. 93823

(D) The Nursing Facility Rate Transition Advisory Council 93824
shall develop recommendations on the methodology to be used to 93825
phase in the nursing facility reimbursement formula established 93826
under sections 5111.20 to 5111.33 of the Revised Code. The Council 93827
shall prepare quarterly progress reports and, not later than nine 93828
months after the effective date of this section, a final report. 93829
The Council shall submit copies of the report to the Governor, the 93830
President and Minority Leader of the Senate, and the Speaker and 93831
Minority Leader of the House of Representatives. The Council shall 93832

cease to exist on the issuance of the final report.	93833
Section 206.66.25. FISCAL YEAR 2006 AND FISCAL YEAR 2007	93834
MEDICAID REIMBURSEMENT SYSTEM FOR ICFs/MR	93835
(A) As used in this section:	93836
"2003 cost report" means a complete and adequate Medicaid	93837
cost report covering calendar year 2003 filed with the Department	93838
of Job and Family Services under section 5111.26 of the Revised	93839
Code.	93840
"Change of operator," "entering operator," and "exiting	93841
operator" have the same meanings as in section 5111.65 of the	93842
Revised Code.	93843
"Intermediate care facility for the mentally retarded" and	93844
"provider" home have the same meanings as in section 5111.20 of	93845
the Revised Code.	93846
"ICF/MR services" means intermediate care facility for the	93847
mentally retarded services covered by the Medicaid program that an	93848
intermediate care facility for the mentally retarded provides to a	93849
resident of the facility who is a Medicaid recipient eligible for	93850
Medicaid-covered intermediate care facility for the mentally	93851
retarded services.	93852
(B) Except as otherwise provided in this section, the	93853
provider of an intermediate care facility for the mentally	93854
retarded that has a valid Medicaid provider agreement on June 30,	93855
2005, and a valid Medicaid provider agreement for fiscal years	93856
2006 and 2007 shall be paid, for ICF/MR services the facility	93857
provides during fiscal years 2006 and 2007, the rate the provider	93858
is paid for ICF/MR services the facility provides on June 30,	93859
2005.	93860
(C) If an intermediate care facility for the mentally	93861
retarded undergoes a change of operator during fiscal year 2006 or	93862

2007, the entering operator shall be paid, for ICF/MR services the facility provides during the period beginning on the effective date of the change of provider and ending June 30, 2007, the rate paid to the exiting operator for ICF/MR services that the facility provided on the day immediately before the effective date of the change of operator.

(D) If, during fiscal year 2006 or 2007, an intermediate care facility for the mentally retarded obtains certification as an intermediate care facility for the mentally retarded from the Director of Health and begins participation in the Medicaid program, the provider of the facility shall be paid, for ICF/MR services the facility provides during the period beginning on the date the facility begins participation in the Medicaid program and ending June 30, 2007, a rate that is the median of all rates paid to intermediate care facilities for the mentally retarded on July 1, 2005.

(E) If, during fiscal year 2006 or 2007, one or more Medicaid certified beds are added to an intermediate care facility for the mentally retarded with a valid Medicaid provider agreement for the time that the beds are added, the provider of the facility shall be paid a rate for the new beds that is the same as the facility's rate for the Medicaid certified beds that are in the facility on the day before the new beds are added.

(F) An adjustment necessitated by an audit of an intermediate care facility for the mentally retarded's 2003 cost report may be applied to a rate established under this section for the facility.

(G) The Department of Job and Family Services shall follow this section in determining the rate to be paid to the provider of an intermediate care facility for the mentally retarded under the Medicaid program for ICF/MR services provided during fiscal years 2006 and 2007 notwithstanding anything to the contrary in sections

5111.20 to 5111.33 of the Revised Code.	93894
Section 206.66.27. FISCAL YEARS 2006 AND 2007 INCREASED	93895
PAYMENT TO ICFs/MR	93896
(A) As used in this section:	93897
"Active treatment" has the same meaning as in section 5126.12 of the Revised Code.	93898 93899
"Community alternative funding system" means the former system under which habilitation center services were reimbursed under the Medicaid program pursuant to former section 5111.041 of the Revised Code and former rules adopted under that section.	93900 93901 93902 93903
(B) The Director of Job and Family Services may increase the rate paid to intermediate care facilities for the mentally retarded for fiscal years 2006 and 2007 under the section of this act entitled "FISCAL YEAR 2006 AND FISCAL YEAR 2007 MEDICAID REIMBURSEMENT SYSTEM FOR ICFs/MR" by an amount specified in rules adopted under section 5111.02 of the Revised Code to reimburse the facilities for active treatment day programming because of the termination of the community alternative funding system.	93904 93905 93906 93907 93908 93909 93910 93911
*Section 206.66.36. ASSISTED LIVING MEDICAID WAIVER PROGRAM	93912
(A) As used in this section, "Assisted Living Program" has the same meaning as in section 5111.89 of the Revised Code.	93913 93914
(B) After the Department of Job and Family Services enters into a contract with the Department of Aging under section 5111.91 of the Revised Code for the Department of Aging to administer the Assisted Living Program, the Director of Job and Family Services shall quarterly certify to the Director of Budget and Management the estimated costs of the Assisted Living Program for the upcoming quarter. The estimate shall include the state and federal share of the costs. On receipt of the certified estimated costs	93915 93916 93917 93918 93919 93920 93921 93922

for an upcoming quarter, the Director of Budget and Management 93923
shall do all of the following: 93924

(1) Transfer the state share of the amount of the estimated 93925
costs from GRF appropriation item 600-525, Health Care/Medicaid, 93926
to GRF appropriation item 490-422, Assisted Living; 93927

(2) Transfer the federal share of the amount of the estimated 93928
costs from GRF appropriation item 600-525, Health Care/Medicaid, 93929
to Fund 3C4, appropriation item 490-622, Assisted Living - 93930
Federal; 93931

(3) Increase the appropriation in JFS Fund 3G5, appropriation 93932
item 600-655, Interagency Reimbursement, by the federal share of 93933
the amount of the estimated costs. 93934

(C) The funds that the Director of Budget and Management 93935
transfers and increases under this section are hereby 93936
appropriated. 93937

***Section 206.66.37.** Section 206.66.36 of this act takes 93938
effect October 1, 2005. 93939

Section 206.66.38. MEDICAID PILOT PROGRAM 93940

Each quarter, the Department of Aging shall certify to the 93941
Director of Budget and Management the estimated costs of the 93942
Medicaid pilot program created under section 5111.971 of the 93943
Revised Code. 93944

On a quarterly basis, on receipt of the certified costs, the 93945
Director of Budget and Management shall do all of the following: 93946

(1) Transfer the state share of the amount of the estimated 93947
costs from the GRF appropriation item 600-525, Health 93948
Care/Medicaid, to GRF appropriation item 490-403, PASSPORT, for 93949
the remainder of the biennium; 93950

(2) Increase the appropriation in Department of Aging Fund 93951
3C4, appropriation item 490-607, PASSPORT, by the federal share of 93952
the amount of the estimated costs; 93953

(3) Reduce the federal share of GRF appropriation item 93954
600-525, Health Care/Medicaid, by the federal share of the amount 93955
of the estimated costs; 93956

(4) Increase the appropriation in Department of Job and 93957
Family Services Fund 3G5, appropriation item 600-655, Interagency 93958
Reimbursement, by the federal share of the amount of the estimated 93959
costs. 93960

The funds that the Director of Budget and Management 93961
transfers and increases under this section are hereby 93962
appropriated. 93963

Section 206.66.39. MEDICAID ELIGIBILITY REDUCTIONS 93964

The Director of Job and Family Services shall, not later than 93965
ninety days after the effective date of this section, submit to 93966
the United States Secretary of Health and Human Services an 93967
amendment to the state Medicaid plan to reduce to ninety per cent 93968
of the federal poverty guidelines the amount specified in division 93969
(A)(2) of section 5111.019 of the Revised Code as it existed 93970
immediately prior to the amendment made by this act. The reduction 93971
shall be implemented not earlier than ninety days after the 93972
effective date of this section and not later than the effective 93973
date of federal approval. 93974

Section 206.66.41. MEDICAID MANAGED CARE COVERAGE OF 93975
RESPIRATORY ANTI-VIRAL DRUGS FOR FY 2006 AND 2007 93976

For fiscal years 2006 and 2007, the Department of Job and 93977
Family Services shall require a health insuring corporation with 93978
which the Department contracts under section 5111.17 of the 93979

Revised Code to provide coverage of prescription drugs that
protect against respiratory syncytial virus for Medicaid
recipients enrolled in the health insuring corporation who, as an
infant born premature or other pediatric patient, are at risk for
respiratory syncytial virus. In covering the drugs for these
Medicaid recipients, the health insuring corporation shall do both
of the following:

(A) Cover the drugs in at least the same amount, duration,
and scope as the Medicaid program's coverage of the drugs for
Medicaid recipients who receive state Medicaid plan services under
the fee-for-service system;

(B) Establish access requirements for the drugs that are less
or no more restrictive than the access requirements for the drugs
under the fee-for-service system.

Section 206.66.42. DISABILITY MEDICAL ASSISTANCE PROGRAM

(A) The foregoing appropriation item 600-513, Disability
Medical Assistance, shall be used by the Department of Job and
Family Services to operate a Disability Medical Assistance Program
before or after October 1, 2005, to replace the Disability Medical
Assistance program established in Chapter 5115. of the Revised
Code. The Department of Job and Family Services shall terminate
the Disability Medical Assistance Program effective October 1,
2005. All rules, standards, guidelines, or orders adopted or
issued by the Director of Job and Family Services to govern the
Disability Medical Assistance Program before its termination shall
remain in effect on and after October 1, 2005, for the following
purposes:

(1) To establish the legal obligations of the Department for
claims arising from the Program;

(2) To determine an individual's previous eligibility for the

Program;	94010
(3) To determine the validity of a claim for services under the Program;	94011 94012
(4) To recover erroneous payments, as defined in section 5115.23 of the Revised Code, made before October 1, 2005.	94013 94014
(B) The Department may use funds appropriated to it to satisfy Program claims or contingent claims existing before October 1, 2005. The Department shall not pay claims for services rendered on or after October 1, 2005.	94015 94016 94017 94018
(C) The Department shall pay a claim for services rendered by a medical provider to a Disability Medical Assistance Program recipient before October 1, 2005, only if the claim is received by the Department not later than April 1, 2006.	94019 94020 94021 94022
(D) A judge or other person designated to make a decision in a state hearing, administrative appeal, or judicial proceeding initiated under section 5101.35 of the Revised Code may adjudicate an appeal of a determination made by the Department under the Program before October 1, 2005. No person may adjudicate an appeal of a determination made by the Department under the Program on or after October 1, 2005.	94023 94024 94025 94026 94027 94028 94029
(E) Notwithstanding the termination of the Disability Medical Assistance Program, the following remain effective on and after October 1, 2005:	94030 94031 94032
(1) As described in section 5101.58 of the Revised Code, the Department's and a county's right of recovery against the liability of a third party for the cost of medical services and care;	94033 94034 94035 94036
(2) As described in section 5101.59 of the Revised Code, the assignment of a Program recipient's right to medical support made by court or administrative order or payments from a third party.	94037 94038 94039

(F) The Department may take reasonable steps to inform 94040
Program recipients about the termination of the Program. A county 94041
department of job and family services shall take action with 94042
respect to these activities when requested by the Department. 94043

(G) An action taken under division (F) of this section shall 94044
not be the basis for requiring the Department to extend the 94045
Program or to approve or extend a person's eligibility for the 94046
Program on or after October 1, 2005. 94047

(H) The Director may adopt rules in accordance with section 94048
111.15 of the Revised Code to implement this section. 94049

Section 206.66.43. DISABILITY MEDICAL ASSISTANCE COUNCIL 94050

(A) There is hereby established the Disability Medical 94051
Assistance Council, composed of the following individuals: 94052

(1) The Director of Job and Family Services or the Director's 94053
designee; 94054

(2) The Director of the Rehabilitative Services Commission or 94055
the Director's designee; 94056

(3) The Director of Rehabilitation and Correction or the 94057
Director's designee; 94058

(4) The Director of Mental Health or the Director's designee; 94059

(5) The Director of Alcohol and Drug Addiction Services or 94060
the Director's designee; 94061

(6) Two individuals appointed by the Director of Job and 94062
Family Services to represent health care and behavioral health 94063
care trade associations, one of whom shall represent county 94064
behavioral health boards; 94065

(7) Three members of the Medicaid Care Advisory Committee in 94066
the Department of Job and Family Services; 94067

(8) Three individuals appointed by the Director of Job and Family Services to represent low-income disabled individuals;	94068 94069
(9) An individual appointed by the Director of Job and Family Services to represent county boards of job and family services;	94070 94071
(10) An individual appointed by the Director of Job and Family Services to represent hospitals;	94072 94073
(11) Two individuals appointed by the Director of Job and Family Services to represent the pharmaceutical industry.	94074 94075
(B) By not later than September 1, 2005, the Council shall submit to the Governor, the Speaker of the House of Representatives, and the President of the Senate a written report to propose a program to replace the Disability Medical Assistance Program when that program terminates. The report shall include recommendations for the program regarding all of the following:	94076 94077 94078 94079 94080 94081
(1) The type, scope, and duration of services to be covered;	94082
(2) Delivery system options;	94083
(3) Eligibility criteria;	94084
(4) Measures that can be taken to assist individuals who received benefits from the Disability Medical Assistance Program but do not meet the eligibility criteria of the new program to transition to other government or private medical assistance programs;	94085 94086 94087 94088 94089
(5) A disability advocacy program to assist applicants for and recipients of assistance under the new program in the same manner as the disability advocacy program established under section 5115.20 of the Revised Code assisted Disability Medical Assistance Program applicants and recipients prior to October 1, 2005;	94090 94091 94092 94093 94094 94095
(6) Any other recommendations the Council considers necessary and appropriate.	94096 94097

(C) The program proposed by the Council in the report 94098
described in division (B) of this section shall be implemented by 94099
not later than October 1, 2005. 94100

Section 206.66.44. MEDICAID COVERAGE OF DENTAL SERVICES 94101

For fiscal years 2006 and 2007, the Medicaid program shall do 94102
the following: 94103

(A) For Medicaid recipients under twenty-one years of age, 94104
the Medicaid program shall cover dental services. This section 94105
does not limit the ability of the Department of Job and Family 94106
Services to adopt, amend, or rescind rules applicable to dental 94107
services, including rules that limit or reduce covered services, 94108
reduce reimbursement levels, or subject covered services to 94109
co-payments. 94110

(B) For Medicaid recipients twenty-one years of age or older, 94111
the Medicaid program shall cover dental services in an amount, 94112
duration, and scope specified in rules that the Director of Job 94113
and Family Services shall adopt under section 5111.02 of the 94114
Revised Code but shall be less in amount, duration, and scope than 94115
the Medicaid program covered those services immediately before the 94116
effective date of this amendment. 94117

Section 206.66.45. MEDICAID COVERAGE OF VISION SERVICES 94118

For fiscal years 2006 and 2007, the Medicaid program shall 94119
cover vision services. This section does not limit the ability of 94120
the Department of Job and Family Services to adopt, amend, or 94121
rescind rules applicable to vision services, including rules that 94122
limit or reduce covered services, reduce reimbursement levels, or 94123
subject covered services to copayments. 94124

Section 206.66.46. DISABILITY DETERMINATIONS 94125

(A) A study shall be conducted by the state and local government entities actively engaged in providing programs or services for which disability is an eligibility requirement, including the Department of Job and Family Services, county departments of job and family services, and Rehabilitation Services Commission. The study shall consider all of the following:

(1) The feasibility of an interagency agreement among the state and local government entities actively engaged in providing programs or services for which disability is an eligibility requirement, including the Department of Job and Family Services, county departments of job and family services, and the Rehabilitation Services Commission whereby one of these state or local government entities would perform disability determinations for all programs and services provided by a state or local government entity in which disability is an eligibility requirement;

(2) Which of the state and local government entities engaged in providing programs or services for which disability is an eligibility requirement should perform disability determinations under an interagency agreement described in division (A)(1) of this section.

(3) Potential cost-savings and other advantages, as well as any potential disadvantages, that might result from the interagency agreement;

(4) Processes by which the interagency agreement could be implemented, including an estimate of the approximate time needed to implement it.

(B) Not later than six months after the effective date of this section, a written report of the results of the study shall be prepared and submitted to the Speaker of the House of

Representatives, President of the Senate, the Minority Leader of
the House of Representatives, and the Minority Leader of the
Senate. 94157
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Section 206.66.47. HEALTH CARE/MEDICAID 94160

The foregoing appropriation item 600-525, Health
Care/Medicaid, shall not be limited by section 131.33 of the
Revised Code. 94161
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The Director of Job and Family Services may request that the
Director of Budget and Management increase the appropriation in
appropriation item 600-525, Health Care/Medicaid, by up to
\$107,272,266 state share in fiscal year 2007. If the Director of
Budget and Management approves the request, the Director of Budget
and Management shall also increase the appropriation in
appropriation item 600-525, Health Care/Medicaid, by the
appropriate corresponding federal share. The increased amounts are
hereby appropriated. The Department of Job and Family Services
shall use this appropriation to pay for Medicaid services. 94164
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The Director of Budget and Management may consider the
appropriation authorized in this section for the purposes of the
calculations required in section 131.44 of the Revised Code. 94174
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**Section 206.66.48. STATE MEDICAID PLAN AMENDMENT REGARDING
ESTATE RECOVERY** 94177
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The Director of Job and Family Services shall submit a state
Medicaid plan amendment to the United States Secretary of Health
and Human Services as necessary for the implementation of the
amendments by this act to sections 5111.11 and 5111.111 of the
Revised Code. 94179
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**Section 206.66.49. SINGLE AUDIT OF MEDICAID DURING FY 2006
AND 2007** 94184
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The Auditor of State may, during fiscal years 2006 and 2007, 94186
conduct a single performance audit of the Medicaid program, as 94187
defined in section 5111.01 of the Revised Code, to determine ways 94188
of reducing or eliminating fraud, waste, and abuse in the program, 94189
making the program more efficient, and enhancing the program's 94190
results. An audit conducted under this section shall be conducted 94191
in accordance with generally accepted government auditing 94192
standards. Expenses incurred by the Auditor of State to conduct 94193
the performance audit shall be reimbursed by the Department of Job 94194
and Family Services. 94195

Section 206.66.51. MEDICAID PAYMENT FOR GRADUATE MEDICAL 94196
EDUCATION COSTS 94197

The Director of Job and Family Service may submit to the 94198
United States Secretary of Health and Human Services an amendment 94199
to the state Medicaid plan to implement section 5111.191 of the 94200
Revised Code. The Department may implement that section upon the 94201
Secretary's approval of the amendment. 94202

MEDICARE PART D 94203

The foregoing appropriation item 600-526, Medicare Part D, 94204
may be used by the Department of Job and Family Services for the 94205
implementation and operation of the Medicare Part D requirements 94206
contained in the "Medicare Prescription Drug, Improvement, and 94207
Modernization Act of 2003," Pub. L. No. 108-173, as amended. Upon 94208
the request of the Department of Job and Family Services, the 94209
Director of Budget and Management may increase the state share of 94210
appropriations in either appropriation item 600-525, Health 94211
Care/Medicaid, or appropriation item 600-526, Medicare Part D, 94212
with a corresponding decrease in the state share of the other 94213
appropriation item to allow the Department of Job and Family 94214
Services to implement and operate the new Medicare Part D 94215
requirements. If the state share of appropriation item 600-525, 94216

Health Care/Medicaid, is adjusted, the Director of Budget and Management shall adjust the federal share accordingly.

Section 206.66.52. LEGISLATIVE INTENT TO CREATE NEW MEDICAID DEPARTMENT

It is the intent of the General Assembly that a new cabinet level department to administer the Medicaid program is to be established by July 1, 2007.

Section 206.66.53. MEDICAID ADMINISTRATIVE STUDY COUNCIL

(A) There is hereby created the Medicaid Administrative Study Council composed of the following:

(1) One member of the Ohio Commission to Reform Medicaid, appointed by the Governor;

(2) One member of the staff of the Governor's office, appointed by the Governor;

(3) One individual with expertise in health-care finance, appointed by the Governor;

(4) One individual with expertise in health-care management, appointed by the Governor;

(5) One individual with expertise in health-care information technology, appointed by the Governor;

(6) One individual with expertise in health insurance, appointed by the Governor;

(7) One individual with expertise in health care quality assurance, appointed by the Governor;

(8) Two individuals with expertise in organizational change representing the business community, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;

(9) The Director of Budget and Management or the Director's designee;	94245 94246
(10) The State Chief Information Officer or the Officer's designee;	94247 94248
(11) The Administrator of Workers' Compensation or the Administrator's designee;	94249 94250
(12) The following non-voting members:	94251
(a) The Director of Job and Family Services or the Director's designee;	94252 94253
(b) The Director of Aging or the Director's designee;	94254
(c) The Director of Drug and Alcohol Addiction Services or the Director's designee;	94255 94256
(d) The Director of Health or the Director's designee;	94257
(e) The Director of Mental Health or the Director's designee;	94258
(f) The Director of Mental Retardation and Developmental Disabilities or the Director's designee.	94259 94260
(B) The Governor shall appoint a member of the Council to serve as the chairperson of the Council.	94261 94262
(C) The Council shall study the administration of the Medicaid program. In conducting the study, the Council shall operate under the assumption that the General Assembly will enact by July 1, 2007, a law establishing a new cabinet level department to administer the program. The Council shall examine and consider all of the following as part of the study:	94263 94264 94265 94266 94267 94268
(1) Structuring the program's administration in a manner that optimizes the program's fiscal and operational objectives;	94269 94270
(2) Centralizing financing and information technology functions to coordinate the new department's activities with other state agencies, if any, that assist in the program's	94271 94272 94273

administration;	94274
(3) Creating a unified budget for Medicaid-funded long-term care services;	94275 94276
(4) The fiscal and operating impact that a new administrative structure for the program would have on the Department of Job and Family Services and other state agencies that currently assist in the program's administration;	94277 94278 94279 94280
(5) The role of government entities that administer the Medicaid program on the local level and the fiscal and operating impact that a new administrative structure for the program would have on those entities;	94281 94282 94283 94284
(6) The recommendations of the Ohio Commission to Reform Medicaid.	94285 94286
(D) Beginning ninety days after the effective date of this section, the Council shall submit written, quarterly reports on the Council's progress to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The Council shall submit a final written report of its study to the Governor, the President of the Senate, and the Speaker of the House of Representatives not later than December 31, 2006. The final report shall include all of the following:	94287 94288 94289 94290 94291 94292 94293 94294
(1) Recommendations regarding the scope and structure of the new department;	94295 94296
(2) A business plan that directs the transition of the Medicaid program's administration from the Department of Job and Family Services and the other state agencies that assist the Department to the new department and addresses the transition's fiscal and operational impact;	94297 94298 94299 94300 94301
(3) Identification of the resources needed to implement the business plan.	94302 94303

(E) The Council may hire staff, enter into contracts, and 94304
take other actions the Council deems necessary to fulfill its 94305
duties. 94306

Section 206.66.57. ODJFS FUNDS 94307

AGENCY FUND GROUP 94308

The Agency Fund Group and Holding Account Redistribution Fund 94309
Group shall be used to hold revenues until the appropriate fund is 94310
determined or until the revenues are directed to the appropriate 94311
governmental agency other than the Department of Job and Family 94312
Services. If it is determined that additional appropriation 94313
authority is necessary, such amounts are hereby appropriated. 94314

Section 206.66.60. EMPLOYER SURCHARGE 94315

The surcharge and the interest on the surcharge amounts due 94316
for calendar years 1988, 1989, and 1990 as required by Am. Sub. 94317
H.B. 171 of the 117th General Assembly, Am. Sub. H.B. 111 of the 94318
118th General Assembly, and section 4141.251 of the Revised Code 94319
as it existed prior to its repeal by Sub. H.B. 478 of the 122nd 94320
General Assembly, again shall be assessed and collected by, 94321
accounted for, and made available to the Department of Job and 94322
Family Services in the same manner as set forth in section 94323
4141.251 of the Revised Code as it existed prior to its repeal by 94324
Sub. H.B. 478 of the 122nd General Assembly, notwithstanding the 94325
repeal of the surcharge for calendar years after 1990, pursuant to 94326
Sub. H.B. 478 of the 122nd General Assembly, except that amounts 94327
received by the Director on or after July 1, 2001, shall be 94328
deposited into the Unemployment Compensation Special 94329
Administrative Fund (Fund 4A9) established pursuant to section 94330
4141.11 of the Revised Code. 94331

Section 206.66.63. TRANSFER OF FUNDS TO THE DEPARTMENT OF 94332

AGING	94333
The Department of Job and Family Services shall transfer,	94334
through intrastate transfer vouchers, cash from Fund 4J5, Home and	94335
Community-Based Services for the Aged, to Fund 4J4, PASSPORT, in	94336
the Department of Aging. The sum of the transfers shall be	94337
\$33,268,052 in fiscal year 2006 and \$33,263,984 in fiscal year	94338
2007. The transfer may occur on a quarterly basis or on a schedule	94339
developed and agreed to by both departments.	94340
Section 206.66.64. INDIVIDUALS MOVED FROM NURSING FACILITIES	94341
TO PASSPORT	94342
(A) As used in this section:	94343
(1) "Area agency on aging" has the same meaning as in section	94344
173.14 of the Revised Code.	94345
(2) "Long-Term Care Consultation Program" means the program	94346
the Department of Aging is required to develop under section	94347
173.42 of the Revised Code.	94348
(3) "Long-Term Care Consultation Program administrator" or	94349
"administrator" means the Department of Aging or, if the	94350
Department contracts with an area agency on aging or other entity	94351
to administer the Long-Term Care Consultation Program for a	94352
particular area, that agency or entity.	94353
(4) "Nursing facility" has the same meaning as in section	94354
5111.20 of the Revised Code.	94355
(5) "PASSPORT program" means the program created under	94356
section 173.40 of the Revised Code.	94357
(B) Each month during fiscal years 2006 and 2007, each area	94358
agency on aging shall determine whether individuals who reside in	94359
the area that the area agency on aging serves and are on a waiting	94360
list for the PASSPORT program have been admitted to a nursing	94361

facility. If an area agency on aging determines that such an individual has been admitted to a nursing facility, the agency shall notify the Long-Term Care Consultation Program administrator serving the area in which the individual resides about the determination. The administrator shall determine whether the PASSPORT program is appropriate for the individual and whether the individual would rather participate in the PASSPORT program than continue residing in the nursing facility. If the administrator determines that the PASSPORT program is appropriate for the individual and the individual would rather participate in the PASSPORT program than continue residing in the nursing facility, the administrator shall so notify the Department of Aging. On receipt of the notice from the administrator, the Department of Aging shall approve the enrollment of the individual in the PASSPORT program regardless of whether other individuals who are not in a nursing facility are ahead of the individual on the PASSPORT program's waiting list. Each quarter, the Department of Aging shall certify to the Director of Budget and Management the estimated increase in costs of the PASSPORT program for the individuals enrolled in the PASSPORT program pursuant to this section.

(C) On a quarterly basis, on receipt of the certified costs, the Director of Budget and Management shall do all of the following:

(1) Transfer the state share of the amount of the estimated costs from GRF appropriation item 600-525, Health Care/Medicaid, to GRF appropriation item 490-403, PASSPORT, for the remainder of the biennium;

(2) Increase the appropriation in Ohio Department of Aging Fund 3C4, appropriation item 490-607, PASSPORT, by the federal share of the amount of the estimated costs;

(3) Increase the appropriation in JFS Fund 3G5, appropriation 94393
item 600-655, Interagency Reimbursement, by the federal share of 94394
the amount of the estimated costs. 94395

The funds that the Director of Budget and Management 94396
transfers and increases under this division are hereby 94397
appropriated. 94398

(D) The individuals placed in the PASSPORT program pursuant 94399
to this section shall be in addition to the individuals placed in 94400
the PASSPORT program during fiscal years 2006 and 2007 based on 94401
the amount of money that is in GRF appropriation item 490-403, 94402
PASSPORT; Fund 4J4, appropriation item 490-610, 94403
PASSPORT/Residential State Supplement; Fund 4U9, appropriation 94404
item 490-602, PASSPORT Fund; and Fund 3C4, appropriation item 94405
490-607, PASSPORT, before any transfers to GRF appropriation item 94406
490-403, PASSPORT, and Fund 3C4, appropriation item 490-607, 94407
PASSPORT, are made under this section. 94408

(E) The Director of Job and Family Services shall do both of 94409
the following: 94410

(1) Submit to the United States Secretary of Health and Human 94411
Services an amendment to the Medicaid waiver authorizing the 94412
PASSPORT program as necessary for the implementation of this 94413
section; 94414

(2) By not later than December 31, 2006, submit to the 94415
General Assembly a report regarding the number of individuals 94416
placed in the PASSPORT program pursuant to this section and the 94417
costs incurred and savings achieved as a result of the individuals 94418
being placed in the PASSPORT program. 94419

Section 206.66.66. OHIO ACCESS SUCCESS PROJECT 94420

Notwithstanding any limitations in sections 3721.51 and 94421
3721.56 of the Revised Code, in each fiscal year, cash from Fund 94422

4J5, Home and Community-Based Services for the Aged, in excess of 94423
the amounts needed for the transfers may be used by the Department 94424
of Job and Family Services for the following purposes: (A) up to 94425
\$1.0 million in each fiscal year to fund the state share of audits 94426
of Medicaid cost reports filed with the Department of Job and 94427
Family Services by nursing facilities and intermediate care 94428
facilities for the mentally retarded; and (B) up to \$350,000 in 94429
fiscal year 2006 and up to \$350,000 in fiscal year 2007 to provide 94430
one-time transitional benefits under the Ohio Access Success 94431
Project that the Director of Job and Family Services may establish 94432
under section 5111.88 of the Revised Code. 94433

Section 206.66.69. OHIO ASSOCIATION OF SECOND HARVEST FOOD 94434
BANKS 94435

As used in this section, "federal poverty guidelines" has the 94436
same meaning as in section 5101.46 of the Revised Code. 94437

Notwithstanding section 5101.46 of the Revised Code, and 94438
prior to making any allocation to county departments of job and 94439
family services, the Department of Job and Family Services shall 94440
provide \$5,500,000 in each fiscal year from the foregoing 94441
appropriation item 600-620, Social Services Block Grant, for use 94442
in funding a grant agreement with the Ohio Association of Second 94443
Harvest Food Banks. The Department shall enter into a grant 94444
agreement with the Ohio Association of Second Harvest Food Banks 94445
to reimburse it for costs incurred in the purchase of food 94446
products and the distribution of those food products to agencies 94447
participating in the emergency food distribution program. 94448
Notwithstanding section 5101.46 of the Revised Code, the grant may 94449
permit the Ohio Association of Second Harvest Food Banks to use up 94450
to 5 per cent of the annual funding for administrative costs. The 94451
Department may advance funds to the grantee under section 5101.10 94452
of the Revised Code. 94453

Prior to entering into the grant agreement, the Ohio Association of Second Harvest Food Banks shall submit to the Department for approval a plan for the distribution of the food products to local food distribution agencies. If the plan meets the requirements and conditions established by the Department, the plan shall be incorporated into the grant agreement. The grant agreement shall also require the Ohio Association of Second Harvest Food Banks to ensure that local agencies will limit participation of individuals and families who receive any of the food products purchased with these funds to those who have an income at or below 200 per cent of the federal poverty guidelines. The Department and the Ohio Association of Second Harvest Food Banks shall agree on reporting requirements to be incorporated into the grant agreement, including a statement of expected performance outcomes from the Ohio Association of Second Harvest Food Banks and a requirement for their evaluation of their success in achieving those outcomes.

Section 206.66.72. TRANSFER OF FUNDS TO THE DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

The Department of Job and Family Services shall transfer, through intrastate transfer vouchers, cash from Fund 4K1, ICF/MR Bed Assessments, to Fund 4K8, Home and Community-Based Services, in the Department of Mental Retardation and Developmental Disabilities. The amount transferred shall equal \$12,000,000 in fiscal year 2006 and \$12,000,000 in fiscal year 2007. The transfer may occur on a quarterly basis or on a schedule developed and agreed to by both departments.

Section 206.66.75. FUNDING FOR HABILITATIVE SERVICES

Notwithstanding any limitations contained in sections 5112.31 and 5112.37 of the Revised Code, in each fiscal year, cash from

Fund 4K1, ICF/MR Bed Assessments, in excess of the amounts needed 94484
for transfers to Fund 4K8, Home and Community-Based Services, in 94485
the Department of Mental Retardation and Developmental 94486
Disabilities, may be used by the Department of Job and Family 94487
Services to cover costs of care provided to participants in a 94488
waiver with an ICF/MR level of care requirement administered by 94489
the Department of Job and Family Services. 94490

Section 206.66.78. COMMUNITY ALTERNATIVE FUNDING SYSTEM 94491

(A) As used in this section, "habilitation center services" 94492
has the same meaning as in former section 5111.041 of the Revised 94493
Code as that section existed on June 30, 2005. 94494

(B) The Director of Job and Family Services may adopt rules 94495
under section 111.15 of the Revised Code as necessary to terminate 94496
the community alternative funding system on July 1, 2005. 94497

(C) The Department of Job and Family Services may inform 94498
individuals who received habilitation center services under the 94499
community alternative funding system on June 30, 2005, and such 94500
individuals' representatives about alternative services that may 94501
be available for the individuals. The Department may require 94502
county departments of job and family services to provide such 94503
information to the individuals and their representatives. 94504

(D) Habilitation center services provided before July 1, 94505
2005, are subject to the laws, rules, standards, guidelines, and 94506
orders regarding habilitation center services that were in effect 94507
at the time the services were provided. This includes such laws, 94508
rules, standards, guidelines, and orders regarding the 94509
responsibility for the nonfederal share of the services, the fee 94510
assessed under division (D) of section 5123.041 of the Revised 94511
Code as that section existed on the day the services were 94512
provided, cost reports, audits, and the recovery of erroneous 94513

payments. 94514

(E) The Department of Job and Family Services may use funds 94515
appropriated to the Department for the purpose of habilitation 94516
center services to satisfy a claim or contingent claim for 94517
habilitation center services provided before July 1, 2005, if the 94518
Department receives the claim or contingent claim before July 1, 94519
2006. The Department has no liability to satisfy either of the 94520
following: 94521

(1) A claim for habilitation center services provided before 94522
July 1, 2005, if the Department receives the claim on or after 94523
July 1, 2006. 94524

(2) A claim for habilitation center services provided on or 94525
after July 1, 2005. 94526

(F) To the extent authorized by section 5101.35 of the 94527
Revised Code, an individual may initiate or continue a state 94528
hearing, administrative appeal, or appeal to a court of common 94529
pleas regarding a decision or order concerning habilitation center 94530
services that were available before July 1, 2005. A decision 94531
resulting from a state hearing, administrative appeal, or appeal 94532
to a court of common pleas may not extend an individual's 94533
eligibility for habilitation center services beyond June 30, 2005. 94534
No individual may utilize section 5101.35 of the Revised Code to 94535
contest the July 1, 2005, termination of the community alternative 94536
funding system. 94537

(G) Neither of the following are abrogated by the termination 94538
of the community alternative funding system: 94539

(1) The right of recovery given to the Department of Job and 94540
Family Services or a county department of job and family services 94541
under section 5101.58 of the Revised Code for habilitation center 94542
services provided before July 1, 2005. 94543

(2) The right to medical support or payments from a third party that is assigned to the Department under section 5101.59 of the Revised Code for habilitation center services provided before July 1, 2005.

Section 206.66.79. CHILDREN'S HOSPITALS

The foregoing appropriation items 600-635, Children's Hospitals - Federal, and 600-636, Children's Hospitals - State, shall be used by the Department of Job and Family Services to create a program under which it makes supplemental Medicaid payments to children's hospitals for inpatient services based on federal upper payment limits for children's hospitals. The Department shall submit to the United States Secretary of Health and Human Services an amendment to the State Medicaid Plan for the purpose of requesting federal approval to implement the program. On receipt of federal approval, the Department shall implement the program. Under the program, the Department shall pay children's hospitals the federally allowable supplemental payment for hospital discharges qualifying for the program and occurring in fiscal year 2006 and fiscal year 2007, except that the amount used for the program shall not exceed \$6 million (state share) in each fiscal year plus the corresponding federal match, if available, for the qualifying discharges in fiscal year 2006 and fiscal year 2007.

Section 206.66.84. CHILDREN'S TRUST FUND

Notwithstanding sections 3109.13 to 3109.18 of the Revised Code, in fiscal year 2006, the Director of Budget and Management shall transfer \$1,500,000 cash from the Children's Trust Fund (Fund 198 in the Department of Job and Family Services) to the Partnerships for Success Fund (Fund 5BH in the Department of Youth Services). On or before January 1, 2007, the Director of Budget

and Management shall transfer to the Children's Trust Fund (Fund 198) any amount of cash that remains unspent in the Partnerships for Success Fund (Fund 5BH). 94574
94575
94576

Section 206.66.85. HOSPITAL CARE ASSURANCE MATCH FUND 94577

Appropriation item 600-650, Hospital Care Assurance Match, 94578
shall be used by the Department of Job and Family Services in 94579
accordance with division (B) of section 5112.18 of the Revised 94580
Code. 94581

Section 206.66.87. HEALTH CARE SERVICES ADMINISTRATION 94582

The foregoing appropriation item 600-654, Health Care 94583
Services Administration, shall be used by the Department of Job 94584
and Family Services for costs associated with the administration 94585
of the Medicaid program. 94586

Section 206.66.90. HEALTH CARE SERVICES ADMINISTRATION FUND 94587

Of the amount received by the Department of Job and Family 94588
Services during fiscal year 2006 and fiscal year 2007 from the 94589
first installment of assessments paid under section 5112.06 of the 94590
Revised Code and intergovernmental transfers made under section 94591
5112.07 of the Revised Code, the Director of Job and Family 94592
Services shall deposit \$350,000 in each fiscal year into the state 94593
treasury to the credit of the Health Care Services Administration 94594
Fund (Fund 5U3). 94595

Section 206.66.91. The Department of Job and Family Services 94596
shall retain \$1,500,000 of the federal incentives that are 94597
described in division (A) of section 3125.19 of the Revised Code 94598
and authorized by 42 U.S.C. 658a that the Department of Job and 94599
Family Services receives from the United States Department of 94600
Human Services to reimburse the Department of Job and Family 94601

Services for the state share of payments made by the Department of 94602
Job and Family Services for mandatory contracts utilized by county 94603
child support enforcement agencies in the program of child support 94604
enforcement authorized by sections 3125.03 and 3125.11 of the 94605
Revised Code. This revenue shall be deposited in the Child Support 94606
Operating Fund (Fund 5BE in the Department of Job and Family 94607
Services). 94608

Section 206.66.92. Based on the actual usage of optional 94609
contracts by each county, the Department of Job and Family 94610
Services shall retain a portion of the federal incentives 94611
described in division (A) of section 3125.19 of the Revised Code 94612
and authorized by 42 U.S.C. 658a that the Department of Job and 94613
Family Services receives from the United States Department of 94614
Human Services that are paid to the county child support 94615
enforcement agencies each month based on the Department's estimate 94616
of what the county child support enforcement agency will earn in 94617
federal incentives. The portion retained by the Department of Job 94618
and Family Services shall reimburse the Department for the state 94619
share of the contractual obligation for the monthly utilization of 94620
optional contracts by each county child support enforcement agency 94621
in the program of child support enforcement authorized by sections 94622
3125.03 and 3125.11 of the Revised Code. This revenue shall be 94623
deposited in the Child Support Operating Fund (Fund 5BE in the 94624
Department of Job and Family Services). 94625

Section 206.66.93. CHILD SUPPORT COLLECTIONS/TANF MOE 94626

The foregoing appropriation item 600-658, Child Support 94627
Collections, shall be used by the Department of Job and Family 94628
Services to meet the TANF maintenance of effort requirements of 94629
Pub. L. No. 104-193. Once the state is assured that it will meet 94630
the maintenance of effort requirement, the Department of Job and 94631

Family Services may use funds from appropriation item 600-658,
Child Support Collections, to support public assistance
activities.

Section 206.66.96. MEDICAID PROGRAM SUPPORT FUND - STATE

The foregoing appropriation item 600-671, Medicaid Program
Support, shall be used by the Department of Job and Family
Services to pay for Medicaid services and contracts. The
Department may also deposit to Fund 5C9 revenues received from
other state agencies for Medicaid services under the terms of
interagency agreements between the Department and other state
agencies, and all funds the Department recovers because the
benefits a person received under the disability medical assistance
program established in section 5115.10 of the Revised Code were
determined to be covered by the medical assistance program
established under Chapter 5111. of the Revised Code.

**Section 206.66.99. TRANSFERS OF IMD/DSH CASH TO THE
DEPARTMENT OF MENTAL HEALTH**

The Department of Job and Family Services shall transfer,
through intrastate transfer voucher, cash from Fund 5C9, Medicaid
Program Support, to the Department of Mental Health's Fund 4X5,
OhioCare, in accordance with an interagency agreement that
delegates authority from the Department of Job and Family Services
to the Department of Mental Health to administer specified
Medicaid services.

Section 206.67.03. FEDERAL UNEMPLOYMENT PROGRAMS

All unexpended funds remaining at the end of fiscal year 2005
that were appropriated and made available to the state under
section 903(d) of the Social Security Act, as amended, in the
foregoing appropriation item 600-678, Federal Unemployment

Programs (Fund 3V4), are hereby appropriated to the Department of 94661
Job and Family Services. Upon the request of the Director of Job 94662
and Family Services, the Director of Budget and Management shall 94663
increase the appropriation for fiscal year 2006 by the amount 94664
remaining unspent from the fiscal year 2005 appropriation and 94665
shall increase the appropriation for fiscal year 2007 by the 94666
amount remaining unspent from the fiscal year 2006 appropriation. 94667
The appropriation shall be used under the direction of the 94668
Department of Job and Family Services to pay for administrative 94669
activities for the Unemployment Insurance Program, employment 94670
services, and other allowable expenditures under section 903(d) of 94671
the Social Security Act, as amended. 94672

The amounts obligated pursuant to this section shall not 94673
exceed at any time the amount by which the aggregate of the 94674
amounts transferred to the account of the state under section 94675
903(d) of the Social Security Act, as amended, exceeds the 94676
aggregate of the amounts obligated for administration and paid out 94677
for benefits and required by law to be charged against the amounts 94678
transferred to the account of the state. 94679

Section 206.67.06. WORKFORCE DEVELOPMENT GRANT AGREEMENT 94680

The Department of Job and Family Services may use 94681
appropriations from appropriation item 600-688, Workforce 94682
Investment Act, to provide financial assistance for workforce 94683
development activities included in a grant agreement entered into 94684
by the department in accordance with section 5101.20 of the 94685
Revised Code. 94686

Section 206.67.07. ACCOUNTABILITY AND CREDIBILITY TOGETHER 94687

Of the foregoing appropriation item 600-689, TANF Block 94688
Grant, up to \$1 million in each fiscal year shall be reimbursed to 94689
Accountability and Credibility Together (ACT) to continue its 94690

welfare diversion program for TANF eligible individuals pursuant 94691
to section 5101.801 of the Revised Code. 94692

Section 206.67.08. KINSHIP PERMANENCY INCENTIVE PROGRAM 94693

Of the foregoing appropriation item 600-689, TANF Block Grant 94694
(Fund 3V6), \$10 million per fiscal year shall be used to support 94695
the activities of the Kinship Permanency Incentive Program created 94696
under section 5101.802 of the Revised Code. 94697

The Department of Job and Family Services shall prepare 94698
reports concerning both of the following: 94699

(A) Stability and permanency outcomes for children for whom 94700
incentive payments are made under the Kinship Permanency Incentive 94701
Program; 94702

(B) The total amount of payments made under the Program, 94703
patterns of expenditures made per child under the Program, and 94704
cost savings realized through the Program from placement with 94705
kinship caregivers rather than other out-of-home placements. 94706

The Department shall submit a report to the Governor, the 94707
Speaker and Minority Leader of the House of Representatives, and 94708
the President and Minority Leader of the Senate not later than 94709
December 31, 2008, and December 31, 2010. 94710

Section 206.67.09. OHIO ALLIANCE OF BOYS AND GIRLS CLUBS 94711

Of the foregoing appropriation item 600-689, TANF Block Grant 94712
(Fund 3V6), the Department of Job and Family Services shall use up 94713
to \$600,000 in each fiscal year to support expenditures of the 94714
Ohio Alliance of Boys and Girls Clubs pursuant to section 5101.801 94715
of the Revised Code to provide after-school programs that protect 94716
at-risk children and enable youth to become responsible adults. 94717
The Ohio Alliance of Boys and Girls Clubs shall provide 94718
nutritional meals, snacks, and educational, youth development, and 94719

career development services to TANF eligible children	94720
participating in programs and activities operated by eligible Boys and Girls Clubs.	94721 94722
The Department shall provide an annual grant of \$600,000 in each fiscal year to the Ohio Alliance of Boys and Girls Clubs. The Department of Job and Family Services and the Ohio Alliance of Boys and Girls Clubs shall agree on reporting requirements to be incorporated into the grant agreement.	94723 94724 94725 94726 94727
CHILD WELFARE TRAINING INITIATIVE	94728
In each fiscal year, the Department of Job and Family Services shall grant \$50,000 from appropriation item 600-528, Adoption Services, and \$150,000 from appropriation item 600-606, Child Welfare (Fund 327), to the National Center for Adoption Law and Policy to fund a multi-disciplinary child welfare training initiative. The Department of Job and Family Services shall coordinate with the National Center for Adoption Law and Policy to determine the focus of the training provided each year.	94729 94730 94731 94732 94733 94734 94735 94736
TALBERT HOUSE	94737
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$75,000 in each fiscal year shall be reimbursed to the Talbert House pursuant to section 5101.801 of the Revised Code to provide TANF eligible non-medical substance or alcohol abuse services.	94738 94739 94740 94741 94742
CHILDREN'S HUNGER ALLIANCE	94743
Of the foregoing appropriation item 600-689, TANF Block Grant (Fund 3V6), up to \$500,000 in each fiscal year shall be reimbursed to the Children's Hunger Alliance pursuant to section 5101.801 of the Revised Code for Child Nutrition Program outreach efforts.	94744 94745 94746 94747
PROJECT GRAD	94748
Of the foregoing appropriation item 600-689, TANF Block Grant	94749

(Fund 3V6), up to \$185,000 in each fiscal year shall be reimbursed 94750
for TANF eligible activities pursuant to section 5101.801 of the 94751
Revised Code to reduce the dropout rate by addressing the academic 94752
and social problems of inner-city students through Project GRAD. 94753

***Section 206.67.10.** EMPLOYMENT RETENTION INCENTIVE PROGRAM 94754

(A) As used in this section: 94755

(1) "Assistance group" has the same meaning as in section 94756
5107.02 of the Revised Code. 94757

(2) "Ohio Works First" means the program established under 94758
Chapter 5107. of the Revised Code. 94759

(B) Subject to section 5101.801 of the Revised Code, in 94760
fiscal year 2007 the Department of Job and Family Services may 94761
establish and administer the Employment Retention Incentive 94762
Program under which the Department provides cash payments to 94763
eligible assistance groups. The Department shall use the foregoing 94764
appropriation item 600-689, TANF Block Grant, to fund the program. 94765

To be eligible for the Employment Retention Incentive 94766
Program, an assistance group must meet all of the following 94767
requirements: 94768

(1) The assistance group must apply using an application that 94769
contains all of the information that rules specified in this 94770
section require in accordance with the application process 94771
established in those rules; 94772

(2) The assistance group must have ceased to participate in 94773
Ohio Works First in accordance with rules specified in this 94774
section; 94775

(3) The assistance group must include a member who was 94776
employed during the last month the assistance group participated 94777
in Ohio Works First in accordance with rules specified in this 94778

section; 94779

(4) That member of the assistance group must remain employed 94780
in accordance with rules specified in this section; 94781

(5) The assistance group must meet all other eligibility 94782
requirements established in rules specified in this section. 94783

(C) If the Department establishes the Employment Retention 94784
Incentive Program, the Department shall provide cash payments 94785
under the program in a manner that enables the cash payments to be 94786
excluded from the definition of "assistance" in 45 C.F.R. 94787
260.31(a) and instead be benefits that 45 C.F.R. 260.31(b) 94788
excludes from the definition of assistance. Each county Department 94789
of Job and Family Services shall make eligibility determinations 94790
for the program and perform other administrative duties for the 94791
program in accordance with rules specified in this section. 94792

(D) If the Department establishes the Employment Retention 94793
Incentive Program, the Department shall adopt rules under division 94794
(C) of section 5101.801 of the Revised Code to establish all of 94795
the following for the program: 94796

(1) The information that an application for the program must 94797
contain; 94798

(2) The application process for the program, including the 94799
process to verify eligibility for the program; 94800

(3) The manner in which an assistance group must have ceased 94801
to participate in Ohio Works First for the assistance group to 94802
qualify for the program; 94803

(4) The manner in which an assistance group member must have 94804
been employed during the last month the assistance group 94805
participated in Ohio Works First for the assistance group to 94806
qualify for the program; 94807

(5) The manner in which an assistance group member must 94808

remain employed for the assistance group to qualify for the program;	94809 94810
(6) Other eligibility requirements for the program;	94811
(7) The amounts that eligible assistance groups are to receive as cash payments under the program;	94812 94813
(8) The frequency and duration that eligible assistance groups are to receive cash payments under the program;	94814 94815
(9) Requirements governing county departments' administrative duties regarding the program.	94816 94817
(E) In adopting rules under division (D)(2) of this section establishing the application process for the Employment Retention Incentive Program, the director may not require that application be submitted to county departments of job and family services.	94818 94819 94820 94821
*Section 206.67.11. Section 206.67.10 of this act takes effect July 1, 2006.	94822 94823
Section 206.67.12. EARLY LEARNING INITIATIVE	94824
(A) As used in this section:	94825
(1) "Title IV-A services" means benefits and services that are allowable under Title IV-A of the "Social Security Act," as specified in 42 U.S.C. 604(a), except that they shall not be benefits and services included in the term "assistance" as defined in 45 C.F.R. 260.31(a) and shall be benefits and services that are excluded from the definition of the term "assistance" under 45 C.F.R. 260.31(b).	94826 94827 94828 94829 94830 94831 94832
(2) "Title IV-A funds" means 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.	94833 94834 94835 94836

- (3) "Child care" has the same meaning as in section 5104.01 of the Revised Code. 94837
94838
- (4) "Eligible child" means a child who is at least three years of age but not of compulsory school age or enrolled in kindergarten, is eligible for Title IV-A services, and whose family income does not exceed one hundred eighty-five per cent of the federal poverty line at application. If the family income of a child receiving early learning services under this section exceeds one hundred ninety-five per cent of the federal poverty line, the child ceases to be eligible for an early learning program. 94839
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- (5) "Early learning program" means a program for eligible children that is funded with Title IV-A funds and provides Title IV-A services that are both of the following: 94847
94848
94849
- (a) Early learning services, as defined by the Department of Education pursuant to division (C)(1) of Section 206.09.54 of this act; 94850
94851
94852
- (b) Child care. 94853
- (6) "Early learning provider" means an entity that is receiving Title IV-A funds to operate an early learning program. 94854
94855
- (7) "Early learning agency" means an early learning provider or an entity that has entered into an agreement with an early learning provider requiring the early learning provider to operate an early learning program on behalf of the entity. 94856
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94859
- (8) "Federal poverty line" has the same meaning as in section 5104.01 of the Revised Code. 94860
94861
- (9) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code. 94862
94863
- (B) The Department of Job and Family Services and the Department of Education shall administer the Early Learning Initiative, established under Section 206.09.54 of this act, in 94864
94865
94866

accordance with sections 5101.80 and 5101.801 of the Revised Code. 94867
The Initiative shall provide early learning programs and child 94868
care to eligible children. Early learning programs may provide 94869
early learning services on a full-day basis, a part-day basis, or 94870
both a full-day and part-day basis. 94871

(C) The Department of Job and Family Services shall do all of 94872
the following: 94873

(1) Enter into a contract with each early learning agency in 94874
accordance with Section 206.09.54 of this act; 94875

(2) Reimburse early learning agencies for Title IV-A services 94876
provided to eligible children according to the terms of the 94877
contract and the rules adopted under division (C)(3) of this 94878
section; 94879

(3) In consultation with the Department of Education, adopt 94880
rules in accordance with Chapter 119. of the Revised Code to 94881
implement the Early Learning Initiative. The rules shall include 94882
all of the following: 94883

(a) Provisions regarding the establishment of co-payments for 94884
families of eligible children whose family income is more than one 94885
hundred sixty-five per cent of the federal poverty line but equal 94886
to or less than one hundred ninety-five per cent of the federal 94887
poverty line; 94888

(b) An exemption from co-payment requirements for families 94889
whose family income is equal to or less than one hundred 94890
sixty-five per cent of the federal poverty line; 94891

(c) A definition of "weekly attendance rate" for the purpose 94892
of reimbursing early learning agencies; 94893

(d) Provisions that establish the following reimbursement 94894
rates for early learning agencies based on the attendance of 94895
eligible children: 94896

(i) If an eligible child attends twenty-five or more hours in a given week, the weekly reimbursement shall not be less than two hundred dollars and seventy-three cents;

(ii) If an eligible child attends fifteen or more hours but less than twenty-five hours in a given week, the weekly reimbursement rate shall not be less than one hundred sixty dollars and fifty-eight cents;

(iii) If an eligible child attends less than fifteen hours in a given week, the hourly reimbursement rate shall not be less than eight dollars and three cents.

(4) If, on the effective date of this section and Section 206.09.54 of this act, no early learning agencies have been approved for a given county, the Department of Job and Family Services, in consultation with the Department of Education, shall establish a deadline for the submission of applications to be an early learning agency that occurs after the effective date of this section.

(5)(a) Subject to division (C)(6)(b) of this Section and in consultation with the Department of Education, establish a caretaker employment eligibility requirement for participation in the Early Learning Initiative that specifies the minimum number of hours that the caretaker of the eligible child must be employed and the time period over which the minimum number of hours is to be measured. These minimum hours may, but are not required to, overlap the period during the day or week in which the child participates in the early learning program. This caretaker employment eligibility requirement shall permit the child to be determined to be, and to remain, an eligible child for up to thirty days if the county department of job and family services determines that the caretaker is expected to begin engaging in an approved activity within that thirty-day period. The county

department of job and family services shall inform both the early
learning provider and the Department of Job and Family Services of
this determination. The Department of Job and Family Services
shall designate by rule the activities that constitute approved
activities for purposes of this requirement.

(b) The Department shall periodically review the requirement
described in division (C)(6)(a) of this Section to ensure that it
complies with federal law and regulations.

(D) Each county department of job and family services shall
determine eligibility for Title IV-A services for children seeking
to enroll in an early learning program within fifteen days after
receipt of a completed application and establish co-payment
requirements in accordance with the rules adopted under division
(C)(3) of this section.

(E)(1) The Department of Job and Family Services shall ensure
that all reimbursements paid to an early learning agency under
this section are only for Title IV-A services provided to eligible
children.

(2) In calculating reimbursements, the Department shall
reimburse the early learning agency for up to twenty-five days per
year in which an eligible child is absent from the early learning
program on a day the child is scheduled to attend the program.

(F) The provision of early learning services in an early
learning program shall not prohibit or otherwise prevent an
individual from obtaining certificates for payment under division
(C) of section 5104.32 of the Revised Code that the individual may
use to purchase services from any provider qualified to provide
publicly funded child care under section 5104.31 of the Revised
Code.

(G) Upon the transfer of appropriation from Department of
Education appropriation line 200-663, Early Learning Initiative

(Fund 5W2), to Department of Job and Family Services appropriation 94959
item 600-689, TANF Block Grant (Fund 3V6), up to \$104,380,000 in 94960
fiscal year 2006 and up to \$125,256,000 in fiscal year 2007 shall 94961
be used to reimburse early learning agencies under this section. 94962
The Department of Job and Family Services shall provide up to 94963
10,000 slots of services for eligible children in fiscal year 2006 94964
and up to 12,000 slots of services for eligible children in fiscal 94965
year 2007 through the Early Learning Initiative. In each fiscal 94966
year, the Department shall allocate at least seventeen slots of 94967
services to each county in the state. 94968

If, on or after the thirty-first day of December of each 94969
fiscal year, the Director of Budget and Management, in 94970
consultation with the Director of Job and Family Services and the 94971
Superintendent of Public Instruction, determines that there is a 94972
balance of funds in the Early Learning Initiative in either fiscal 94973
year 2006 or fiscal year 2007, the Director of Budget and 94974
Management may approve the use of the funds by the Department of 94975
Job and Family Services to provide publicly funded child care, as 94976
defined in section 5104.01 of the Revised Code. 94977

Of the foregoing appropriation item 600-689, TANF Block Grant 94978
(Fund 3V6), up to \$800,000 in each fiscal year may be used by the 94979
Department of Job and Family Services for administration of the 94980
Early Learning Initiative. 94981

The Director of Budget and Management, at the request of the 94982
Director of Job and Family Services, may transfer in each fiscal 94983
year up to \$2,200,000 cash from the Temporary Assistance for Needy 94984
Families Federal Fund (Fund 3V6) to the Early Learning Initiative 94985
(Fund 5W2) for administration of the Early Learning Initiative by 94986
the Department of Education. 94987

(H) Any contract executed prior to July 1, 2005, between an 94988
early learning agency, the Department of Job and Family Services, 94989

and the Department of Education shall be deemed to be effective as 94990
of July 1, 2005, upon issuance of a state purchase order even if 94991
such purchase order is approved at some later date, unless the 94992
executed contract expressly provides for a start date after July 94993
1, 2005. 94994

Section 206.67.13. PUBLICLY FUNDED CHILD CARE 94995

(A) The Department of Job and Family Services shall increase, 94996
for fiscal years 2006 and 2007, the reimbursement ceilings for 94997
providers of publicly funded child care to sixty-five per cent of 94998
the market's usual and customary cost to the public based on the 94999
most recently conducted market rate survey required by 45 C.F.R. 95000
98.16. 95001

(B) The Department shall estimate the monthly average of 95002
children the Department expects to enroll in publicly funded child 95003
care from December 2005 through March 2006. The Department shall 95004
then determine the actual monthly average of children enrolled in 95005
publicly funded child care for that period. If the monthly average 95006
of children expected to enroll exceeds the monthly average of 95007
children actually enrolled by at least two thousand children, the 95008
Department may increase, for fiscal year 2007, the reimbursement 95009
ceilings for providers of publicly funded child care to not more 95010
than seventy per cent of the market's usual and customary cost to 95011
the public based on the most recently conducted market rate survey 95012
required by 45 C.F.R. 98.16. 95013

(C) The Department of Job and Family Services shall conduct a 95014
study of the market rates for the provision of child care to 95015
establish new rates for the funding of publicly funded child care. 95016
The Department shall complete this study and establish new rates 95017
for reimbursement not later than July 1, 2006. 95018

Each child care provider shall cooperate with the Department 95019

on this study. 95020

Section 206.67.15. PRESCRIPTION DRUG REBATE FUND 95021

The foregoing appropriation item 600-692, Health Care 95022
Services, shall be used by the Department of Job and Family 95023
Services in accordance with section 5111.081 of the Revised Code. 95024
Moneys recovered by the Department for either hospital settlements 95025
or pursuant to the Department's rights of recovery under section 95026
5101.58 of the Revised Code, that are not directed to the Health 95027
Care Services Administration Fund (Fund 5U3) under section 5111.94 95028
of the Revised Code, shall also be deposited into Fund 5P5. 95029

Section 206.67.18. COMMUNITY BEHAVIORAL HEALTH MEDICAID 95030
BUSINESS PLAN 95031

(A) As used in this section, "State of Ohio Community 95032
Behavioral Health Medicaid Business Plan" means the plan of that 95033
title finalized in August 2004, by the Departments of Job and 95034
Family Services, Mental Health, and Alcohol and Drug Addiction 95035
Services and the Ohio Association of Behavioral Health 95036
Authorities. 95037

(B) As soon as practicable, the Departments of Job and Family 95038
Services, Mental Health, and Alcohol and Drug Addiction Services, 95039
in conjunction with behavioral health providers and boards of 95040
alcohol, drug addiction, and mental health services, shall specify 95041
procedures that are consistent with federal law for implementation 95042
of the State of Ohio Community Behavioral Health Medicaid Business 95043
Plan. If it is determined that any portion of the Plan does not 95044
comply with federal law, the Departments, in conjunction with the 95045
providers and boards, shall specify procedures to work toward 95046
implementation of that portion of the Plan. 95047

A report on the progress being made in implementing the Plan 95048
shall be submitted to the Speaker of the House of Representatives, 95049

the President of the Senate, the Minority Leader of the House of
Representatives, and the Minority Leader of the Senate not later
than the first day of March and first day of October of each year
until all components of the Plan have been fully implemented.

Section 206.67.21. TRANSFER OF TOBACCO MASTER SETTLEMENT
AGREEMENT FUNDS TO SUPPORT THE AGED, BLIND, AND DISABLED MANAGED
CARE PROGRAM

(A) Not later than June 30, 2006, the Director of Job and
Family Services, in conjunction with the Office of Budget and
Management, shall determine the amount necessary to implement the
Aged, Blind, and Disabled Managed Care Program established under
section 5111.16 of the Revised Code.

(B) Notwithstanding section 183.02 of the Revised Code, on
July 1, 2006, or as soon as possible thereafter, the Director of
Budget and Management shall transfer cash equal to the state share
of the amount determined pursuant to division (A) of this section
from the Tobacco Master Settlement Agreement Fund (Fund 087) to
the ABD Managed Care Program - State Fund (Fund 5BZ in the
Department of Job and Family Services), which is hereby created.
Of the tobacco revenue that is credited to the Tobacco Master
Settlement Agreement Fund (Fund 087) in fiscal year 2006, the
share that is determined pursuant to section 183.02 of the Revised
Code to be the amount transferred by the Director of Budget and
Management from the Tobacco Master Settlement Agreement Fund (Fund
087) to the Tobacco Use Prevention and Cessation Trust Fund (Fund
H87) shall be reduced by the amount that is transferred from the
Tobacco Master Settlement Agreement Fund (Fund 087) to the ABD
Managed Care Program - State Fund (Fund 5BZ) in accordance with
this section. The amount transferred under this division is hereby
appropriated to appropriation item 600-698, ABD Managed Care
Program - State.

(C) The Department of Job and Family Services shall deposit federal reimbursement received for the Aged, Blind, and Disabled Managed Care Program into the ABD Managed Care Program - Federal Fund (Fund 3AZ), which is hereby created. Amounts deposited into Fund 3AZ are hereby appropriated to appropriation item 600-699, ABD Managed Care Program - Federal.

Section 206.67.24. WAIVER OF FOOD STAMP WORK REQUIREMENTS

Pursuant to 7 U.S.C. 2015(o)(4)(A)(i), the Department of Job and Family Services shall request that the United States Secretary of Agriculture waive the applicability of the work requirement of 7 U.S.C. 2015(o)(2) during fiscal years 2006 and 2007 to food stamp benefit recipients who reside in a county of this state that the Department determines has an unemployment rate of over 10 per cent or does not have a sufficient number of jobs to provide employment for the recipients. The Department shall make monthly determinations of which counties the waiver shall be in effect in. No individual may be exempted from the work requirements for more than a total of twelve months beginning July 1, 2005, and ending June 30, 2007.

The Department shall report to the Speaker and Minority Leader of the House of Representatives and President and Minority Leader of the Senate on receipt or rejection of the waiver sought under this section.

Section 206.72. JCO JUDICIAL CONFERENCE OF OHIO

General Revenue Fund				95105
GRF 018-321 Operating Expenses	\$	957,000	\$ 957,000	95106
TOTAL GRF General Revenue Fund	\$	957,000	\$ 957,000	95107
General Services Fund Group				95108
403 018-601 Ohio Jury Instructions	\$	225,000	\$ 225,000	95109
TOTAL GSF General Services Fund	\$	225,000	\$ 225,000	95110

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,182,000 \$ 1,182,000 95111

STATE COUNCIL OF UNIFORM STATE LAWS 95112

Notwithstanding section 105.26 of the Revised Code, of the 95113
foregoing appropriation item 018-321, Operating Expenses, up to 95114
\$66,000 in fiscal year 2006 and up to \$68,000 in fiscal year 2007 95115
may be used to pay the expenses of the State Council of Uniform 95116
State Laws, including membership dues to the National Conference 95117
of Commissioners on Uniform State Laws. 95118

OHIO JURY INSTRUCTIONS FUND 95119

The Ohio Jury Instructions Fund (Fund 403) shall consist of 95120
grants, royalties, dues, conference fees, bequests, devises, and 95121
other gifts received for the purpose of supporting costs incurred 95122
by the Judicial Conference of Ohio in dispensing educational and 95123
informational data to the state's judicial system. Fund 403 shall 95124
be used by the Judicial Conference of Ohio to pay expenses 95125
incurred in dispensing educational and informational data to the 95126
state's judicial system. All moneys accruing to Fund 403 in excess 95127
of \$225,000 in fiscal year 2006 and in excess of \$225,000 in 95128
fiscal year 2007 are hereby appropriated for the purposes 95129
authorized. 95130

No money in the Ohio Jury Instructions Fund shall be 95131
transferred to any other fund by the Director of Budget and 95132
Management or the Controlling Board. 95133

Section 206.75. JSC THE JUDICIARY/SUPREME COURT 95134

General Revenue Fund 95135

GRF 005-321 Operating Expenses - \$ 118,855,655 \$ 121,441,259 95136

Judiciary/Supreme
Court

GRF 005-401 State Criminal \$ 328,676 \$ 343,730 95137

Sentencing Council				
GRF 005-406	Law-Related Education	\$ 216,131	\$ 222,615	95138
GRF 005-502	Commission for Legal	\$ 435,000	\$ 875,000	95139
Education Opportunity				
TOTAL GRF	General Revenue Fund	\$ 119,835,462	\$ 122,882,604	95140
General Services Fund Group				95141
672 005-601	Continuing Judicial	\$ 130,000	\$ 130,000	95142
Education				
TOTAL GSF	General Services Fund	\$ 130,000	\$ 130,000	95143
Group				
Federal Special Revenue Fund Group				95144
3J0 005-603	Federal Grants	\$ 848,070	\$ 861,382	95145
TOTAL FED	Federal Special Revenue	\$ 848,070	\$ 861,382	95146
Fund Group				
State Special Revenue Fund Group				95147
4C8 005-605	Attorney Registration	\$ 3,169,774	\$ 3,264,867	95148
5T8 005-609	Grants and Awards	\$ 10,000	\$ 10,000	95149
6A8 005-606	Supreme Court	\$ 1,410,718	\$ 1,453,042	95150
Admissions				
643 005-607	Commission on	\$ 569,203	\$ 586,261	95151
Continuing Legal				
Education				
TOTAL SSR	State Special Revenue	\$ 5,159,695	\$ 5,314,170	95152
Fund Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 125,973,227	\$ 129,188,156	95153
LAW-RELATED EDUCATION				95154
The foregoing appropriation item 005-406, Law-Related				95155
Education, shall be distributed directly to the Ohio Center for				95156
Law-Related Education for the purposes of providing continuing				95157
citizenship education activities to primary and secondary				95158
students, expanding delinquency prevention programs, increasing				95159

activities for at-risk youth, and accessing additional public and 95160
private money for new programs. 95161

COMMISSION FOR LEGAL EDUCATION OPPORTUNITY 95162

The foregoing appropriation item 005-502, Commission for 95163
Legal Education Opportunity, shall be used to fund activities of 95164
the Commission for Legal Education Opportunity created by the 95165
Chief Justice of the Supreme Court of Ohio for purposes of 95166
assisting minority, low-income, and educationally disadvantaged 95167
college graduates in transition to legal education. Moneys 95168
appropriated to the Commission for Legal Education Opportunity may 95169
be used to establish and provide intensive course study designed 95170
to prepare eligible college graduates for law education, provide 95171
annual stipends for students who successfully complete the course 95172
of study and are admitted to and maintain satisfactory academic 95173
standing in an Ohio law school, and pay the administrative costs 95174
associated with the program. 95175

CONTINUING JUDICIAL EDUCATION 95176

The Continuing Judicial Education Fund (Fund 672) shall 95177
consist of fees paid by judges and court personnel for attending 95178
continuing education courses and other gifts and grants received 95179
for the purpose of continuing judicial education. The foregoing 95180
appropriation item 005-601, Continuing Judicial Education, shall 95181
be used to pay expenses for continuing education courses for 95182
judges and court personnel. If it is determined by the 95183
Administrative Director of the Supreme Court that additional 95184
appropriations are necessary, the amounts are hereby appropriated. 95185

No money in the Continuing Judicial Education Fund shall be 95186
transferred to any other fund by the Director of Budget and 95187
Management or the Controlling Board. Interest earned on moneys in 95188
the Continuing Judicial Education Fund shall be credited to the 95189
fund. 95190

FEDERAL GRANTS 95191

The Federal Grants Fund (Fund 3J0) shall consist of grants 95192
and other moneys awarded to the Supreme Court (The Judiciary) by 95193
the United States Government or other entities that receive the 95194
moneys directly from the United States Government and distribute 95195
those moneys to the Supreme Court (The Judiciary). The foregoing 95196
appropriation item 005-603, Federal Grants, shall be used in a 95197
manner consistent with the purpose of the grant or award. If it is 95198
determined by the Administrative Director of the Supreme Court 95199
that additional appropriations are necessary, the amounts are 95200
hereby appropriated. 95201

No money in the Federal Grants Fund shall be transferred to 95202
any other fund by the Director of Budget and Management or the 95203
Controlling Board. However, interest earned on moneys in the 95204
Federal Grants Fund shall be credited or transferred to the 95205
General Revenue Fund. 95206

ATTORNEY REGISTRATION 95207

In addition to funding other activities considered 95208
appropriate by the Supreme Court, the foregoing appropriation item 95209
005-605, Attorney Registration, may be used to compensate 95210
employees and to fund appropriate activities of the following 95211
offices established by the Supreme Court under the Rules for the 95212
Government of the Bar of Ohio: the Office of Disciplinary Counsel, 95213
the Board of Commissioners on Grievances and Discipline, the 95214
Clients' Security Fund, the Board of Commissioners on the 95215
Unauthorized Practice of Law, and the Office of Attorney 95216
Registration. If it is determined by the Administrative Director 95217
of the Supreme Court that additional appropriations are necessary, 95218
the amounts are hereby appropriated. 95219

No moneys in the Attorney Registration Fund shall be 95220
transferred to any other fund by the Director of Budget and 95221

Management or the Controlling Board. Interest earned on moneys in	95222
the Attorney Registration Fund shall be credited to the fund.	95223
GRANTS AND AWARDS	95224
The Grants and Awards Fund (Fund 5T8) shall consist of grants	95225
and other moneys awarded to the Supreme Court (The Judiciary) by	95226
the State Justice Institute, the Division of Criminal Justice	95227
Services, or other entities. The foregoing appropriation item	95228
005-609, Grants and Awards, shall be used in a manner consistent	95229
with the purpose of the grant or award. If it is determined by the	95230
Administrative Director of the Supreme Court that additional	95231
appropriations are necessary, the amounts are hereby appropriated.	95232
No moneys in the Grants and Awards Fund shall be transferred	95233
to any other fund by the Director of Budget and Management or the	95234
Controlling Board. However, interest earned on moneys in the	95235
Grants and Awards Fund shall be credited or transferred to the	95236
General Revenue Fund.	95237
SUPREME COURT ADMISSIONS	95238
The foregoing appropriation item 005-606, Supreme Court	95239
Admissions, shall be used to compensate Supreme Court employees	95240
who are primarily responsible for administering the attorney	95241
admissions program under the Rules for the Government of the Bar	95242
of Ohio, and to fund any other activities considered appropriate	95243
by the court. Moneys shall be deposited into the Supreme Court	95244
Admissions Fund (Fund 6A8) under the Supreme Court Rules for the	95245
Government of the Bar of Ohio. If it is determined by the	95246
Administrative Director of the Supreme Court that additional	95247
appropriations are necessary, the amounts are hereby appropriated.	95248
No moneys in the Supreme Court Admissions Fund shall be	95249
transferred to any other fund by the Director of Budget and	95250
Management or the Controlling Board. Interest earned on moneys in	95251
the Supreme Court Admissions Fund shall be credited to the fund.	95252

CONTINUING LEGAL EDUCATION 95253

The foregoing appropriation item 005-607, Commission on 95254
Continuing Legal Education, shall be used to compensate employees 95255
of the Commission on Continuing Legal Education established under 95256
the Supreme Court Rules for the Government of the Bar of Ohio, and 95257
to fund other activities of the commission considered appropriate 95258
by the court. If it is determined by the Administrative Director 95259
of the Supreme Court that additional appropriations are necessary, 95260
the amounts are hereby appropriated. 95261

No moneys in the Continuing Legal Education Fund shall be 95262
transferred to any other fund by the Director of Budget and 95263
Management or the Controlling Board. Interest earned on moneys in 95264
the Continuing Legal Education Fund shall be credited to the fund. 95265

Section 206.78. LEC LAKE ERIE COMMISSION 95266

State Special Revenue Fund Group 95267

4C0 780-601 Lake Erie Protection \$ 875,000 \$ 875,000 95268
Fund

5D8 780-602 Lake Erie Resources \$ 486,072 \$ 492,794 95269
Fund

TOTAL SSR State Special Revenue 95270

Fund Group \$ 1,361,072 \$ 1,367,794 95271

TOTAL ALL BUDGET FUND GROUPS \$ 1,361,072 \$ 1,367,794 95272

CASH TRANSFER 95273

Not later than the thirtieth day of November of each fiscal 95274
year, the Executive Director of the Ohio Lake Erie Office, with 95275
the approval of the Lake Erie Commission, shall certify to the 95276
Director of Budget and Management the cash balance in the Lake 95277
Erie Resources Fund (Fund 5D8) in excess of amounts needed to meet 95278
operating expenses of the Lake Erie Office. The Lake Erie Office 95279
may request the Director of Budget and Management to transfer up 95280

to the certified amount from the Lake Erie Resources Fund (Fund 95281
 5D8) to the Lake Erie Protection Fund (Fund 4C0). The Director of 95282
 Budget and Management may transfer the requested amount, or the 95283
 Director may transfer a different amount up to the certified 95284
 amount. Cash transferred shall be used for the purposes described 95285
 in division (A) of section 1506.23 of the Revised Code. The amount 95286
 transferred by the director is hereby appropriated to the 95287
 foregoing appropriation item 780-601, Lake Erie Protection Fund, 95288
 which shall be increased by the amount transferred. 95289

Section 206.81. LRS LEGAL RIGHTS SERVICE 95290

General Revenue Fund 95291

GRF 054-100	Personal Services	\$	162,281	\$	162,281	95292
GRF 054-200	Maintenance	\$	33,938	\$	33,938	95293
GRF 054-300	Equipment	\$	1,856	\$	1,856	95294
GRF 054-401	Ombudsman	\$	291,247	\$	291,247	95295
TOTAL GRF	General Revenue Fund	\$	489,322	\$	489,322	95296

General Services Fund Group 95297

416 054-601	Gifts and Donations	\$	1,352	\$	1,352	95298
5M0 054-610	Settlements	\$	75,000	\$	75,000	95299
TOTAL GSF	General Services					95300
Fund Group		\$	76,352	\$	76,352	95301

Federal Special Revenue Fund Group 95302

3AG 054-613	Protection and	\$	114,089	\$	114,089	95303
	Advocacy - Voter					
	Accessibility					
3B8 054-603	Protection and	\$	1,059,041	\$	1,059,041	95304
	Advocacy - Mentally					
	Ill					
3N3 054-606	Protection and	\$	550,283	\$	550,283	95305
	Advocacy - Individual					
	Rights					

3N9	054-607	Assistive Technology	\$	141,686	\$	141,686	95306
3R9	054-604	Family Support	\$	50,000	\$	50,000	95307
		Collaborative					
3T2	054-609	Client Assistance	\$	400,553	\$	400,553	95308
		Program					
3X1	054-611	Protection and	\$	187,784	\$	187,784	95309
		Advocacy for					
		Beneficiaries of					
		Social Security					
3Z6	054-612	Traumatic Brain Injury	\$	65,138	\$	65,138	95310
305	054-602	Protection and	\$	1,369,082	\$	1,369,082	95311
		Advocacy -					
		Developmentally					
		Disabled					
TOTAL FED Federal Special Revenue							95312
Fund Group			\$	3,937,656	\$	3,937,656	95313
State Special Revenue Fund Group							95314
5AE	054-614	Grants and Contracts	\$	75,000	\$	75,000	95315
TOTAL SSR State Special Revenue							95316
Fund Group			\$	75,000	\$	75,000	95316
TOTAL ALL BUDGET FUND GROUPS							95317
			\$	4,578,330	\$	4,578,330	95317
Section 206.84. JLE JOINT LEGISLATIVE ETHICS COMMITTEE							95319
General Revenue Fund							95320
GRF	028-321	Legislative Ethics	\$	550,000	\$	550,000	95321
		Committee					
TOTAL GRF General Revenue Fund							95322
TOTAL ALL BUDGET FUND GROUPS							95323
			\$	550,000	\$	550,000	95323
Section 206.87. LSC LEGISLATIVE SERVICE COMMISSION							95325
General Revenue Fund							95326
GRF	035-321	Operating Expenses	\$	15,398,213	\$	16,026,427	95327

GRF 035-402	Legislative Interns	\$	1,012,000	\$	1,012,000	95328
GRF 035-404	Legislative Office of Education Oversight	\$	628,214	\$	0	95329
GRF 035-405	Correctional Institution Inspection Committee	\$	375,000	\$	390,000	95330
GRF 035-409	National Associations	\$	445,000	\$	456,000	95331
GRF 035-410	Legislative Information Systems	\$	3,625,000	\$	3,625,000	95332
TOTAL GRF	General Revenue Fund	\$	21,483,427	\$	21,509,427	95333
	General Services Fund Group					95334
4F6 035-603	Legislative Budget Services	\$	152,000	\$	152,500	95335
410 035-601	Sale of Publications	\$	25,000	\$	25,000	95336
TOTAL GSF	General Services Fund Group	\$	177,000	\$	177,500	95337 95338
TOTAL ALL BUDGET FUND GROUPS		\$	21,660,427	\$	21,686,927	95339

JOINT LEGISLATIVE COMMITTEE ON MEDICAID TECHNOLOGY AND REFORM 95340

Of the foregoing appropriation item 035-321, Operating 95341
Expenses, \$100,000 in each fiscal year shall be used for costs 95342
associated with employing an executive director for the Joint 95343
Legislative Committee on Medicaid Technology and Reform as 95344
authorized by division (C) of section 101.391 of the Revised Code. 95345

ELIMINATION OF LEGISLATIVE OFFICE OF EDUCATION OVERSIGHT 95346

The Legislative Office of Education Oversight shall complete 95347
statutorily required studies by December 31, 2005. On January 1, 95348
2006, the Director of Budget and Management shall transfer the 95349
unencumbered cash balance from GRF appropriation item 035-404, 95350
Legislative Office of Education Oversight, to GRF appropriation 95351
item 035-321, Operating Expenses. 95352

It is the intent of the General Assembly to reconstitute the 95353

Legislative Budget Office within the Legislative Service 95354
 Commission to focus on revenue forecasting. The Legislative 95355
 Service Commission shall employ a Legislative Budget Officer. The 95356
 Legislative Service Commission shall also employ a person to focus 95357
 on Medicaid, TANF, and other federally-funded, caseload-driven 95358
 programs. It is the intent of the General Assembly to retain 95359
 current fiscal staff within the Legislative Service Commission. 95360

Section 206.90. LIB STATE LIBRARY BOARD 95361

General Revenue Fund 95362

GRF 350-321 Operating Expenses \$ 6,298,677 \$ 6,298,677 95363

GRF 350-400 Ohio Public Library \$ 4,330,000 \$ 4,330,000 95364

Information Network

GRF 350-401 Ohioana Rental \$ 124,816 \$ 124,816 95365

Payments

GRF 350-501 Library for the \$ 535,615 \$ 535,615 95366

Blind-Cincinnati

GRF 350-502 Regional Library \$ 1,010,441 \$ 1,010,441 95367

Systems

GRF 350-503 Library for the \$ 805,642 \$ 805,642 95368

Blind-Cleveland

TOTAL GRF General Revenue Fund \$ 13,105,191 \$ 13,105,191 95369

General Services Fund Group 95370

139 350-602 Intra-Agency Service \$ 9,000 \$ 9,000 95371

Charges

4S4 350-604 OPLIN Technology \$ 3,000,000 \$ 3,000,000 95372

459 350-602 Interlibrary Service \$ 2,469,925 \$ 2,708,092 95373

Charges

TOTAL GSF General Services 95374

Fund Group \$ 5,478,925 \$ 5,717,092 95375

Federal Special Revenue Fund Group 95376

313 350-601 LSTA Federal \$ 5,643,905 \$ 5,643,905 95377

TOTAL FED Federal Special Revenue				95378	
Fund Group	\$	5,643,905	\$	5,643,905	95379
TOTAL ALL BUDGET FUND GROUPS	\$	24,228,021	\$	24,466,188	95380
OHIOANA RENTAL PAYMENTS				95381	
The foregoing appropriation item 350-401, Ohioana Rental				95382	
Payments, shall be used to pay the rental expenses of the Martha				95383	
Kinney Cooper Ohioana Library Association pursuant to section				95384	
3375.61 of the Revised Code.				95385	
LIBRARY FOR THE BLIND-CINCINNATI				95386	
The foregoing appropriation item 350-501, Library for the				95387	
Blind-Cincinnati, shall be used for the Talking Book program,				95388	
which assists the blind and disabled.				95389	
REGIONAL LIBRARY SYSTEMS				95390	
The foregoing appropriation item 350-502, Regional Library				95391	
Systems, shall be used to support regional library systems				95392	
eligible for funding under sections 3375.83 and 3375.90 of the				95393	
Revised Code.				95394	
LIBRARY FOR THE BLIND-CLEVELAND				95395	
The foregoing appropriation item 350-503, Library for the				95396	
Blind-Cleveland, shall be used for the Talking Book program, which				95397	
assists the blind and disabled.				95398	
OHIO PUBLIC LIBRARY INFORMATION NETWORK				95399	
The foregoing appropriation items 350-604, OPLIN Technology,				95400	
and 350-400, Ohio Public Library Information Network, shall be				95401	
used for an information telecommunications network linking public				95402	
libraries in the state and such others as may be certified as				95403	
participants by the Ohio Public Library Information Network Board.				95404	
The Ohio Public Library Information Network Board shall				95405	
consist of eleven members appointed by the State Library Board				95406	
from among the staff of public libraries and past and present				95407	

members of boards of trustees of public libraries, based on the 95408
recommendations of the Ohio library community. The Ohio Public 95409
Library Information Network Board, in consultation with the State 95410
Library, shall develop a plan of operations for the network. The 95411
board may make decisions regarding use of the foregoing 95412
appropriation items 350-400, Ohio Public Library Information 95413
Network, and 350-604, OPLIN Technology, may receive and expend 95414
grants to carry out the operations of the network in accordance 95415
with state law, and may appoint and fix the compensation of a 95416
director and necessary staff. The State Library shall be the 95417
fiscal agent for the network and shall have fiscal accountability 95418
for the expenditure of funds. The Ohio Public Library Information 95419
Network Board members shall be reimbursed for actual travel and 95420
necessary expenses incurred in carrying out their 95421
responsibilities. 95422

In order to limit access to obscene and illegal materials 95423
through internet use at Ohio Public Library Information Network 95424
(OPLIN) terminals, local libraries with OPLIN computer terminals 95425
shall adopt and implement policies that control access to obscene 95426
and illegal materials. These policies may include use of 95427
technological systems to select or block certain internet access. 95428
The OPLIN shall condition provision of its funds, goods, and 95429
services on compliance with these policies. The OPLIN Board shall 95430
also adopt and communicate specific recommendations, including 95431
recommendations related to computer filtering, to local libraries 95432
on methods to control such improper usage. These methods may 95433
include each library implementing a written policy controlling 95434
such improper use of library terminals and requirements for 95435
parental involvement or written authorization for juvenile 95436
internet usage. 95437

Of the foregoing appropriation item 350-400, Ohio Public 95438
Library Information Network, up to \$100,000 in each fiscal year 95439

shall be used to help local libraries purchase or maintain filters 95440
to screen out obscene and illegal internet materials. At least 50 95441
per cent of the funds used for these purposes in each fiscal year 95442
shall be used for the purchase of filters. 95443

The OPLIN Board shall research and assist or advise local 95444
libraries with regard to emerging technologies and methods that 95445
may be effective means to control access to obscene and illegal 95446
materials. The OPLIN Executive Director shall biannually provide 95447
written reports to the Governor, the Speaker and Minority Leader 95448
of the House of Representatives, and the President and Minority 95449
Leader of the Senate on any steps being taken by OPLIN and public 95450
libraries in the state to limit and control such improper usage as 95451
well as information on technological, legal, and law enforcement 95452
trends nationally and internationally affecting this area of 95453
public access and service. 95454

The Ohio Public Library Information Network, INFOhio, and 95455
OhioLINK shall, to the extent feasible, coordinate and cooperate 95456
in their purchase or other acquisition of the use of electronic 95457
databases for their respective users and shall contribute funds in 95458
an equitable manner to such effort. 95459

Section 206.93. LCO LIQUOR CONTROL COMMISSION 95460

Liquor Control Fund Group 95461

043 970-321 Operating Expenses	\$	781,181	\$	803,348	95462
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TOTAL LCF Liquor Control Fund Group	\$	781,181	\$	803,348	95463
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TOTAL ALL BUDGET FUND GROUPS	\$	781,181	\$	803,348	95464
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Section 206.96. LOT STATE LOTTERY COMMISSION 95466

General Services Fund Group 95467

231 950-604 Charitable Gaming	\$	1,200,000	\$	1,200,000	95468
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Oversight

TOTAL GSF General Services Fund	\$	1,200,000	\$	1,200,000	95469
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Group

State Lottery Fund Group				95470
044 950-100 Personal Services	\$	24,969,422	\$ 25,457,016	95471
044 950-200 Maintenance	\$	17,642,894	\$ 17,954,156	95472
044 950-300 Equipment	\$	2,517,533	\$ 2,494,718	95473
044 950-402 Game and Advertising	\$	70,524,000	\$ 70,024,000	95474
Contracts				
044 950-500 Problem Gambling	\$	335,000	\$ 335,000	95475
Subsidy				
044 950-601 Prizes, Bonuses, and	\$	150,952,466	\$ 147,716,286	95476
Commissions				
871 950-602 Annuity Prizes	\$	148,680,031	\$ 138,918,557	95477
TOTAL SLF State Lottery Fund				95478
Group	\$	415,621,346	\$ 402,899,733	95479
TOTAL ALL BUDGET FUND GROUPS	\$	416,821,346	\$ 404,099,733	95480

OPERATING EXPENSES 95481

Notwithstanding sections 127.14 and 131.35 of the Revised 95482
Code, the Controlling Board may, at the request of the State 95483
Lottery Commission, authorize additional appropriations for 95484
operating expenses of the State Lottery Commission from the State 95485
Lottery Fund up to a maximum of 15 per cent of anticipated total 95486
revenue accruing from the sale of lottery tickets. 95487

PRIZES, BONUSSES, AND COMMISSIONS 95488

Any amounts, in addition to the amounts appropriated in 95489
appropriation item 950-601, Prizes, Bonuses, and Commissions, that 95490
the Director of the State Lottery Commission determines to be 95491
necessary to fund prizes, bonuses, and commissions are hereby 95492
appropriated. 95493

ANNUITY PRIZES 95494

With the approval of the Office of Budget and Management, the 95495
State Lottery Commission shall transfer cash from the State 95496

Lottery Fund Group (Fund 044) to the Deferred Prizes Trust Fund 95497
(Fund 871) in an amount sufficient to fund deferred prizes. The 95498
Treasurer of State, from time to time, shall credit the Deferred 95499
Prizes Trust Fund (Fund 871) the pro rata share of interest earned 95500
by the Treasurer of State on invested balances. 95501

Any amounts, in addition to the amounts appropriated in 95502
appropriation item 950-602, Annuity Prizes, that the Director of 95503
the State Lottery Commission determines to be necessary to fund 95504
deferred prizes and interest earnings are hereby appropriated. 95505

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 95506

The Ohio Lottery Commission shall transfer an amount greater 95507
than or equal to \$637,900,000 in fiscal year 2006 and \$637,900,000 95508
in fiscal year 2007 to the Lottery Profits Education Fund. 95509
Transfers from the Commission to the Lottery Profits Education 95510
Fund shall represent the estimated net income from operations for 95511
the Commission in fiscal year 2006 and fiscal year 2007. Transfers 95512
by the Commission to the Lottery Profits Education Fund shall be 95513
administered as the statutes direct. 95514

Section 206.99. MHC MANUFACTURED HOMES COMMISSION 95515

General Services Fund Group 95516
4K9 996-609 Operating Expenses \$ 272,500 \$ 0 95517
TOTAL GSF General Services 95518
Fund Group \$ 272,500 \$ 0 95519
TOTAL ALL BUDGET FUND GROUPS \$ 272,500 \$ 0 95520

INCREASED APPROPRIATION THROUGH CONTROLLING BOARD 95521

The Manufactured Homes Commission shall seek Controlling 95522
Board approval in fiscal year 2006 for a planned increase of at 95523
least \$356,250 in appropriation item 996-609, Operating Expenses. 95524

Section 209.03. MED STATE MEDICAL BOARD 95525

General Services Fund Group				95526
5C6 883-609 Operating Expenses	\$	7,467,317	\$ 7,467,317	95527
TOTAL GSF General Services				95528
Fund Group	\$	7,467,317	\$ 7,467,317	95529
TOTAL ALL BUDGET FUND GROUPS	\$	7,467,317	\$ 7,467,317	95530

Section 209.04. AMB MEDICAL TRANSPORTATION BOARD 95532

General Services Fund Group				95533
4N1 915-601 Operating Expenses	\$	388,450	\$ 0	95534
TOTAL GSF General Services				95535
Fund Group	\$	388,450	\$ 0	95536
TOTAL ALL BUDGET FUND GROUPS	\$	388,450	\$ 0	95537

Section 209.06. DMH DEPARTMENT OF MENTAL HEALTH 95539

General Services Fund Group				95540
151 235-601 General Administration	\$	89,614,180	\$ 93,898,713	95541
TOTAL ISF Intragovernmental				95542
Service Fund Group	\$	89,614,180	\$ 93,898,713	95543

Division of Mental Health-- 95544

Psychiatric Services to Correctional Facilities 95545

General Revenue Fund				95546
GRF 332-401 Forensic Services	\$	4,338,858	\$ 4,338,858	95547
TOTAL GRF General Revenue Fund	\$	4,338,858	\$ 4,338,858	95548

FORENSIC SERVICES 95549

The foregoing appropriation item 332-401, Forensic Services, 95550
shall be used to provide psychiatric services to courts of common 95551
pleas. The appropriation shall be allocated through community 95552
mental health boards to certified community agencies and shall be 95553
distributed according to the criteria delineated in rule 95554
5122:4-1-01 of the Administrative Code. These community forensic 95555
funds may also be used to provide forensic training to community 95556

mental health boards and to forensic psychiatry residency programs 95557
in hospitals operated by the Department of Mental Health and to 95558
provide evaluations of patients of forensic status in facilities 95559
operated by the Department of Mental Health prior to conditional 95560
release to the community. 95561

In addition, appropriation item 332-401, Forensic Services, 95562
may be used to support projects involving mental health, substance 95563
abuse, courts, and law enforcement to identify and develop 95564
appropriate alternative services to institutionalization for 95565
nonviolent mentally ill offenders, and to provide linkage to 95566
community services for severely mentally disabled offenders 95567
released from institutions operated by the Department of 95568
Rehabilitation and Correction. Funds may also be utilized to 95569
provide forensic monitoring and tracking in addition to community 95570
programs serving persons of forensic status on conditional release 95571
or probation. 95572

Division of Mental Health-- 95573

Administration and Statewide Programs 95574

General Revenue Fund 95575

GRF 333-321 Central Administration \$ 23,853,669 \$ 23,853,669 95576

GRF 333-402 Resident Trainees \$ 1,364,919 \$ 1,364,919 95577

GRF 333-403 Pre-Admission \$ 650,135 \$ 650,135 95578

Screening Expenses

GRF 333-415 Lease-Rental Payments \$ 23,296,200 \$ 23,833,600 95579

GRF 333-416 Research Program \$ 1,001,551 \$ 1,001,551 95580

Evaluation

TOTAL GRF General Revenue Fund \$ 50,166,474 \$ 50,703,874 95581

General Services Fund Group 95582

149 333-609 Central Office Rotary \$ 883,773 \$ 893,786 95583

- Operating

232 333-621 Family and Children \$ 625,000 \$ 625,000 95584

First Administration

TOTAL General Services Fund Group	\$	1,508,773	\$	1,518,786	95585
Federal Special Revenue Fund Group					95586
3A6 333-608 Community & Hospital Services	\$	65,000	\$	0	95587
3A8 333-613 Federal Grant - Administration	\$	562,417	\$	512,417	95588
3A9 333-614 Mental Health Block Grant	\$	748,740	\$	748,470	95589
3B1 333-635 Community Medicaid Expansion	\$	3,671,537	\$	3,691,683	95590
324 333-605 Medicaid/Medicare	\$	150,000	\$	150,000	95591
TOTAL Federal Special Revenue Fund Group	\$	5,197,694	\$	5,102,570	95592 95593
State Special Revenue Fund Group					95594
4X5 333-607 Behavioral Health Medicaid Services	\$	3,000,634	\$	3,000,634	95595
5V2 333-611 Non-Federal Miscellaneous	\$	35,000	\$	35,000	95596
485 333-632 Mental Health Operating	\$	134,233	\$	134,233	95597
TOTAL State Special Revenue Fund Group	\$	3,169,867	\$	3,169,867	95598 95599
TOTAL ALL BUDGET FUND GROUPS	\$	60,042,808	\$	60,495,097	95600
RESIDENCY TRAINEESHIP PROGRAMS					95601
The foregoing appropriation item 333-402, Resident Trainees, shall be used to fund training agreements entered into by the Department of Mental Health for the development of curricula and the provision of training programs to support public mental health services.					95602 95603 95604 95605 95606
PRE-ADMISSION SCREENING EXPENSES					95607
The foregoing appropriation item 333-403, Pre-Admission					95608

Screening Expenses, shall be used to pay for costs to ensure that
uniform statewide methods for pre-admission screening are in place
to perform assessments for persons in need of mental health
services or for whom institutional placement in a hospital or in
another inpatient facility is sought. Pre-admission screening
includes the following activities: pre-admission assessment,
consideration of continued stay requests, discharge planning and
referral, and adjudication of appeals and grievance procedures.

LEASE-RENTAL PAYMENTS

The foregoing appropriation item 333-415, Lease-Rental
Payments, shall be used to meet all payments at the times they are
required to be made during the period from July 1, 2005, to June
30, 2007, by the Department of Mental Health under leases and
agreements made under section 154.20 of the Revised Code, but
limited to the aggregate amount of \$47,129,800. Nothing in this
act shall be deemed to contravene the obligation of the state to
pay, without necessity for further appropriation, from the sources
pledged thereto, the bond service charges on obligations issued
under section 154.20 of the Revised Code.

BEHAVIORAL HEALTH MEDICAID SERVICES

The Department of Mental Health shall administer specified
Medicaid Services as delegated by the Department of Job and Family
Services in an interagency agreement. The foregoing appropriation
item 333-607, Behavioral Health Medicaid Services, may be used to
make payments for free-standing psychiatric hospital inpatient
services as defined in an interagency agreement with the
Department of Job and Family Services.

Section 209.06.03. DIVISION OF MENTAL HEALTH - HOSPITALS

General Revenue Fund
GRF 334-408 Community and Hospital \$ 390,424,545 \$ 400,324,545

Mental Health Services					
GRF 334-506	Court Costs	\$	976,652	\$ 976,652	95639
TOTAL GRF	General Revenue Fund	\$	391,401,197	\$ 401,301,197	95640
General Services Fund Group					95641
149 334-609	Hospital Rotary -	\$	24,408,053	\$ 24,408,053	95642
Operating Expenses					
150 334-620	Special Education	\$	120,930	\$ 120,930	95643
TOTAL GSF	General Services				95644
Fund Group		\$	24,528,983	\$ 24,528,983	95645
Federal Special Revenue Fund Group					95646
3A6 334-608	Subsidy for Federal	\$	586,224	\$ 586,224	95647
Grants					
3A8 334-613	Federal Letter of	\$	200,000	\$ 200,000	95648
Credit					
3B0 334-617	Elementary and	\$	171,930	\$ 178,807	95649
Secondary Education					
Act					
3B1 334-635	Hospital Medicaid	\$	2,000,000	\$ 2,000,000	95650
Expansion					
324 334-605	Medicaid/Medicare	\$	11,764,280	\$ 11,873,408	95651
TOTAL FED	Federal Special Revenue				95652
Fund Group		\$	14,722,434	\$ 14,838,439	95653
State Special Revenue Fund Group					95654
485 334-632	Mental Health	\$	2,476,297	\$ 2,476,297	95655
Operating					
692 334-636	Community Mental	\$	80,000	\$ 80,000	95656
Health Board Risk Fund					
TOTAL SSR	State Special Revenue				95657
Fund Group		\$	2,556,297	\$ 2,556,297	95658
TOTAL ALL BUDGET FUND GROUPS		\$	433,208,911	\$ 443,224,916	95659
COMMUNITY MENTAL HEALTH BOARD RISK FUND					95660

The foregoing appropriation item 334-636, Community Mental Health Board Risk Fund, shall be used to make payments under section 5119.62 of the Revised Code.

Section 209.06.06. DIVISION OF MENTAL HEALTH - COMMUNITY				95664
SUPPORT SERVICES				95665
General Revenue Fund				95666
GRF 335-404	Behavioral Health	\$ 5,865,265	\$ 6,865,265	95667
	Services-Children			
GRF 335-405	Family & Children	\$ 2,260,000	\$ 2,260,000	95668
	First			
GRF 335-419	Community Medication	\$ 12,292,848	\$ 13,626,748	95669
	Subsidy			
GRF 335-505	Local Mental Health	\$ 94,687,868	\$ 99,687,868	95670
	Systems of Care			
TOTAL GRF	General Revenue Fund	\$ 115,105,981	\$ 122,439,881	95671
General Services Fund Group				95672
4P9 335-604	Community Mental	\$ 250,000	\$ 250,000	95673
	Health Projects			
TOTAL GSF	General Services			95674
Fund Group		\$ 250,000	\$ 250,000	95675
Federal Special Revenue Fund Group				95676
3A6 335-608	Federal Miscellaneous	\$ 1,089,699	\$ 678,699	95677
3A7 335-612	Social Services Block	\$ 8,657,288	\$ 8,657,288	95678
	Grant			
3A8 335-613	Federal Grant -	\$ 2,407,040	\$ 2,407,040	95679
	Community Mental			
	Health Board Subsidy			
3A9 335-614	Mental Health Block	\$ 14,969,400	\$ 14,969,400	95680
	Grant			
3B1 335-635	Community Medicaid	\$ 264,088,404	\$ 282,807,902	95681
	Expansion			

TOTAL FED Federal Special Revenue	\$	291,211,831	\$	309,520,329	95682
Fund Group					
State Special Revenue Fund Group					95683
5AU 335-615 Behavioral Healthcare	\$	4,690,000	\$	4,690,000	95684
5CH 335-622 Residential State	\$	1,500,000	\$	1,500,000	95685
Supplement					
632 335-616 Community Capital	\$	350,000	\$	350,000	95686
Replacement					
TOTAL SSR State Special Revenue	\$	6,540,000	\$	6,540,000	95687
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	413,107,812	\$	438,750,210	95688
DEPARTMENT TOTAL					95689
GENERAL REVENUE FUND	\$	561,012,510	\$	578,783,810	95690
DEPARTMENT TOTAL					95691
GENERAL SERVICES FUND GROUP	\$	115,901,936	\$	120,196,482	95692
DEPARTMENT TOTAL					95693
FEDERAL SPECIAL REVENUE					95694
FUND GROUP	\$	311,131,959	\$	329,461,338	95695
DEPARTMENT TOTAL					95696
STATE SPECIAL REVENUE FUND GROUP	\$	12,266,164	\$	12,266,164	95697
DEPARTMENT TOTAL					95698
TOTAL DEPARTMENT OF MENTAL HEALTH	\$	1,000,312,569	\$	1,040,707,794	95699

Section 209.06.09. COMMUNITY MEDICATION SUBSIDY 95701

The foregoing appropriation item 335-419, Community Medication Subsidy, shall be used to provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization because of lack of medication and to provide subsidized support for methadone costs. 95702
95703
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Of the foregoing appropriation item 335-419, Community Medication Subsidy, \$4,333,050 in fiscal year 2006 and \$5,666,950 in fiscal year 2007 shall be used to provide services to persons 95707
95708
95709

who meet criteria that is consistent with the criteria for the 95710
Disability Medical Assistance Program. 95711

LOCAL MENTAL HEALTH SYSTEMS OF CARE 95712

The foregoing appropriation item 335-505, Local Mental Health 95713
Systems of Care, shall be used for mental health services provided 95714
by community mental health boards in accordance with a community 95715
mental health plan submitted under section 340.03 of the Revised 95716
Code and as approved by the Department of Mental Health. 95717

Of the foregoing appropriation, not less than \$34,818,917 in 95718
fiscal year 2006 and not less than \$34,818,917 in fiscal year 2007 95719
shall be distributed by the Department of Mental Health on a per 95720
capita basis to community mental health boards. 95721

Of the foregoing appropriation, \$100,000 in each fiscal year 95722
shall be used to fund family and consumer education and support. 95723

BEHAVIORAL HEALTH - CHILDREN 95724

The foregoing appropriation item 335-404, Behavioral Health 95725
Services-Children, shall be used to provide behavioral health 95726
services for children and their families. Behavioral health 95727
services include mental health and alcohol and other drug 95728
treatment services and other necessary supports. 95729

Of the foregoing appropriation item 335-404, Behavioral 95730
Health Services-Children, an amount up to \$4.5 million in fiscal 95731
year 2006 and \$5.5 million in fiscal year 2007 shall be 95732
distributed to local Alcohol, Drug Addiction, and Mental Health 95733
Boards; Community Mental Health Boards; and Alcohol and Drug 95734
Addiction Boards, based upon a formula and an approved children's 95735
behavioral health transformation plan developed and endorsed by 95736
the local Family and Children First Council with the leadership 95737
from the Alcohol, Drug Addiction, and Mental Health Board, or the 95738
Community Mental Health Board, and the Alcohol and Drug Addiction 95739

Services Board. The use of these funds shall be approved by a team
of state and local stakeholders appointed by the Ohio Family and
Children First Cabinet Council. This team shall be appointed not
later than July 1, 2005, and shall include, but not be limited to,
all of the following:

(A) At least one representative from each of the Departments
of Alcohol and Drug Addiction Services, Mental Health, Education,
Health, Job and Family Services, Mental Retardation and
Developmental Disabilities, and the Department of Youth Services;

(B) At least one person representing local public children's
services agencies;

(C) At least one person representing juvenile courts;

(D) At least one person representing local Alcohol, Drug
Addiction, and Mental Health Boards; Community Mental Health
Boards; and Alcohol and Drug Addiction Boards;

(E) At least one person representing local Family and
Children First Council Coordinators;

(F) At least one family representative.

Children's behavioral health transformation plans shall be
congruent with the development and implementation of the process
described in division (B)(2)(b) of section 121.37 of the Revised
Code and shall address all of the following as determined by a
team of state and local stakeholders appointed by the Ohio Family
and Children First Cabinet Council:

(A) Specific strategies and actions for use of all funds
allocated for the Access to Better Care Initiative by all Ohio
Family and Children First Cabinet Council agencies that will
further the transformation of the local Children's Behavioral
Health Care System;

(B) Providing services to children with behavioral health

disorders, particularly those with intensive needs, and their 95770
families, across all child-serving systems, including child 95771
welfare and juvenile justice and for those youth whose parents 95772
would otherwise have to relinquish custody to obtain needed 95773
behavioral health services; 95774

(C) Assuring that families are included in all service 95775
planning activities and have access to advocates to assist them if 95776
they choose; 95777

(D) Implementation of home-based services and other 95778
alternatives to out-of-home placement; 95779

(E) Assuring that all individual service plans for children 95780
and their families address the academic achievement of the child; 95781

(F) Coordinating the most efficient and effective use of 95782
federal, state, and local funds to meet the needs of children and 95783
their families. 95784

Funds may be used to support the following services and 95785
activities: 95786

(A) Mental health services provided by the Ohio Department of 95787
Mental Health certified agencies and alcohol and other drug 95788
services provided by Department of Alcohol and Drug Addiction 95789
Services certified agencies; 95790

(B) Services and supports for children and their families 95791
that further the implementation of their individual service plans; 95792

(C) Treatment services in out-of-home settings, including 95793
residential facilities, when other alternatives are not available 95794
or feasible; 95795

(D) Administrative support for efforts associated with this 95796
initiative; 95797

(E) These funds shall not be used to supplant existing 95798
efforts. 95799

The Ohio Family and Children First Cabinet Council appointed 95800
team shall approve the plans for local behavioral health services 95801
and ensure the plans are components of and properly coordinated 95802
with the county service coordination plan as defined in section 95803
121.37 of the Revised Code. In addition to approving the plans for 95804
new behavioral health funding, this team shall design a mechanism 95805
to provide technical assistance to local communities, monitor the 95806
plans, and may, as part of the monitoring role, conduct site 95807
visits. 95808

Of the foregoing appropriation item 335-404, Behavioral 95809
Health Services-Children, an amount up to \$1.0 million in fiscal 95810
year 2006 and \$1.0 million in fiscal year 2007 shall be used to 95811
support projects, as determined by the Ohio Family and Children 95812
First Cabinet Council, in select areas around the state to focus 95813
on improving behavioral health services for children involved in 95814
the child welfare and juvenile justice systems. At least one of 95815
these projects shall focus on services for adolescent girls that 95816
are involved in or at risk of involvement with the juvenile 95817
justice system. 95818

Of the foregoing appropriation item 335-405, Family & 95819
Children First, an amount up to \$500,000 in fiscal year 2006 and 95820
\$500,000 in fiscal year 2007 shall be used for children who do not 95821
have behavioral health disorders but require assistance through 95822
the County Family and Children First Council. 95823

RESIDENTIAL STATE SUPPLEMENT 95824

The foregoing appropriation item 335-622, Residential State 95825
Supplement, shall be used to provide subsidized support for 95826
licensed adult care facilities which serve individuals with mental 95827
illness. 95828

Section 209.06.15. The Department of Mental Health, with the 95829

Bureau of Workers' Compensation, Department of Rehabilitation and 95830
Correction, the Department of Youth Services, and any other state 95831
or local government agency that purchases prescription drugs, 95832
other than the Department of Job and Family Services for the 95833
purposes of the Medicaid program shall do all of the following: 95834

(A) Study intrastate consolidated prescription drug 95835
purchasing systems currently in effect in other states under which 95836
a single entity administers the state's prescription drug 95837
purchases; 95838

(B) Estimate potential cost-savings and other advantages, as 95839
well as any potential disadvantages, that might result if Ohio 95840
were to consolidate its executive agencies' prescription drug 95841
purchases under a prescription drug purchasing program; 95842

(C) Design a consolidated prescription drug purchasing 95843
program appropriate to the prescription drug purchasing needs of 95844
the state, including the following elements: 95845

(1) The scope and structure of the consolidated prescription 95846
drug purchasing program; 95847

(2) A business plan to direct the implementation of the 95848
program and the transition of prescription drug purchasing from 95849
the state's executive agencies to the consolidated prescription 95850
drug purchasing program; 95851

(3) Identification of the resources required to implement the 95852
business plan described in division (C)(2) of this section; 95853

(4) A schedule of the amount of time required to implement 95854
the business plan described in division (C)(2) of this section. 95855

(D) By not later than January 1, 2006, prepare and submit a 95856
written report of its findings to the Governor, the Speaker and 95857
Minority Leader of the House of Representatives, and the President 95858
and Minority Leader of the Senate. The report shall include an 95859

analysis of any costs Ohio may incur in creating a consolidated				95860
prescription drug purchasing program.				95861
 Section 209.09. DMR DEPARTMENT OF MENTAL RETARDATION AND				95862
DEVELOPMENTAL DISABILITIES				95863
 Section 209.09.03. GENERAL ADMINISTRATION AND STATEWIDE				95864
SERVICES				95865
General Revenue Fund				95866
GRF 320-321 Central Administration	\$	9,357,877	\$ 9,357,874	95867
GRF 320-412 Protective Services	\$	2,463,000	\$ 2,463,000	95868
GRF 320-415 Lease-Rental Payments	\$	23,296,200	\$ 23,833,600	95869
TOTAL GRF General Revenue Fund	\$	35,117,077	\$ 35,654,474	95870
General Services Fund Group				95871
4B5 320-640 Conference/Training	\$	300,000	\$ 300,000	95872
TOTAL GSF General Services				95873
Fund Group	\$	300,000	\$ 300,000	95874
Federal Special Revenue Fund Group				95875
3A4 320-605 Administrative Support	\$	13,492,892	\$ 13,492,892	95876
3A5 320-613 DD Council Operating	\$	895,440	\$ 895,440	95877
Expenses				95878
325 320-634 Protective Services	\$	100,000	\$ 100,000	95879
TOTAL FED Federal Special Revenue				95880
Fund Group	\$	14,488,332	\$ 14,488,332	95881
State Special Revenue Fund Group				95882
5S2 590-622 Medicaid	\$	8,000,000	\$ 8,000,000	95883
Administration &				
Oversight				
TOTAL SSR State Special Revenue				95884
Fund Group	\$	8,000,000	\$ 8,000,000	95885
TOTAL ALL GENERAL ADMINISTRATION				95886
AND STATEWIDE SERVICES				95887

BUDGET FUND GROUPS	\$	57,905,409	\$	58,442,806	95888
LEASE-RENTAL PAYMENTS					95889
The foregoing appropriation item 320-415, Lease-Rental					95890
Payments, shall be used to meet all payments at the times they are					95891
required to be made during the period from July 1, 2005, to June					95892
30, 2007, by the Department of Mental Retardation and					95893
Developmental Disabilities under leases and agreements made under					95894
section 154.20 of the Revised Code, but limited to the aggregate					95895
amount of \$47,129,800. Nothing in this act shall be deemed to					95896
contravene the obligation of the state to pay, without necessity					95897
for further appropriation, from the sources pledged thereto, the					95898
bond service charges on obligations issued under section 154.20 of					95899
the Revised Code.					95900
Section 209.09.06. COMMUNITY SERVICES					95901
General Revenue Fund					95902
GRF 322-405 State Use Program	\$	20,000	\$	0	95903
GRF 322-413 Residential and	\$	7,423,021	\$	7,423,021	95904
Support Services					
GRF 322-416 Waiver State Match	\$	103,090,738	\$	104,397,504	95905
GRF 322-417 Supported Living	\$	43,160,198	\$	43,160,198	95906
GRF 322-451 Family Support	\$	6,938,898	\$	6,938,898	95907
Services					
GRF 322-452 Service and Support	\$	8,672,730	\$	8,672,730	95908
Administration					
GRF 322-501 County Boards	\$	32,193,542	\$	32,193,542	95909
Subsidies					
GRF 322-503 Tax Equity	\$	14,500,000	\$	14,500,000	95910
TOTAL GRF General Revenue Fund	\$	215,999,127	\$	217,285,893	95911
General Services Fund Group					95912
4J6 322-645 Intersystem Services	\$	300,000	\$	0	95913
for Children					

4U4	322-606	Community MR and DD Trust	\$	300,000	\$	50,000	95914
4V1	322-611	Family and Children First	\$	40,000	\$	0	95915
488	322-603	Provider Audit Refunds	\$	350,000	\$	350,000	95916
TOTAL GSF General Services							95917
Fund Group			\$	990,000	\$	400,000	95918
Federal Special Revenue Fund Group							95919
3A4	322-605	Community Program Support	\$	1,500,000	\$	1,500,000	95920
3A5	322-613	DD Council Grants	\$	3,204,240	\$	3,204,240	95921
3G6	322-639	Medicaid Waiver	\$	373,772,814	\$	373,772,814	95922
3M7	322-650	CAFS Medicaid	\$	125,924,299	\$	103,773,730	95923
325	322-608	Grants for Infants and Families with Disabilities	\$	1,763,165	\$	1,763,165	95924
325	322-612	Community Social Service Programs	\$	11,500,000	\$	11,500,000	95925
TOTAL FED Federal Special Revenue							95926
Fund Group			\$	517,664,518	\$	495,513,949	95927
State Special Revenue Fund Group							95928
4K8	322-604	Waiver - Match	\$	12,000,000	\$	12,000,000	95929
5H0	322-619	Medicaid Repayment	\$	25,000	\$	25,000	95930
5Z1	322-624	County Board Waiver Match	\$	82,000,000	\$	82,000,000	95931
TOTAL SSR State Special Revenue							95932
Fund Group			\$	94,025,000	\$	94,025,000	95933
TOTAL ALL COMMUNITY SERVICES							95934
BUDGET FUND GROUPS			\$	828,678,645	\$	807,224,842	95935
RESIDENTIAL AND SUPPORT SERVICES							95936
The Department of Mental Retardation and Developmental							95937
Disabilities may designate a portion of appropriation item							95938

322-413, Residential and Support Services, for the following:	95939
(A) Sermak Class Services used to implement the requirements	95940
of the agreement settling the consent decree in <i>Sermak v. Manuel</i> ,	95941
Case No. c-2-80-220, United States District Court for the Southern	95942
District of Ohio, Eastern Division;	95943
(B) Medicaid-reimbursed programs other than home and	95944
community-based waiver services, in an amount not to exceed	95945
\$1,000,000 in each fiscal year, that enable persons with mental	95946
retardation and developmental disabilities to live in the	95947
community.	95948
WAIVER STATE MATCH	95949
The purposes for which the foregoing appropriation item	95950
322-416, Waiver State Match, shall be used include the following:	95951
(A) Home and community-based waiver services under Title XIX	95952
of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301,	95953
as amended.	95954
(B) Services contracted by county boards of mental	95955
retardation and developmental disabilities.	95956
(C) To pay the nonfederal share of the cost of one or more	95957
new intermediate-care-facility-for-the-mentally-retarded certified	95958
beds in a county where the county board of mental retardation and	95959
developmental disabilities does not initiate or support the	95960
development or certification of such beds, if the Director of	95961
Mental Retardation and Developmental Disabilities is required by	95962
this act to transfer to the Director of Job and Family Services	95963
funds to pay such nonfederal share.	95964
The Department of Mental Retardation and Developmental	95965
Disabilities may designate a portion of appropriation item	95966
322-416, Waiver State Match, to county boards of mental	95967
retardation and developmental disabilities that have greater need	95968

for various residential and support services because of a low 95969
percentage of residential and support services development in 95970
comparison to the number of individuals with mental retardation or 95971
developmental disabilities in the county. 95972

Of the foregoing appropriation item 322-416, Waiver State 95973
Match, \$9,850,000 in each year of the biennium shall be 95974
distributed by the Department to county boards of mental 95975
retardation and developmental disabilities to support existing 95976
residential facilities waiver and individual options waiver 95977
related to Medicaid activities provided for in the component of a 95978
county board's plan developed under division (A)(2) of section 95979
5126.054 of the Revised Code and approved under section 5123.046 95980
of the Revised Code. Up to \$3,000,000 of these funds in each 95981
fiscal year may be used to implement day-to-day program management 95982
services under division (A)(2) of section 5126.054 of the Revised 95983
Code. Up to \$4,200,000 in each fiscal year may be used to 95984
implement the program and health and welfare requirements of 95985
division (A)(2) of section 5126.054 of the Revised Code. 95986

In fiscal years 2006 and 2007 not less than \$2,650,000 of 95987
these funds shall be used to recruit and retain, under division 95988
(A)(2) of section 5126.054 of the Revised Code, the direct care 95989
staff necessary to implement the services included in an 95990
individualized service plan in a manner that ensures the health 95991
and welfare of the individuals being served. 95992

The method utilized by the department to determine each 95993
residential facilities waiver and individual options provider's 95994
allocation of such funds in fiscal year 2005 shall be used for 95995
allocation purposes to such providers in fiscal years 2006 and 95996
2007, respectively. 95997

SUPPORTED LIVING 95998

The purposes for which the foregoing appropriation item 95999

322-417, Supported Living, shall be used include supported living 96000
services contracted by county boards of mental retardation and 96001
developmental disabilities under sections 5126.40 to 5126.47 of 96002
the Revised Code and paying the nonfederal share of the cost of 96003
one or more new 96004
intermediate-care-facility-for-the-mentally-retarded certified 96005
beds in a county where the county board of mental retardation and 96006
developmental disabilities does not initiate or support the 96007
development or certification of such beds, if the Director of 96008
Mental Retardation and Developmental Disabilities is required by 96009
this act to transfer to the Director of Job and Family Services 96010
funds to pay such nonfederal share. 96011

OTHER RESIDENTIAL AND SUPPORT SERVICE PROGRAMS 96012

Notwithstanding Chapters 5123. and 5126. of the Revised Code, 96013
the Department of Mental Retardation and Developmental 96014
Disabilities may develop residential and support service programs 96015
funded by appropriation item 322-413, Residential and Support 96016
Services; appropriation item 322-416, Waiver State Match; or 96017
appropriation item 322-417, Supported Living, that enable persons 96018
with mental retardation and developmental disabilities to live in 96019
the community. Notwithstanding Chapter 5121. and section 5123.122 96020
of the Revised Code, the Department may waive the support 96021
collection requirements of those statutes for persons in community 96022
programs developed by the Department under this section. The 96023
Department shall adopt rules under Chapter 119. of the Revised 96024
Code or may use existing rules for the implementation of these 96025
programs. 96026

FAMILY SUPPORT SERVICES 96027

Notwithstanding sections 5123.171, 5123.19, 5123.20, and 96028
5126.11 of the Revised Code, the Department of Mental Retardation 96029
and Developmental Disabilities may implement programs funded by 96030

appropriation item 322-451, Family Support Services, to provide 96031
assistance to persons with mental retardation or developmental 96032
disabilities and their families who are living in the community. 96033
The department shall adopt rules to implement these programs. The 96034
department may also use the foregoing appropriation item 322-451, 96035
Family Support Services, to pay the nonfederal share of the cost 96036
of one or more new 96037
intermediate-care-facility-for-the-mentally-retarded certified 96038
beds in a county where the county board of mental retardation and 96039
developmental disabilities initiates or supports the development 96040
or certification of such beds, if the Director of Mental 96041
Retardation and Developmental Disabilities is required by this act 96042
to transfer to the Director of Job and Family Services funds to 96043
pay such nonfederal share. 96044

SERVICE AND SUPPORT ADMINISTRATION 96045

The foregoing appropriation item 322-452, Service and Support 96046
Administration, shall be allocated to county boards of mental 96047
retardation and developmental disabilities for the purpose of 96048
providing service and support administration services and to 96049
assist in bringing state funding for all department-approved 96050
service and support administrators within county boards of mental 96051
retardation and developmental disabilities to the level authorized 96052
in division (C) of section 5126.15 of the Revised Code. The 96053
department may request approval from the Controlling Board to 96054
transfer any unobligated appropriation authority from other state 96055
General Revenue Fund appropriation items within the department's 96056
budget to appropriation item 322-452, Service and Support 96057
Administration, to be used to meet the statutory funding level in 96058
division (C) of section 5126.15 of the Revised Code. 96059

Notwithstanding division (C) of section 5126.15 of the 96060
Revised Code and subject to funding in appropriation item 322-452, 96061
Service and Support Administration, no county may receive less 96062

than its allocation in fiscal year 1995. Wherever case management
services are referred to in any law, contract, or other document,
the reference shall be deemed to refer to service and support
administration. No action or proceeding pending on the effective
date of this section is affected by the renaming of case
management services as service and support administration.

The Department of Mental Retardation and Developmental
Disabilities shall adopt, amend, and rescind rules as necessary to
reflect the renaming of case management services as service and
support administration. All boards of mental retardation and
developmental disabilities and the entities with which they
contract for services shall rename the titles of their employees
who provide service and support administration. All boards and
contracting entities shall make corresponding changes to all
employment contracts.

The Department also may use the foregoing appropriation item
322-452, Service and Support Administration, to pay the nonfederal
share of the cost of one or more new
intermediate-care-facility-for-the-mentally-retarded certified
beds in a county where the county board of mental retardation and
developmental disabilities initiates or supports the development
or certification of such beds, if the Director of Mental
Retardation and Developmental Disabilities is required by this act
to transfer to the Director of Job and Family Services funds to
pay such nonfederal share.

STATE SUBSIDIES TO MR/DD BOARDS

Notwithstanding section 5126.12 of the Revised Code, for
fiscal year 2006, the Department shall, if sufficient funds as
determined by the Department are available, use the foregoing
appropriation item 322-501, County Boards Subsidies, to pay each
county board of mental retardation and developmental disabilities

an amount that is equal to the amount such board received in 96094
fiscal year 2005. If the Department determines that there are not 96095
sufficient funds available in appropriation item 322-501, County 96096
Boards Subsidies, for this purpose, the Department shall pay to 96097
each county board an amount that is proportionate to the amount 96098
such board received in fiscal year 2005. Proportionality shall be 96099
determined by comparing the payment a county board received in a 96100
category in fiscal year 2005 to the total payments distributed to 96101
all county boards for such category in fiscal year 2005. For 96102
fiscal year 2007, the Department shall pay to each county board an 96103
amount that is determined by an allocation formula to be developed 96104
by the Department that considers the applicable factors in section 96105
5126.12 of the Revised Code. 96106

The Department also may use the foregoing appropriation item 96107
322-501, County Boards Subsidies, to pay the nonfederal share of 96108
the cost of one or more new 96109
intermediate-care-facility-for-the-mentally-retarded certified 96110
beds in a county where the county board of mental retardation and 96111
developmental disabilities initiates or supports the development 96112
or certification of such beds, if the Director of Mental 96113
Retardation and Developmental Disabilities is required by this act 96114
to transfer to the Director of Job and Family Services funds to 96115
pay such nonfederal share. 96116

NONFEDERAL MATCH FOR ACTIVE TREATMENT SERVICES 96117

Pursuant to an agreement between the county board and the 96118
Director of Mental Retardation and Developmental Disabilities, a 96119
county may pledge funds from its state allocation from GRF 96120
appropriation item 322-501, County Boards Subsidies, to cover the 96121
cost of providing the nonfederal match for active treatment 96122
services that the county provides to residents of the Department's 96123
developmental centers. The Director of Mental Retardation and 96124
Developmental Disabilities is authorized to transfer, through 96125

intrastate transfer vouchers, cash from these pledges from GRF 96126
appropriation item 322-501, County Boards Subsidies, to Fund 489, 96127
Mental Retardation Operating. Any other county funds received by 96128
the Department from county boards for active treatment shall be 96129
deposited in Fund 489, Mental Retardation Operating. 96130

WAIVER - MATCH 96131

The foregoing appropriation item 322-604, Waiver - Match 96132
(Fund 4K8), shall be used as state matching funds for the home and 96133
community-based waivers. 96134

COUNTY BOARD WAIVER MATCH 96135

The Director of Mental Retardation and Developmental 96136
Disabilities shall transfer, through intrastate transfer vouchers, 96137
cash from any allowable General Revenue Fund appropriation item to 96138
Fund 5Z1, appropriation item 322-624, County Board Waiver Match. 96139
(The amounts being transferred reflect the amounts that county 96140
boards pledge from their state General Revenue Funds allocations 96141
to cover the cost of providing the non-federal match for waiver 96142
services.) 96143

TRANSFER OF FUNDS FOR THE FAMILY AND CHILDREN FIRST CABINET 96144
COUNCIL TO THE DEPARTMENT OF MENTAL HEALTH 96145

On July 1, 2005, or as soon as possible thereafter, the 96146
Director of Mental Retardation and Developmental Disabilities 96147
shall certify the remaining cash balance in Fund 4V1, 96148
Miscellaneous Use, to the Director of Budget and Management. Upon 96149
receipt of the certification, the Director of Budget and 96150
Management shall transfer that amount and re-establish existing 96151
encumbrances in the Department of Mental Health, Fund 232, Family 96152
and Children First Administration Fund. When this transfer has 96153
been completed, Fund 4V1 shall be abolished. 96154

On November 1, 2005, or as soon as possible thereafter, the 96155

Director of Mental Retardation and Developmental Disabilities 96156
shall certify the remaining cash balance in Fund 4J6, Youth 96157
Cluster, to the Director of Budget and Management, who upon 96158
receipt shall transfer that amount to the General Revenue Fund and 96159
increase the Department of Mental Health's GRF appropriation item 96160
335-404, Behavioral Health Services-Children, by the same amount. 96161
When this transfer has been completed, Fund 4J6 shall be 96162
abolished. 96163

Section 209.09.09. COMMUNITY ALTERNATIVE FUNDING SYSTEM 96164

(A) As used in this section, "habilitation center services" 96165
has the same meaning as in former section 5111.041 of the Revised 96166
Code as that section existed on June 30, 2005. 96167

(B) The Department of Mental Retardation and Developmental 96168
Disabilities may use funds appropriated to the Department for the 96169
purpose of habilitation center services to satisfy a claim or 96170
contingent claim for habilitation center services provided before 96171
July 1, 2005, if the Department receives the claim or contingent 96172
claim before July 1, 2006. The Department has no liability to 96173
satisfy either of the following: 96174

(1) A claim for habilitation center services provided before 96175
July 1, 2005, if the Department receives the claim on or after 96176
July 1, 2006. 96177

(2) A claim for habilitation center services provided on or 96178
after July 1, 2005. 96179

(C) The Department of Mental Retardation and Developmental 96180
Disabilities may inform individuals who received habilitation 96181
center services under the community alternative funding system on 96182
June 30, 2005, and such individuals' representatives about 96183
alternative services that may be available for the individuals. 96184
The Department may require county boards of mental retardation and 96185

developmental disabilities to provide such information to the 96186
individuals and their representatives. 96187

Section 209.09.12. DEVELOPMENTAL CENTER PROGRAM TO DEVELOP A 96188
MODEL BILLING FOR SERVICES RENDERED 96189

Developmental centers of the Department of Mental Retardation 96190
and Developmental Disabilities may provide services to persons 96191
with mental retardation or developmental disabilities living in 96192
the community or to providers of services to these persons. The 96193
department may develop a method for recovery of all costs 96194
associated with the provisions of these services. 96195

Section 209.09.15. TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER 96196
PHARMACY PROGRAMS 96197

The Department of Mental Retardation and Developmental 96198
Disabilities shall pay the Department of Job and Family Services 96199
quarterly, through intrastate transfer voucher, the nonfederal 96200
share of Medicaid prescription drug claim costs for all 96201
developmental centers paid by the Department of Job and Family 96202
Services. 96203

Section 209.09.16. TRANSFER OF ADMINISTRATION OF FAMILY AND 96204
CHILDREN FIRST 96205

The Department of Mental Retardation and Developmental 96206
Disabilities shall transfer the administrative duties related to 96207
the operation of the Ohio Family and Children First Cabinet 96208
Council to the Department of Mental Health. As part of the 96209
transfer, all of the following shall occur on July 1, 2005, or as 96210
soon as possible thereafter as the Departments of Mental 96211
Retardation and Developmental Disabilities and Mental Health are 96212
able to make the transfers: 96213

(A) Individuals employed by the Department of Mental 96214

Retardation and Developmental Disabilities on June 30, 2005, to
perform administrative functions for the Ohio Family and Children
First Cabinet Council shall be transferred to the Department of
Mental Health.

(B) The assets, liabilities, equipment, and records,
irrespective of form or medium, related to the administrative
duties of the Ohio Family and Children First Cabinet Council shall
transfer or be transferred to the Department of Mental Health;

(C) The Department of Mental Health shall assume the
obligations of the Ohio Family and Children First Cabinet
Council's administrative duties.

Section 209.09.18. RESIDENTIAL FACILITIES

General Revenue Fund									
GRF 323-321 Residential Facilities	\$	101,764,366	\$	100,457,600					
Operations									
TOTAL GRF General Revenue Fund	\$	101,764,366	\$	100,457,600					
General Services Fund Group									
152 323-609 Residential Facilities	\$	912,177	\$	912,177					
Support									
TOTAL GSF General Services Fund Group	\$	912,177	\$	912,177					
Federal Special Revenue Fund Group									
3A4 323-605 Developmental Center	\$	120,000,000	\$	120,000,000					
Operation Expenses									
325 323-608 Foster Grandparent Program	\$	575,000	\$	575,000					
TOTAL FED Federal Special Revenue Fund Group	\$	120,575,000	\$	120,575,000					
State Special Revenue Fund Group									
221 322-620 Supplement Service	\$	150,000	\$	150,000					

Trust			
489 323-632	Developmental Center	\$ 12,125,628	\$ 12,125,628 96243
Direct Care Support			
TOTAL SSR State Special Revenue			96244
Fund Group		\$ 12,275,628	\$ 12,275,628 96245
TOTAL ALL RESIDENTIAL FACILITIES			96246
BUDGET FUND GROUPS		\$ 235,527,171	\$ 234,220,405 96247
DEPARTMENT TOTAL			96248
GENERAL REVENUE FUND		\$ 352,880,570	\$ 353,397,967 96249
DEPARTMENT TOTAL			96250
GENERAL SERVICES FUND GROUP		\$ 2,202,177	\$ 1,612,177 96251
DEPARTMENT TOTAL			96252
FEDERAL SPECIAL REVENUE FUND GROUP		\$ 652,727,850	\$ 630,577,281 96253
DEPARTMENT TOTAL			96254
STATE SPECIAL REVENUE FUND GROUP		\$ 114,300,628	\$ 114,300,628 96255
TOTAL DEPARTMENT OF MENTAL			96256
RETARDATION AND DEVELOPMENTAL			96257
DISABILITIES		\$ 1,122,111,225	\$ 1,099,888,053 96258

Section 209.09.21. (A) As used in this section: 96260

(1) "Family support services," "home and community-based services," "service and support administration," and "supported living" have the same meaning as in section 5126.01 of the Revised Code. 96261
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(2) "Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code. 96265
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(B) If one or more new beds obtain certification as an intermediate-care-facility-for-the-mentally-retarded bed on or after the effective date of this section, the Director of Mental Retardation and Developmental Disabilities shall transfer funds to the Department of Job and Family Services to pay the nonfederal share of the cost under the Medicaid Program for those beds. The 96267
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Director shall use only the following funds for the transfer:	96273
(1) If the beds are located in a county served by a county board of mental retardation and developmental disabilities that does not initiate or support the beds' certification, funds appropriated to the Department of Mental Retardation and Developmental Disabilities for home and community-based services and supported living for which the Director is authorized to make allocations to county boards;	96274 96275 96276 96277 96278 96279 96280
(2) If the beds are located in a county served by a county board that initiates or supports the beds' certification, funds appropriated to the Department for family support services, service and support administration, and other services for which the Director is authorized to make allocations to counties.	96281 96282 96283 96284 96285
(C) The funds that the Director transfers under division (B)(2) of this section shall be funds that the Director has allocated to the county board serving the county in which the beds are located unless the amount of the allocation is insufficient to pay the entire nonfederal share of the cost under the Medicaid Program for those beds. If the allocation is insufficient, the Director shall use as much of such funds allocated to other counties as is needed to make up the difference.	96286 96287 96288 96289 96290 96291 96292 96293
Section 209.09.24. HABILITATION CENTERS PROVIDING MEDICAID CASE MANAGEMENT SERVICES	96294 96295
A habilitation center holding on June 30, 2005, a valid certificate issued under former section 5123.041 of the Revised Code may provide Medicaid case management services until the earlier of the following:	96296 96297 96298 96299
(A) The date the United States Secretary of Health and Human Services approves an amendment to the state Medicaid plan that provides that only county boards of mental retardation and	96300 96301 96302

developmental disabilities may provide Medicaid case management services; 96303
96304

(B) The habilitation center ceases to meet the requirements that were in effect on June 30, 2005, for the certificate issued under former section 5123.041 of the Revised Code. 96305
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Section 209.09.27. INTENT OF SECTION 5123.045 OF THE REVISED CODE 96308
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(A) A person or government entity described in division (A) of section 5123.045 of the Revised Code shall not receive payment for home and community-based services unless both of the following are the case: 96310
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(1) The individuals who receive the services reside with not more than three other individuals with mental retardation or an other developmental disability unless the individuals are related by blood or marriage. 96314
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(2) Except as provided in division (B) of this section, the person or government entity does not provide to the individuals who receive the services a residence and home and community-based services. 96318
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(B) A person described in division (A) of section 5123.045 of the Revised Code may receive payment for home and community-based services and provide a residence to the individuals who receive the services if one of the following is the case: 96322
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(1) The person lives in the residence and provides the services to not more than three individuals who reside in the residence at any one time. 96326
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(2) The person is an association of family members related to two or more of the individuals who reside in the residence and provides the services to not more than four individuals who reside in the residence at any one time. 96329
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Section 209.12. MIH COMMISSION ON MINORITY HEALTH				96333
General Revenue Fund				96334
GRF 149-321 Operating Expenses	\$	539,319	\$ 539,319	96335
GRF 149-501 Minority Health Grants	\$	670,965	\$ 670,965	96336
GRF 149-502 Lupus Program	\$	136,126	\$ 136,126	96337
TOTAL GRF General Revenue Fund	\$	1,346,410	\$ 1,346,410	96338
Federal Special Revenue Fund Group				96339
3J9 149-602 Federal Grants	\$	150,000	\$ 150,000	96340
TOTAL FED Federal Special Revenue				96341
Fund Group	\$	150,000	\$ 150,000	96342
State Special Revenue Fund Group				96343
4C2 149-601 Minority Health	\$	250,000	\$ 150,000	96344
Conference				
TOTAL SSR State Special Revenue				96345
Fund Group	\$	250,000	\$ 150,000	96346
TOTAL ALL BUDGET FUND GROUPS	\$	1,746,410	\$ 1,646,410	96347
LUPUS PROGRAM				96348
The foregoing appropriation item 149-502, Lupus Program,				96349
shall be used to provide grants for programs in patient, public,				96350
and professional education on the subject of systemic lupus				96351
erythematosus; to encourage and develop local centers on lupus				96352
information gathering and screening; and to provide outreach to				96353
minority women.				96354
Section 209.15. CRB MOTOR VEHICLE COLLISION REPAIR				96355
REGISTRATION BOARD				96356
General Service Fund Group				96357
5H9 865-609 Operating Expenses -	\$	325,047	\$ 0	96358
CRB				
TOTAL GSF General Services				96359

Fund Group	\$	325,047	\$	0	96360
TOTAL ALL BUDGET FUND GROUPS	\$	325,047	\$	0	96361

Section 209.18. DNR DEPARTMENT OF NATURAL RESOURCES 96363

General Revenue Fund					96364
GRF 725-401 Wildlife-GRF Central	\$	1,000,000	\$	1,000,000	96365
Support					
GRF 725-404 Fountain Square Rental	\$	1,025,300	\$	1,092,000	96366
Payments - OBA					
GRF 725-407 Conservation Reserve	\$	1,000,000	\$	1,000,000	96367
Enhancement Program					
GRF 725-413 OPFC Lease Rental	\$	18,699,100	\$	20,962,800	96368
Payments					
GRF 725-423 Stream and Ground	\$	311,910	\$	311,910	96369
Water Gauging					
GRF 725-425 Wildlife License	\$	646,319	\$	646,319	96370
Reimbursement					
GRF 725-456 Canal Lands	\$	332,859	\$	332,859	96371
GRF 725-502 Soil and Water	\$	9,836,436	\$	9,836,436	96372
Districts					
GRF 725-903 Natural Resources	\$	25,866,000	\$	24,359,100	96373
General Obligation					
Debt Service					
GRF 727-321 Division of Forestry	\$	8,541,511	\$	8,541,511	96374
GRF 728-321 Division of Geological	\$	1,630,000	\$	1,630,000	96375
Survey					
GRF 729-321 Office of Information	\$	440,895	\$	440,895	96376
Technology					
GRF 730-321 Division of Parks and	\$	37,874,841	\$	39,874,841	96377
Recreation					
GRF 731-321 Office of Coastal	\$	259,707	\$	259,707	96378
Management					
GRF 733-321 Division of Water	\$	3,257,619	\$	3,207,619	96379

GRF 736-321	Division of Engineering	\$	3,118,703	\$	3,118,703	96380
GRF 737-321	Division of Soil and Water	\$	4,074,788	\$	4,074,788	96381
GRF 738-321	Division of Real Estate and Land Management	\$	2,291,874	\$	2,291,874	96382
GRF 741-321	Division of Natural Areas and Preserves	\$	3,009,505	\$	3,009,505	96383
GRF 744-321	Division of Mineral Resources Management	\$	3,068,167	\$	3,068,167	96384
TOTAL GRF	General Revenue Fund	\$	126,285,534	\$	129,059,034	96385
	General Services Fund Group					96386
155 725-601	Departmental Projects	\$	3,135,821	\$	3,011,726	96387
157 725-651	Central Support Indirect	\$	6,528,675	\$	6,528,675	96388
204 725-687	Information Services	\$	4,676,627	\$	4,676,627	96389
206 725-689	REALM Support Services	\$	475,000	\$	475,000	96390
207 725-690	Real Estate Services	\$	64,000	\$	64,000	96391
223 725-665	Law Enforcement Administration	\$	2,096,225	\$	2,096,225	96392
227 725-406	Parks Projects Personnel	\$	175,000	\$	110,000	96393
4D5 725-618	Recycled Materials	\$	50,000	\$	50,000	96394
4S9 725-622	NatureWorks Personnel	\$	472,648	\$	307,648	96395
4X8 725-662	Water Resources Council	\$	125,000	\$	125,000	96396
430 725-671	Canal Lands	\$	797,582	\$	847,582	96397
508 725-684	Natural Resources Publications	\$	157,792	\$	157,792	96398
510 725-631	Maintenance - State-owned Residences	\$	260,849	\$	260,849	96399
516 725-620	Water Management	\$	2,442,956	\$	2,459,120	96400

635	725-664	Fountain Square	\$	3,182,223	\$	3,190,223	96401
		Facilities Management					
697	725-670	Submerged Lands	\$	542,011	\$	542,011	96402
TOTAL GSF General Services							96403
Fund Group			\$	25,182,409	\$	24,902,478	96404
Federal Special Revenue Fund Group							96405
3B3	725-640	Federal Forest	\$	150,000	\$	150,000	96406
		Pass-Thru					
3B4	725-641	Federal Flood	\$	350,000	\$	350,000	96407
		Pass-Thru					
3B5	725-645	Federal Abandoned Mine	\$	14,310,497	\$	14,307,666	96408
		Lands					
3B6	725-653	Federal Land and Water	\$	5,000,000	\$	5,000,000	96409
		Conservation Grants					
3B7	725-654	Reclamation -	\$	2,107,292	\$	2,107,291	96410
		Regulatory					
3P0	725-630	Natural Areas and	\$	315,000	\$	315,000	96411
		Preserves - Federal					
3P1	725-632	Geological Survey -	\$	479,651	\$	479,651	96412
		Federal					
3P2	725-642	Oil and Gas-Federal	\$	362,933	\$	367,912	96413
3P3	725-650	Coastal Management -	\$	1,592,923	\$	1,607,686	96414
		Federal					
3P4	725-660	Water - Federal	\$	419,766	\$	420,525	96415
3R5	725-673	Acid Mine Drainage	\$	2,225,000	\$	2,225,000	96416
		Abatement/Treatment					
3Z5	725-657	REALM-Federal	\$	1,578,871	\$	1,578,871	96417
328	725-603	Forestry Federal	\$	1,813,827	\$	2,228,081	96418
332	725-669	Federal Mine Safety	\$	258,102	\$	258,102	96419
		Grant					
TOTAL FED Federal Special Revenue							96420
Fund Group			\$	30,963,862	\$	31,395,785	96421

	State Special Revenue Fund Group				96422	
4J2	725-628	Injection Well Review	\$	93,957	\$ 79,957	96423
4M7	725-631	Wildfire Suppression	\$	100,000	\$ 100,000	96424
4U6	725-668	Scenic Rivers	\$	407,100	\$ 407,100	96425
		Protection				
5B3	725-674	Mining Regulation	\$	28,850	\$ 28,850	96426
5BV	725-683	Soil and Water	\$	1,850,000	\$ 1,850,000	96427
		Districts				
5P2	725-634	Wildlife Boater Angler	\$	4,200,000	\$ 3,500,000	96428
		Administration				
509	725-602	State Forest	\$	2,291,664	\$ 2,591,664	96429
511	725-646	Ohio Geological	\$	549,310	\$ 549,310	96430
		Mapping				
512	725-605	State Parks Operations	\$	26,814,288	\$ 26,814,288	96431
512	725-680	Parks Facilities	\$	2,576,240	\$ 2,576,240	96432
		Maintenance				
514	725-606	Lake Erie Shoreline	\$	612,075	\$ 657,113	96433
518	725-643	Oil and Gas Permit	\$	2,674,377	\$ 2,674,378	96434
		Fees				
518	725-677	Oil and Gas Well	\$	1,200,000	\$ 1,200,000	96435
		Plugging				
521	725-627	Off-Road Vehicle	\$	143,490	\$ 143,490	96436
		Trails				
522	725-656	Natural Areas Checkoff	\$	1,550,670	\$ 1,550,670	96437
		Funds				
526	725-610	Strip Mining	\$	1,932,492	\$ 1,932,492	96438
		Administration Fee				
527	725-637	Surface Mining	\$	2,312,815	\$ 2,322,702	96439
		Administration				
529	725-639	Unreclaimed Land Fund	\$	623,356	\$ 631,257	96440
531	725-648	Reclamation Forfeiture	\$	2,061,861	\$ 2,062,237	96441
532	725-644	Litter Control and	\$	7,100,000	\$ 7,100,000	96442
		Recycling				

Am. Sub. H. B. No. 66
As Reported by the Committee of Conference, Part II

586	725-633	Scrap Tire Program	\$	1,000,000	\$	1,000,000	96443
615	725-661	Dam Safety	\$	365,223	\$	365,223	96444
TOTAL SSR State Special Revenue							96445
Fund Group			\$	60,487,768	\$	60,136,971	96446
Clean Ohio Fund Group							96447
061	725-405	Clean Ohio Operating	\$	155,000	\$	155,000	96448
TOTAL CLF Clean Ohio Fund Group							96449
Wildlife Fund Group							96450
015	740-401	Division of Wildlife Conservation	\$	49,447,500	\$	50,447,500	96451
815	725-636	Cooperative Management Projects	\$	120,449	\$	120,449	96452
816	725-649	Wetlands Habitat	\$	966,885	\$	966,885	96453
817	725-655	Wildlife Conservation Checkoff Fund	\$	5,000,000	\$	5,000,000	96454
818	725-629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	96455
819	725-685	Ohio River Management	\$	128,584	\$	128,584	96456
TOTAL WLF Wildlife Fund Group							96457
Waterways Safety Fund Group							96458
086	725-414	Waterways Improvement	\$	3,792,343	\$	3,792,343	96459
086	725-418	Buoy Placement	\$	52,182	\$	52,182	96460
086	725-501	Waterway Safety Grants	\$	137,867	\$	137,867	96461
086	725-506	Watercraft Marine Patrol	\$	576,153	\$	576,153	96462
086	725-513	Watercraft Educational Grants	\$	366,643	\$	366,643	96463
086	739-401	Division of Watercraft	\$	20,027,909	\$	20,086,681	96464
5AW	725-682	Watercraft Revolving Loans	\$	3,000,000	\$	1,000,000	96465
TOTAL WSF Waterways Safety Fund Group							96466
Group			\$	27,953,097	\$	26,011,869	96467

Holding Account Redistribution Fund Group				96468
R17 725-659 Performance Cash Bond	\$	374,263	\$ 374,263	96469
Refunds				
R43 725-624 Forestry	\$	2,500,000	\$ 1,500,000	96470
TOTAL 090 Holding Account				96471
Redistribution Fund Group	\$	2,874,263	\$ 1,874,263	96472
Accrued Leave Liability Fund Group				96473
4M8 725-675 FOP Contract	\$	20,844	\$ 20,844	96474
TOTAL ALF Accrued Leave				96475
Liability Fund Group	\$	20,844	\$ 20,844	96476
TOTAL ALL BUDGET FUND GROUPS	\$	331,086,195	\$ 331,719,662	96477

Section 209.18.03. CENTRAL SUPPORT INDIRECT 96479

With the exception of the Division of Wildlife, whose direct 96480
and indirect central support charges shall be paid out of the 96481
General Revenue Fund from the foregoing appropriation item 96482
725-401, Wildlife-GRF Central Support, the Department of Natural 96483
Resources, with approval of the Director of Budget and Management, 96484
shall utilize a methodology for determining each division's 96485
payments into the Central Support Indirect Fund (Fund 157). The 96486
methodology used shall contain the characteristics of 96487
administrative ease and uniform application in compliance with 96488
federal grant requirements. It may include direct cost charges for 96489
specific services provided. Payments to the Central Support 96490
Indirect Fund (Fund 157) shall be made using an intrastate 96491
transfer voucher. 96492

Section 209.18.06. FOUNTAIN SQUARE 96493

The foregoing appropriation item 725-404, Fountain Square 96494
Rental Payments - OBA, shall be used by the Department of Natural 96495
Resources to meet all payments required to be made to the Ohio 96496
Building Authority during the period from July 1, 2005, to June 96497

30, 2007, pursuant to leases and agreements with the Ohio Building Authority under section 152.241 of the Revised Code, but limited to the aggregate amount of \$2,117,300. 96498
96499
96500

The Director of Natural Resources, using intrastate transfer vouchers, shall make payments to the General Revenue Fund from funds other than the General Revenue Fund to reimburse the General Revenue Fund for the other funds' shares of the lease rental payments to the Ohio Building Authority. The transfers from the non-General Revenue funds shall be made within 10 days of the payment to the Ohio Building Authority for the actual amounts necessary to fulfill the leases and agreements pursuant to section 152.241 of the Revised Code. 96501
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The foregoing appropriation item 725-664, Fountain Square Facilities Management (Fund 635), shall be used for payment of repairs, renovation, utilities, property management, and building maintenance expenses for the Fountain Square Complex. Cash transferred by intrastate transfer vouchers from various department funds and rental income received by the Department of Natural Resources shall be deposited into the Fountain Square Facilities Management Fund (Fund 635). 96510
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LEASE RENTAL PAYMENTS 96518

The foregoing appropriation item 725-413, OPFC Lease Rental Payments, shall be used to meet all payments at the times they are required to be made during the period from July 1, 2005, to June 30, 2007, by the Department of Natural Resources pursuant to leases and agreements made under section 154.22 of the Revised Code, but limited to the aggregate amount of \$50,375,100. Nothing in this act shall be deemed to contravene the obligation of the state to pay, without necessity for further appropriation, from the sources pledged thereto, the bond service charges on obligations issued pursuant to section 154.22 of the Revised Code. 96519
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NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE 96529

The foregoing appropriation item 725-903, Natural Resources 96530
General Obligation Debt Service, shall be used to pay all debt 96531
service and related financing costs at the times they are required 96532
to be made pursuant to sections 151.01 and 151.05 of the Revised 96533
Code during the period from July 1, 2005, to June 30, 2007. The 96534
Office of the Sinking Fund or the Director of Budget and 96535
Management shall effectuate the required payments by an intrastate 96536
transfer voucher. 96537

Section 209.18.09. WILDLIFE LICENSE REIMBURSEMENT 96538

Notwithstanding the limits of the transfer from the General 96539
Revenue Fund to the Wildlife Fund, as adopted in section 1533.15 96540
of the Revised Code, up to the amount available in appropriation 96541
item 725-425, Wildlife License Reimbursement, may be transferred 96542
from the General Revenue Fund to the Wildlife Fund (Fund 015). 96543
Pursuant to the certification of the Director of Budget and 96544
Management of the amount of foregone revenue in accordance with 96545
section 1533.15 of the Revised Code, the foregoing appropriation 96546
item in the General Revenue Fund, appropriation item 725-425, 96547
Wildlife License Reimbursement, shall be used to reimburse the 96548
Wildlife Fund (Fund 015) for the cost of hunting and fishing 96549
licenses and permits issued after June 30, 1990, to individuals 96550
who are exempted under the Revised Code from license, permit, and 96551
stamp fees. 96552

CANAL LANDS 96553

The foregoing appropriation item 725-456, Canal Lands, shall 96554
be used to transfer funds to the Canal Lands Fund (Fund 430) to 96555
provide operating expenses for the State Canal Lands Program. The 96556
transfer shall be made using an intrastate transfer voucher and 96557
shall be subject to the approval of the Director of Budget and 96558

Management. 96559

SOIL AND WATER DISTRICTS 96560

In addition to state payments to soil and water conservation 96561
districts authorized by section 1515.10 of the Revised Code, the 96562
Department of Natural Resources may pay to any soil and water 96563
conservation district, from authority in appropriation item 96564
725-502, Soil and Water Districts, an annual amount not to exceed 96565
\$30,000, upon receipt of a request and justification from the 96566
district and approval by the Ohio Soil and Water Conservation 96567
Commission. The county auditor shall credit the payments to the 96568
special fund established under section 1515.10 of the Revised Code 96569
for the local soil and water conservation district. Moneys 96570
received by each district shall be expended for the purposes of 96571
the district. The foregoing appropriation item 725-683, Soil and 96572
Water Districts, shall be expended for the purposes described 96573
above, except that the funding source for this appropriation shall 96574
be a fee applied on the disposal of construction and demolition 96575
debris as provided in section 1515.14 of the Revised Code, as 96576
amended by this act. 96577

Of the foregoing appropriation item 725-502, Soil and Water 96578
Districts, \$25,000 in each fiscal year shall be used for the 96579
Conservation Action Project. 96580

Of the foregoing appropriation item, 725-683, Soil and Water 96581
Districts, \$200,000 in each fiscal year shall be used to support 96582
the Heidelberg College Water Quality Laboratory. 96583

Of the foregoing appropriation item 725-683, Soil and Water 96584
Districts, \$100,000 in each fiscal year shall be used to support 96585
the Muskingum Watershed Conservancy District. 96586

Of the foregoing appropriation item 725-683, Soil and Water 96587
Districts, \$100,000 in each fiscal year shall be used to support 96588
the Indian Lake Watershed in Logan County. 96589

DIVISION OF WATER 96590

Of the foregoing appropriation item 733-321, Division of 96591
Water, \$50,000 in fiscal year 2006 shall be used for the Fairport 96592
Harbor Port Authority boat launch in Lake County. 96593

FUND CONSOLIDATION 96594

The Director of Budget and Management shall transfer an 96595
amount certified by the Director of Natural Resources from the 96596
Central Support Indirect Fund (Fund 157) to the Law Enforcement 96597
Administration Fund (Fund 223) and the Information Services Fund 96598
(Fund 204) to implement a direct cost recovery plan. 96599

STATE PARK DEPRECIATION RESERVE 96600

The foregoing appropriation item 725-680, Parks Facilities 96601
Maintenance, shall be used by the Division of Parks and Recreation 96602
to maintain state park revenue producing facilities in the best 96603
economic operating condition and to repair and replace equipment 96604
used in the operation of state park revenue producing facilities. 96605

Upon certification of the Director of Natural Resources, the 96606
Director of Budget and Management shall transfer the cash balance 96607
in the Depreciation Reserve Fund (Fund 161), which is abolished in 96608
section 1541.221 of the Revised Code, as amended by this act, to 96609
the State Park Fund (Fund 512), which is created in section 96610
1541.22 of the Revised Code. All outstanding encumbrances shall be 96611
cancelled on October 1, 2005. 96612

OIL AND GAS WELL PLUGGING 96613

The foregoing appropriation item 725-677, Oil and Gas Well 96614
Plugging, shall be used exclusively for the purposes of plugging 96615
wells and to properly restore the land surface of idle and orphan 96616
oil and gas wells pursuant to section 1509.071 of the Revised 96617
Code. No funds from the appropriation item shall be used for 96618
salaries, maintenance, equipment, or other administrative 96619

purposes, except for those costs directly attributed to the 96620
plugging of an idle or orphan well. Appropriation authority from 96621
this appropriation item shall not be transferred to any other fund 96622
or line item. 96623

LITTER CONTROL AND RECYCLING 96624

Of the foregoing appropriation item, 725-644, Litter Control 96625
and Recycling, not more than \$1,500,000 may be used in each fiscal 96626
year for the administration of the Recycling and Litter Prevention 96627
program. 96628

CLEAN OHIO OPERATING EXPENSES 96629

The foregoing appropriation item 725-405, Clean Ohio 96630
Operating, shall be used by the Department of Natural Resources in 96631
administering section 1519.05 of the Revised Code. 96632

WATERCRAFT MARINE PATROL 96633

Of the foregoing appropriation item 739-401, Division of 96634
Watercraft, not more than \$200,000 in each fiscal year shall be 96635
expended for the purchase of equipment for marine patrols 96636
qualifying for funding from the Department of Natural Resources 96637
pursuant to section 1547.67 of the Revised Code. Proposals for 96638
equipment shall accompany the submission of documentation for 96639
receipt of a marine patrol subsidy pursuant to section 1547.67 of 96640
the Revised Code and shall be loaned to eligible marine patrols 96641
pursuant to a cooperative agreement between the Department of 96642
Natural Resources and the eligible marine patrol. 96643

WATERCRAFT REVOLVING LOAN PROGRAM 96644

Upon certification by the Director of Natural Resources, the 96645
Director of Budget and Management shall transfer an amount not to 96646
exceed \$3,000,000 in fiscal year 2006 and not to exceed \$1,000,000 96647
in fiscal year 2007 so certified from the Waterways Safety Fund 96648
(Fund 086) to the Watercraft Revolving Loans Fund (Fund 5AW). The 96649

moneys shall be used pursuant to section 1547.721 of the Revised Code. 96650
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PARKS CAPITAL EXPENSES FUND 96652

There is hereby created in the state treasury the Parks Capital Expenses Fund (Fund 227). The fund shall be used to pay for design, engineering, and planning costs incurred by the Department of Natural Resources for capital parks projects. 96653
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The Director of Natural Resources shall submit to the Director of Budget and Management the estimated design, engineering, and planning costs of capital-related work to be done by Department of Natural Resources staff for parks projects. If the Director of Budget and Management approves the estimated costs, the Director may release appropriations from appropriation item 725-406, Parks Projects Personnel, for those purposes. Upon release of the appropriations, the Department of Natural Resources shall pay for these expenses from the Parks Capital Expenses Fund (Fund 227). Expenses paid from Fund 227 shall be reimbursed by the Parks and Recreation Improvement Fund (Fund 035) using an intrastate transfer voucher. 96657
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Section 209.21. NUR STATE BOARD OF NURSING 96669

General Services Fund Group				96670	
4K9 884-609 Operating Expenses	\$	5,661,280	\$	5,661,280	96671
5P8 884-601 Nursing Special Issues	\$	5,000	\$	5,000	96672
TOTAL GSF General Services Fund Group				96673	
	\$	5,666,280	\$	5,666,280	96674
TOTAL ALL BUDGET FUND GROUPS	\$	5,666,280	\$	5,666,280	96675

NURSING SPECIAL ISSUES 96676

The foregoing appropriation item 884-601, Nursing Special Issues (Fund 5P8), shall be used to pay the costs the Board of Nursing incurs in implementing section 4723.062 of the Revised 96677
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Code.				96680
Section 209.24. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND ATHLETIC TRAINERS BOARD				96681
				96682
General Services Fund Group				96683
4K9 890-609 Operating Expenses	\$	824,057	\$	0 96684
TOTAL GSF General Services Fund	\$	824,057	\$	0 96685
Group				
TOTAL ALL BUDGET FUND GROUPS	\$	824,057	\$	0 96686
Section 209.27. OLA OHIOANA LIBRARY ASSOCIATION				96688
General Revenue Fund				96689
GRF 355-501 Library Subsidy	\$	200,000	\$ 200,000	96690
TOTAL GRF General Revenue Fund	\$	200,000	\$ 200,000	96691
TOTAL ALL BUDGET FUND GROUPS	\$	200,000	\$ 200,000	96692
Section 209.30. ODB OHIO OPTICAL DISPENSERS BOARD				96694
General Services Fund Group				96695
4K9 894-609 Operating Expenses	\$	316,517	\$	0 96696
TOTAL GSF General Services				96697
Fund Group	\$	316,517	\$	0 96698
TOTAL ALL BUDGET FUND GROUPS	\$	316,517	\$	0 96699
Section 209.33. OPT STATE BOARD OF OPTOMETRY				96701
General Services Fund Group				96702
4K9 885-609 Operating Expenses	\$	336,771	\$	0 96703
TOTAL GSF General Services				96704
Fund Group	\$	336,771	\$	0 96705
TOTAL ALL BUDGET FUND GROUPS	\$	336,771	\$	0 96706
Section 209.36. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, AND PEDORTHICS				96708
				96709

General Services Fund Group				96710
4K9 973-609 Operating Expenses	\$	99,571	\$	0 96711
TOTAL GSF General Services				96712
Fund Group	\$	99,571	\$	0 96713
TOTAL ALL BUDGET FUND GROUPS	\$	99,571	\$	0 96714

Section 209.39. PBR STATE PERSONNEL BOARD OF REVIEW 96715

General Revenue Fund				96716
GRF 124-321 Operating	\$	1,116,170	\$ 1,148,000	96717
TOTAL GRF General Revenue Fund	\$	1,116,170	\$ 1,148,000	96718
General Services Fund Group				96719
636 124-601 Transcript and Other	\$	12,000	\$ 15,000	96720
TOTAL GSF General Services				96721
Fund Group	\$	12,000	\$ 15,000	96722
TOTAL ALL BUDGET FUND GROUPS	\$	1,128,170	\$ 1,163,000	96723

TRANSCRIPT AND OTHER 96724

The foregoing appropriation item 124-601, Transcript and 96725
Other, may be used to defray the costs of producing an 96726
administrative record. 96727

Section 209.42. PRX STATE BOARD OF PHARMACY 96728

General Services Fund Group				96729
4A5 887-605 Drug Law Enforcement	\$	75,550	\$ 75,550	96730
4K9 887-609 Operating Expenses	\$	5,650,537	\$ 5,400,537	96731
TOTAL GSF General Services				96732
Fund Group	\$	5,726,087	\$ 5,476,087	96733
TOTAL ALL BUDGET FUND GROUPS	\$	5,726,087	\$ 5,476,087	96734

Section 209.45. PSY STATE BOARD OF PSYCHOLOGY 96736

General Services Fund Group				96737
4K9 882-609 Operating Expenses	\$	566,112	\$	0 96738

TOTAL GSF General Services				96739
Fund Group	\$	566,112	\$	0 96740
TOTAL ALL BUDGET FUND GROUPS	\$	566,112	\$	0 96741
Section 209.48. PUB OHIO PUBLIC DEFENDER COMMISSION				96743
General Revenue Fund				96744
GRF 019-321 Public Defender	\$	1,295,570	\$	1,262,439 96745
Administration				
GRF 019-401 State Legal Defense	\$	5,744,601	\$	5,704,117 96746
Services				
GRF 019-403 Multi-County: State	\$	823,620	\$	823,620 96747
Share				
GRF 019-404 Trumbull County -	\$	256,380	\$	256,380 96748
State Share				
GRF 019-405 Training Account	\$	31,324	\$	31,324 96749
GRF 019-501 County Reimbursement	\$	30,000,000	\$	30,000,000 96750
TOTAL GRF General Revenue Fund	\$	38,151,495	\$	38,077,880 96751
General Services Fund Group				96752
101 019-602 Inmate Legal	\$	53,086	\$	32,338 96753
Assistance				
406 019-603 Training and	\$	16,000	\$	16,000 96754
Publications				
407 019-604 County Representation	\$	186,146	\$	188,810 96755
408 019-605 Client Payments	\$	614,027	\$	762,106 96756
TOTAL GSF General Services				96757
Fund Group	\$	869,259	\$	999,254 96758
Federal Special Revenue Fund Group				96759
3S8 019-608 Federal Representation	\$	380,484	\$	315,287 96760
TOTAL FED Federal Special Revenue				96761
Fund Group	\$	380,484	\$	315,287 96762
State Special Revenue Fund Group				96763
4C7 019-601 Multi-County: County	\$	2,028,309	\$	2,104,367 96764

	Share				
4X7	019-610	Trumbull County -	\$	642,106	\$ 665,860 96765
		County Share			
574	019-606	Legal Services	\$	16,575,000	\$ 21,300,000 96766
		Corporation			
5CX	019-617	Civil Case Filing Fee	\$	417,600	\$ 556,800 96767
TOTAL SSR State Special Revenue					96768
Fund Group			\$	19,663,015	\$ 24,627,027 96769
TOTAL ALL BUDGET FUND GROUPS			\$	59,064,253	\$ 64,019,448 96770
INDIGENT DEFENSE OFFICE					96771
The foregoing appropriation items 019-404, Trumbull County -					96772
State Share, and 019-610, Trumbull County - County Share, shall be					96773
used to support an indigent defense office for Trumbull County.					96774
MULTI-COUNTY OFFICE					96775
The foregoing appropriation items 019-403, Multi-County:					96776
State Share, and 019-601, Multi-County: County Share, shall be					96777
used to support the Office of the Ohio Public Defender's					96778
Multi-County Branch Office Program.					96779
TRAINING ACCOUNT					96780
The foregoing appropriation item 019-405, Training Account,					96781
shall be used by the Ohio Public Defender to provide legal					96782
training programs at no cost for private appointed counsel who					96783
represent at least one indigent defendant at no cost and for state					96784
and county public defenders and attorneys who contract with the					96785
Ohio Public Defender to provide indigent defense services.					96786
FEDERAL REPRESENTATION					96787
The foregoing appropriation item 019-608, Federal					96788
Representation, shall be used to receive reimbursements from the					96789
federal courts when the Ohio Public Defender provides					96790
representation in federal court cases and to support					96791

representation in such cases.				96792
Section 209.51. DHS DEPARTMENT OF PUBLIC SAFETY				96793
General Revenue Fund				96794
GRF 763-403	Operating Expenses -	\$ 4,164,697	\$ 4,164,697	96795
	EMA			
GRF 763-507	Individual and	\$ 650,000	\$ 650,000	96796
	Households Program -			
	State			
GRF 768-424	Operating Expenses -	\$ 965,899	\$ 1,276,192	96797
	CJS			
GRF 769-321	Food Stamp Trafficking	\$ 752,000	\$ 752,000	96798
	Enforcement Operations			
TOTAL GRF	General Revenue Fund	\$ 6,532,596	\$ 6,842,889	96799
General Services Fund Group				96800
4P6 768-601	Justice Program	\$ 100,000	\$ 100,000	96801
	Services			
TOTAL GSF	General Services Fund	\$ 100,000	\$ 100,000	96802
Group				
Federal Special Revenue Fund Group				96803
3AY 768-606	Federal Justice Grants	\$ 11,200,000	\$ 11,500,000	96804
3L5 768-604	Justice Program	\$ 31,019,750	\$ 25,214,623	96805
3V8 768-605	Federal Program	\$ 50,000	\$ 0	96806
	Purposes FFY01			
TOTAL FED	Federal Special Revenue	\$ 42,269,750	\$ 36,714,623	96807
Fund Group				
State Special Revenue Fund Group				96808
5BK 768-689	Family Violence	\$ 500,000	\$ 650,000	96809
	Shelter Programs			
5B9 766-632	PI & Security Guard	\$ 1,188,716	\$ 1,188,716	96810
	Provider			

5CC 768-607 Public Safety Services	\$	375,000	\$	325,000	96811
TOTAL SSR State Special Revenue	\$	2,063,716	\$	2,163,716	96812
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	50,966,062	\$	45,821,228	96813
OHIO TASK FORCE ONE - URBAN SEARCH AND RESCUE UNIT					96814
Of the foregoing appropriation item 763-403, Operating					96815
Expenses - EMA, \$200,000 in each fiscal year shall be used to fund					96816
the Ohio Task Force One - Urban Search and Rescue Unit and other					96817
urban search and rescue programs around the state to create a					96818
stronger search and rescue capability statewide.					96819
INDIVIDUAL AND HOUSEHOLDS GRANTS STATE MATCH					96820
The foregoing appropriation item 763-507, Individual and					96821
Households Program - State, shall be used to fund the state share					96822
of costs to provide grants to individuals and households in cases					96823
of disaster.					96824
TRANSFER OF THE OFFICE OF CRIMINAL JUSTICE SERVICES TO THE					96825
DEPARTMENT OF PUBLIC SAFETY					96826
(A) On July 1, 2005:					96827
(1) The Office of Criminal Justice Services shall cease to					96828
exist. Subject to the layoff provisions of sections 124.321 to					96829
124.328 of the Revised Code, the employees of the Office of					96830
Criminal Justice Services who were employed by that Office on June					96831
30, 2005, are transferred on that date to the Department of Public					96832
Safety. The vehicles and equipment assigned to those employees are					96833
transferred to the Department of Public Safety.					96834
(2) The assets, liabilities, other equipment not provided					96835
for, and records, irrespective of form or medium, of the Office of					96836
Criminal Justice Services are transferred to the Division of					96837
Criminal Justice Services. The Division of Criminal Justice					96838
Services is the successor to, assumes the obligations of, and					96839

otherwise constitutes the continuation of the Office of Criminal
Justice Services. 96840
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(3) Business commenced but not completed by the Office of
Criminal Justice Services on July 1, 2005, shall be completed by
the Division of Criminal Justice Services, in the same manner, and
with the same effect, as if completed by the Office of Criminal
Justice Services. No validation, cure, right, privilege, remedy,
obligation, or liability is lost or impaired by reason of the
transfer required by this section but shall be administered by the
Division of Criminal Justice Services. 96842
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(4) The rules, orders, and determinations pertaining to the
Office of Criminal Justice Services continue in effect as rules,
orders, and determinations of the Division of Criminal Justice
Services until modified or rescinded by that Division. 96850
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(5) No judicial or administrative action or proceeding
pending on July 1, 2005, is affected by the transfer of functions
from the Office of Criminal Justice Services to the Division of
Criminal Justice Services and shall be prosecuted or defended in
the name of the Executive Director or Division of Criminal Justice
Services. On application to the court or other tribunal, the
Executive Director or Division of Criminal Justice Services shall
be substituted as a party in those actions and proceedings. 96854
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(6) When the Director or Office of Criminal Justice Services
is referred to in any statute, rule, contract, grant, or other
document, the reference is hereby deemed to refer to the Executive
Director or Division of Criminal Justice Services. 96862
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(B) On and after July 1, 2005, if necessary to ensure the
integrity of the numbering of the Administrative Code, the
Director of the Legislative Service Commission shall renumber the
rules of the Office of Criminal Justice Services to reflect their
transfer to the Division of Criminal Justice Services in the 96866
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Department of Public Safety. 96871

(C) On and after July 1, 2005, notwithstanding any provision 96872
of law to the contrary, the Director of Budget and Management is 96873
authorized to take the actions described in this section with 96874
respect to budget changes made necessary by administrative 96875
reorganization, program transfers, the creation of new funds, and 96876
the consolidation of funds as authorized by this act. The Director 96877
may make any transfer of cash balances between funds. At the 96878
request of the Director of Budget and Management, the 96879
administering agency head shall certify to the Director an 96880
estimate of the amount of the cash balance to be transferred to 96881
the receiving fund. The Director may transfer the estimated amount 96882
when needed to make payments. Not more than thirty days after 96883
certifying the estimated amount, the administering agency head 96884
shall certify the final amount to the Director. The Director shall 96885
transfer the difference between any amount previously transferred 96886
and the certified final amount. The Director may cancel 96887
encumbrances and re-establish encumbrances or parts of 96888
encumbrances as needed in fiscal year 2006 in the appropriate fund 96889
and appropriation item for the same purpose and to the same 96890
vendor. As determined by the Director, the appropriation authority 96891
necessary to re-establish those encumbrances in fiscal year 2006 96892
in a different fund or appropriation item within an agency or 96893
between agencies is hereby authorized. The Director shall reduce 96894
each year's appropriation balances by the amount of the 96895
encumbrances canceled in their respective funds and appropriation 96896
items. Any fiscal year 2005 unencumbered or unallocated 96897
appropriation balances may be transferred to the appropriate item 96898
to be used for the same purposes, as determined by the Director. 96899

(D) Any advisory committees appointed by the Governor to 96900
assist the Office of Criminal Justice Services pursuant to section 96901
181.53 and existing on June 30, 2005, shall continue to exist as 96902

advisory committees to the Division of Criminal Justice Services 96903
in the Department of Public Safety beginning on July 1, 2005, 96904
subject to section 121.13 of the Revised Code. 96905

TRANSFER OF FAMILY VIOLENCE PREVENTION CENTER 96906

The Family Violence Prevention Center is transferred from the 96907
Office of Criminal Justice Services to the Department of Public 96908
Safety. The Family Violence Prevention Center shall operate as 96909
part of the Division of Criminal Justice Services in the 96910
Department of Public Safety in the same manner as it operated 96911
under the Office of Criminal Justice Services. 96912

STATE FIRE MARSHAL'S FUND CASH TRANSFERS FOR PUBLIC SAFETY 96913
SERVICES 96914

Notwithstanding section 3737.71 of the Revised Code, in 96915
fiscal year 2006, the Director of Budget and Management shall 96916
transfer \$375,000 in cash from the Department of Commerce's State 96917
Fire Marshal's Fund (Fund 546) to the Department of Public 96918
Safety's Public Safety Services Fund (Fund 5CC), which is hereby 96919
created in the state treasury, and in fiscal year 2007, the 96920
Director of Budget and Management shall transfer \$325,000 in cash 96921
from the Department of Commerce's State Fire Marshal's Fund (Fund 96922
546) to the Department of Public Safety's Public Safety Services 96923
Fund (Fund 5CC). 96924

Of the foregoing appropriation item 768-607, Public Safety 96925
Services, \$100,000 in fiscal year 2006 and \$200,000 in fiscal year 96926
2007 shall be distributed by the Department of Public Safety's 96927
Division of Criminal Justice Services to the City of Warren to 96928
assist the city in providing essential public safety services to 96929
its citizens. 96930

Of the foregoing appropriation item 768-607, Public Safety 96931
Services, \$125,000 in each fiscal year shall be distributed by the 96932
Department of Public Safety's Division of Criminal Justice 96933

Services directly to the Southern Ohio Drug Task Force.				96934
Of the foregoing appropriation item 768-607, Public Safety				96935
Services, \$150,000 in fiscal year 2006 shall be distributed by the				96936
Department of Public Safety's Division of Criminal Justice				96937
Services to the City of Eastlake to assist the city in providing				96938
essential public safety services to its citizens.				96939
Section 209.54. PUC PUBLIC UTILITIES COMMISSION OF OHIO				96940
General Services Fund Group				96941
5F6 870-622 Utility and Railroad	\$	31,272,222	\$	31,272,223
Regulation				96942
5F6 870-624 NARUC/NRRI Subsidy	\$	167,233	\$	167,233
5F6 870-625 Motor Transportation	\$	5,361,239	\$	5,361,238
Regulation				96944
TOTAL GSF General Services				96945
Fund Group	\$	36,800,694	\$	36,800,694
Federal Special Revenue Fund Group				96947
3V3 870-604 Commercial Vehicle	\$	300,000	\$	300,000
Information				96948
Systems/Networks				
333 870-601 Gas Pipeline Safety	\$	597,957	\$	597,957
350 870-608 Motor Carrier Safety	\$	7,027,712	\$	7,027,712
TOTAL FED Federal Special Revenue				96951
Fund Group	\$	7,925,669	\$	7,925,669
State Special Revenue Fund Group				96953
4A3 870-614 Grade Crossing	\$	1,349,757	\$	1,349,757
Protection				96954
Devices-State				
4L8 870-617 Pipeline Safety-State	\$	187,621	\$	187,621
4S6 870-618 Hazardous Material	\$	464,325	\$	464,325
Registration				96956

4S6	870-621	Hazardous Materials	\$	373,346	\$	373,346	96957
		Base State					
		Registration					
4U8	870-620	Civil Forfeitures	\$	284,986	\$	284,986	96958
5BP	870-623	Wireless 911	\$	650,000	\$	375,000	96959
		Administration					
559	870-605	Public Utilities	\$	4,000	\$	4,000	96960
		Territorial					
		Administration					
560	870-607	Special Assessment	\$	100,000	\$	100,000	96961
561	870-606	Power Siting Board	\$	337,210	\$	337,210	96962
638	870-611	Biomass Energy Program	\$	40,000	\$	40,000	96963
661	870-612	Hazardous Materials	\$	900,000	\$	900,000	96964
		Transportation					
TOTAL SSR State Special Revenue							96965
Fund Group			\$	4,691,245	\$	4,416,245	96966
Agency Fund Group							96967
4G4	870-616	Base State	\$	5,600,000	\$	5,600,000	96968
		Registration Program					
TOTAL AGY Agency Fund Group			\$	5,600,000	\$	5,600,000	96969
TOTAL ALL BUDGET FUND GROUPS			\$	55,017,608	\$	54,742,608	96970
COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS PROJECT							96971
The Commercial Vehicle Information Systems and Networks Fund							96972
is hereby created in the state treasury. The fund shall receive							96973
funding from the United States Department of Transportation's							96974
Commercial Vehicle Intelligent Transportation System							96975
Infrastructure Deployment Program and shall be used to deploy the							96976
Ohio Commercial Vehicle Information Systems and Networks Project							96977
and to expedite and improve the safety of motor carrier operations							96978
through electronic exchange of data by means of on-highway							96979
electronic systems.							96980
ENHANCED AND WIRELESS ENHANCED 9-1-1							96981

The foregoing appropriation item 870-623, Wireless 911 Administration, shall be used pursuant to section 4931.63 of the Revised Code.

Section 209.57. PWC PUBLIC WORKS COMMISSION

General Revenue Fund

GRF 150-904 Conservation General Obligation Debt Service

GRF 150-907 State Capital Improvements

General Obligation Debt Service

TOTAL GRF General Revenue Fund

Clean Ohio Fund Group

056 150-403 Clean Ohio Operating Expenses

TOTAL 056 Clean Ohio Fund Group

TOTAL ALL BUDGET FUND GROUPS

CONSERVATION GENERAL OBLIGATION DEBT SERVICE

The foregoing appropriation item 150-904, Conservation General Obligation Debt Service, shall be used to pay all debt service and related financing costs at the times they are required to be made under sections 151.01 and 151.09 of the Revised Code during the period from July 1, 2005, to June 30, 2007. The Office of the Sinking Fund or the Director of Budget and Management shall effectuate the required payments by intrastate transfer voucher.

STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE

The foregoing appropriation item 150-907, State Capital Improvements General Obligation Debt Service, shall be used to pay all debt service and related financing costs at the times they are

required to be made under sections 151.01 and 151.08 of the Revised Code during the period from July 1, 2005, to June 30, 2007. The Office of the Sinking Fund or the Director of Budget and Management shall effectuate the required payments by intrastate transfer voucher.

REIMBURSEMENT TO THE GENERAL REVENUE FUND

(A) On or before June 1, 2007, the Director of the Public Works Commission shall certify to the Director of Budget and Management the following:

(1) The total amount disbursed from appropriation item 700-409, Farmland Preservation, during the 2005-2007 biennium; and

(2) The amount of interest earnings that have been credited to the Clean Ohio Conservation Fund (Fund 056) that are in excess of the amount needed for other purposes as calculated by the Director of the Public Works Commission.

(B) If the Director of Budget and Management determines under division (A)(2) of this section that there are excess interest earnings, the Director of Budget and Management shall, on or before June 1, 2007, transfer the excess interest earnings to the General Revenue Fund in an amount equal to the total amount disbursed under division (A)(1) of this section from the Clean Ohio Conservation Fund.

CLEAN OHIO OPERATING EXPENSES

The foregoing appropriation item 150-403, Clean Ohio Operating Expenses, shall be used by the Ohio Public Works Commission in administering sections 164.20 to 164.27 of the Revised Code.

Section 209.60. RAC STATE RACING COMMISSION

State Special Revenue Fund Group

5C4	875-607	Simulcast Horse Racing	\$	17,061,489	\$	17,063,948	97036
		Purse					
562	875-601	Thoroughbred Race Fund	\$	4,642,378	\$	4,642,378	97037
563	875-602	Standardbred	\$	3,161,675	\$	3,161,675	97038
		Development Fund					
564	875-603	Quarterhorse	\$	2,000	\$	2,000	97039
		Development Fund					
565	875-604	Racing Commission	\$	4,000,000	\$	4,000,000	97040
		Operating					
TOTAL SSR State Special Revenue							97041
Fund Group			\$	28,867,542	\$	28,870,001	97042
Holding Account Redistribution Fund Group							97043
R21	875-605	Bond Reimbursements	\$	212,900	\$	212,900	97044
TOTAL 090 Holding Account							97045
Redistribution							
Fund Group			\$	212,900	\$	212,900	97046
TOTAL ALL BUDGET FUND GROUPS			\$	29,080,442	\$	29,082,901	97047
 Section 209.63. BOR BOARD OF REGENTS							97049
General Revenue Fund							97050
GRF	235-321	Operating Expenses	\$	2,897,659	\$	2,966,351	97051
GRF	235-401	Lease Rental Payments	\$	200,619,200	\$	200,795,300	97052
GRF	235-402	Sea Grants	\$	231,925	\$	231,925	97053
GRF	235-406	Articulation and	\$	2,900,000	\$	2,900,000	97054
		Transfer					
GRF	235-408	Midwest Higher	\$	90,000	\$	90,000	97055
		Education Compact					
GRF	235-409	Information System	\$	1,146,510	\$	1,175,172	97056
GRF	235-414	State Grants and	\$	1,352,811	\$	1,382,881	97057
		Scholarship					
		Administration					
GRF	235-415	Jobs Challenge	\$	9,348,300	\$	9,348,300	97058

GRF 235-417	Ohio Learning Network	\$	3,119,496	\$	3,119,496	97059
GRF 235-418	Access Challenge	\$	73,513,302	\$	73,004,671	97060
GRF 235-420	Success Challenge	\$	52,601,934	\$	52,601,934	97061
GRF 235-428	Appalachian New Economy Partnership	\$	1,176,068	\$	1,176,068	97062
GRF 235-433	Economic Growth Challenge	\$	20,343,097	\$	23,186,194	97063
GRF 235-434	College Readiness and Access	\$	6,375,975	\$	7,655,425	97064
GRF 235-435	Teacher Improvement Initiatives	\$	2,697,506	\$	2,697,506	97065
GRF 235-451	Eminent Scholars	\$	0	\$	1,370,988	97066
GRF 235-455	EnterpriseOhio Network	\$	1,373,941	\$	1,373,941	97067
GRF 235-474	Area Health Education Centers Program Support	\$	1,571,756	\$	1,571,756	97068
GRF 235-501	State Share of Instruction	\$	1,559,096,031	\$	1,589,096,031	97069
GRF 235-502	Student Support Services	\$	795,790	\$	795,790	97070
GRF 235-503	Ohio Instructional Grants	\$	121,151,870	\$	92,496,969	97071
GRF 235-504	War Orphans Scholarships	\$	4,672,321	\$	4,672,321	97072
GRF 235-507	OhioLINK	\$	6,887,824	\$	6,887,824	97073
GRF 235-508	Air Force Institute of Technology	\$	1,925,345	\$	1,925,345	97074
GRF 235-510	Ohio Supercomputer Center	\$	4,271,195	\$	4,271,195	97075
GRF 235-511	Cooperative Extension Service	\$	25,644,863	\$	25,644,863	97076
GRF 235-513	Ohio University Voinovich Center	\$	336,082	\$	336,082	97077

GRF 235-515	Case Western Reserve University School of Medicine	\$	3,011,271	\$	3,011,271	97078
GRF 235-518	Capitol Scholarship Program	\$	125,000	\$	125,000	97079
GRF 235-519	Family Practice	\$	4,548,470	\$	4,548,470	97080
GRF 235-520	Shawnee State Supplement	\$	1,918,830	\$	1,822,889	97081
GRF 235-521	The Ohio State University Glenn Institute	\$	286,082	\$	286,082	97082
GRF 235-524	Police and Fire Protection	\$	171,959	\$	171,959	97083
GRF 235-525	Geriatric Medicine	\$	750,110	\$	750,110	97084
GRF 235-526	Primary Care Residencies	\$	2,245,688	\$	2,245,688	97085
GRF 235-527	Ohio Aerospace Institute	\$	1,764,957	\$	1,764,957	97086
GRF 235-530	Academic Scholarships	\$	7,800,000	\$	7,800,000	97087
GRF 235-531	Student Choice Grants	\$	50,853,276	\$	52,985,376	97088
GRF 235-534	Student Workforce Development Grants	\$	2,137,500	\$	2,137,500	97089
GRF 235-535	Ohio Agricultural Research and Development Center	\$	35,955,188	\$	35,955,188	97090
GRF 235-536	The Ohio State University Clinical Teaching	\$	13,565,885	\$	13,565,885	97091
GRF 235-537	University of Cincinnati Clinical Teaching	\$	11,157,756	\$	11,157,756	97092
GRF 235-538	Medical University of Ohio at Toledo	\$	8,696,866	\$	8,696,866	97093

	Clinical Teaching					
GRF 235-539	Wright State	\$	4,225,107	\$	4,225,107	97094
	University Clinical Teaching					
GRF 235-540	Ohio University	\$	4,084,540	\$	4,084,540	97095
	Clinical Teaching					
GRF 235-541	Northeastern Ohio	\$	4,200,945	\$	4,200,945	97096
	Universities College of Medicine Clinical Teaching					
GRF 235-543	Ohio College of Podiatric Medicine Clinic Subsidy	\$	250,000	\$	250,000	97097
GRF 235-547	School of International Business	\$	450,000	\$	450,000	97098
GRF 235-549	Part-time Student Instructional Grants	\$	14,457,721	\$	10,534,617	97099
GRF 235-552	Capital Component	\$	19,058,863	\$	19,058,863	97100
GRF 235-553	Dayton Area Graduate Studies Institute	\$	2,806,599	\$	2,806,599	97101
GRF 235-554	Priorities in Collaborative Graduate Education	\$	2,355,548	\$	2,355,548	97102
GRF 235-555	Library Depositories	\$	1,696,458	\$	1,696,458	97103
GRF 235-556	Ohio Academic Resources Network	\$	3,727,223	\$	3,727,223	97104
GRF 235-558	Long-term Care Research	\$	211,047	\$	211,047	97105
GRF 235-561	Bowling Green State University Canadian Studies Center	\$	100,015	\$	100,015	97106
GRF 235-563	Ohio College Opportunity Grant	\$	0	\$	58,144,139	97107

GRF 235-572	The Ohio State University Clinic Support	\$	1,277,019	\$	1,277,019	97108
GRF 235-583	Urban University Program	\$	4,992,937	\$	4,992,937	97109
GRF 235-587	Rural University Projects	\$	1,147,889	\$	1,147,889	97110
GRF 235-596	Hazardous Materials Program	\$	360,435	\$	360,435	97111
GRF 235-599	National Guard Scholarship Program	\$	15,128,472	\$	16,611,063	97112
GRF 235-909	Higher Education General Obligation Debt Service	\$	137,600,300	\$	152,114,100	97113
TOTAL GRF	General Revenue Fund	\$	2,469,260,757	\$	2,548,147,869	97114
	General Services Fund Group					97115
220 235-614	Program Approval and Reauthorization	\$	400,000	\$	400,000	97116
456 235-603	Sales and Services	\$	700,000	\$	900,000	97117
TOTAL GSF	General Services Fund Group	\$	1,100,000	\$	1,300,000	97118
	Federal Special Revenue Fund Group					97119
3H2 235-608	Human Services Project	\$	1,500,000	\$	1,500,000	97120
3H2 235-622	Medical Collaboration Network	\$	3,346,143	\$	3,346,143	97121
3N6 235-605	State Student Incentive Grants	\$	2,196,680	\$	2,196,680	97122
3T0 235-610	National Health Service Corps - Ohio Loan Repayment	\$	150,001	\$	150,001	97123
312 235-609	Tech Prep	\$	183,850	\$	183,850	97124
312 235-611	Gear-up Grant	\$	1,370,691	\$	1,370,691	97125

312	235-612	Carl D. Perkins Grant/Plan Administration	\$	112,960	\$	112,960	97127
312	235-615	Professional Development	\$	523,129	\$	523,129	97128
312	235-617	Improving Teacher Quality Grant	\$	2,900,000	\$	2,900,000	97129
312	235-619	Ohio Supercomputer Center	\$	6,000,000	\$	6,000,000	97130
312	235-621	Science Education Network	\$	1,686,970	\$	1,686,970	97131
312	235-631	Federal Grants	\$	250,590	\$	250,590	97132
TOTAL FED Federal Special Revenue							97133
Fund Group			\$	20,221,014	\$	20,221,014	97134
State Special Revenue Fund Group							97135
4E8	235-602	Higher Educational Facility Commission Administration	\$	55,000	\$	55,000	97136
4P4	235-604	Physician Loan Repayment	\$	476,870	\$	476,870	97137
649	235-607	The Ohio State University Highway/Transportation Research	\$	760,000	\$	760,000	97138
682	235-606	Nursing Loan Program	\$	893,000	\$	893,000	97139
TOTAL SSR State Special Revenue							97140
Fund Group			\$	2,184,870	\$	2,184,870	97141
TOTAL ALL BUDGET FUND GROUPS			\$	2,492,766,641	\$	2,571,853,753	97142

Section 209.63.03. OPERATING EXPENSES 97144

Of the foregoing appropriation item 235-321, Operating 97145
Expenses, up to \$150,000 in each fiscal year shall be used in 97146

conjunction with funding provided in the Department of Education 97147
budget under appropriation item 200-427, Academic Standards, to 97148
create Ohio's Partnership for Continued Learning, in consultation 97149
with the Governor's Office. The Partnership, which replaces and 97150
broadens the former Joint Council of the Department of Education 97151
and the Board of Regents, shall advise and make recommendations to 97152
promote collaboration among relevant state entities in an effort 97153
to help local communities develop coherent and successful "P-16" 97154
learning systems. The Director of Budget and Management may 97155
transfer any unencumbered fiscal year 2006 balance to fiscal year 97156
2007 to support the activities of the Partnership. 97157

Section 209.63.06. LEASE RENTAL PAYMENTS 97158

The foregoing appropriation item 235-401, Lease Rental 97159
Payments, shall be used to meet all payments at the times they are 97160
required to be made during the period from July 1, 2005, to June 97161
30, 2007, by the Board of Regents under leases and agreements made 97162
under section 154.21 of the Revised Code, but limited to the 97163
aggregate amount of \$401,414,500. Nothing in this act shall be 97164
deemed to contravene the obligation of the state to pay, without 97165
necessity for further appropriation, from the sources pledged 97166
thereto, the bond service charges on obligations issued pursuant 97167
to section 154.21 of the Revised Code. 97168

Section 209.63.09. SEA GRANTS 97169

The foregoing appropriation item 235-402, Sea Grants, shall 97170
be disbursed to the Ohio State University and shall be used to 97171
conduct research on fish in Lake Erie. 97172

Section 209.63.12. ARTICULATION AND TRANSFER 97173

The foregoing appropriation item 235-406, Articulation and 97174
Transfer, shall be used by the Board of Regents to maintain and 97175

expand the work of the Articulation and Transfer Council to 97176
develop a system of transfer policies to ensure that students at 97177
state institutions of higher education can transfer and have 97178
coursework apply to their majors and degrees at any other state 97179
institution of higher education without unnecessary duplication or 97180
institutional barriers under sections 3333.16, 3333.161, and 97181
3333.162 of the Revised Code. 97182

Of the foregoing appropriation item 235-406, Articulation and 97183
Transfer, \$200,000 in each fiscal year shall be used to support 97184
the work of the Articulation and Transfer Council under division 97185
(B) of section 3333.162 of the Revised Code. 97186

Section 209.63.15. MIDWEST HIGHER EDUCATION COMPACT 97187

The foregoing appropriation item 235-408, Midwest Higher 97188
Education Compact, shall be distributed by the Board of Regents 97189
under section 3333.40 of the Revised Code. 97190

Section 209.63.18. INFORMATION SYSTEM 97191

The foregoing appropriation item 235-409, Information System, 97192
shall be used by the Board of Regents to operate the higher 97193
education information data system known as the Higher Education 97194
Information System. 97195

Section 209.63.21. STATE GRANTS AND SCHOLARSHIP 97196
ADMINISTRATION 97197

The foregoing appropriation item 235-414, State Grants and 97198
Scholarship Administration, shall be used by the Board of Regents 97199
to administer the following student financial aid programs: Ohio 97200
Instructional Grant, Part-time Student Instructional Grant, Ohio 97201
College Opportunity Grant, Ohio Student Choice Grant, Ohio 97202
Academic Scholarship, Ohio War Orphans' Scholarship, Nurse 97203
Education Assistance Loan Program, Student Workforce Development 97204

Grant, Regents Graduate/Professional Fellowship, Ohio Safety 97205
Officers College Memorial Fund, Capitol Scholarship Program, and 97206
any other student financial aid programs created by the General 97207
Assembly. The appropriation item also shall be used to administer 97208
the federal Leveraging Educational Assistance Partnership (LEAP) 97209
and Special Leveraging Educational Assistance Partnership (SLEAP) 97210
programs and other student financial aid programs created by 97211
Congress and to provide fiscal services for the Ohio National 97212
Guard Scholarship Program and the Physician Loan Repayment 97213
Program. 97214

Section 209.63.24. JOBS CHALLENGE 97215

Funds appropriated to the foregoing appropriation item 97216
235-415, Jobs Challenge, shall be distributed to state-assisted 97217
community and technical colleges, regional campuses of 97218
state-assisted universities, and other organizationally distinct 97219
and identifiable member campuses of the EnterpriseOhio Network in 97220
support of noncredit job-related training. In each fiscal year, 97221
\$2,770,773 shall be distributed as performance grants to 97222
EnterpriseOhio Network campuses based upon each campus's 97223
documented performance according to criteria established by the 97224
Board of Regents for increasing training and related services to 97225
businesses, industries, and public sector organizations. 97226

Of the foregoing appropriation item 235-415, Jobs Challenge, 97227
\$2,819,345 in each fiscal year shall be allocated to the Targeted 97228
Industries Training Grant Program to attract, develop, and retain 97229
business and industry strategically important to the state's 97230
economy. 97231

Also, in each fiscal year, \$3,758,182 shall be allocated to 97232
the Higher Skills Incentives Program to promote and deliver 97233
coordinated, comprehensive training to local employers and to 97234
reward EnterpriseOhio Network campuses for increasing the amount 97235

of non-credit skill upgrading services provided to Ohio employers 97236
and employees. The funds shall be distributed to campuses in 97237
proportion to each campus's share of noncredit job-related 97238
training revenues received by all campuses for the previous fiscal 97239
year. It is the intent of the General Assembly that this Higher 97240
Skills Incentives component of the Jobs Challenge Program reward 97241
campus noncredit job-related training efforts in the same manner 97242
that the Research Incentive Program rewards campuses for their 97243
ability to obtain sponsored research revenues. 97244

Section 209.63.27. OHIO LEARNING NETWORK 97245

The foregoing appropriation item 235-417, Ohio Learning 97246
Network, shall be used by the Board of Regents to support the 97247
continued implementation of the Ohio Learning Network, a statewide 97248
electronic collaborative effort designed to promote degree 97249
completion of students, workforce training of employees, and 97250
professional development through the use of advanced 97251
telecommunications and distance education initiatives. 97252

Section 209.63.30. ACCESS CHALLENGE 97253

In each fiscal year, the foregoing appropriation item 97254
235-418, Access Challenge, shall be distributed to Ohio's 97255
state-assisted access colleges and universities. For the purposes 97256
of this allocation, "access campuses" includes state-assisted 97257
community colleges, state community colleges, technical colleges, 97258
Shawnee State University, Central State University, Cleveland 97259
State University, the regional campuses of state-assisted 97260
universities, and, where they are organizationally distinct and 97261
identifiable, the community-technical colleges located at the 97262
University of Cincinnati, Youngstown State University, and the 97263
University of Akron. 97264

The purpose of Access Challenge is to reduce the student 97265

share of costs for resident undergraduates enrolled in lower 97266
division undergraduate courses at Ohio's access campuses. The 97267
long-term goal is to make the student share of costs for these 97268
students equivalent to the student share of costs for resident 97269
undergraduate students enrolled throughout Ohio's public colleges 97270
and universities. Access Challenge appropriations shall be used in 97271
both years of the biennium to sustain, as much as possible, the 97272
tuition restraint or tuition reduction that was achieved with 97273
Access Challenge allocations in prior years. 97274

In fiscal year 2006, Access Challenge subsidies shall be 97275
distributed by the Board of Regents to eligible access campuses on 97276
the basis of the average of each campus's share of fiscal year 97277
2003 and 2004 all-terms subsidy-eligible General Studies FTEs. In 97278
fiscal year 2007, Access Challenge subsidies shall be distributed 97279
by the Board of Regents to eligible access campuses on the basis 97280
of the average of each campus's share of fiscal year 2004 and 2005 97281
all-terms subsidy-eligible General Studies FTEs. 97282

For purposes of this calculation, Cleveland State 97283
University's enrollments shall be adjusted by the ratio of the sum 97284
of subsidy-eligible lower-division FTE student enrollments 97285
eligible for access funding to the sum of subsidy-eligible General 97286
Studies FTE student enrollments at Central State University and 97287
Shawnee State University, and for the following universities and 97288
their regional campuses: the Ohio State University, Ohio 97289
University, Kent State University, Bowling Green State University, 97290
Miami University, the University of Cincinnati, the University of 97291
Akron, and Wright State University. 97292

Of the foregoing appropriation item 235-418, Access 97293
Challenge, \$10,172,626 in fiscal year 2006 and \$9,663,995 in 97294
fiscal year 2007 shall be used by Central State University to keep 97295
undergraduate fees below the statewide average, consistent with 97296
its mission of service to many first-generation college students 97297

from groups historically underrepresented in higher education and 97298
from families with limited incomes. 97299

Section 209.63.33. SUCCESS CHALLENGE 97300

The foregoing appropriation item 235-420, Success Challenge, 97301
shall be used by the Board of Regents to promote degree completion 97302
by students enrolled at a main campus of a state-assisted 97303
university. 97304

Of the foregoing appropriation item 235-420, Success 97305
Challenge, 66.67 per cent of the appropriation in each fiscal year 97306
shall be distributed to state-assisted university main campuses in 97307
proportion to each campus's share of the total statewide 97308
bachelor's degrees granted by university main campuses to 97309
"at-risk" students. In fiscal years 2006 and 2007, an "at-risk" 97310
student means any undergraduate student who was eligible to 97311
receive an Ohio need-based financial aid award during the past ten 97312
years. An eligible institution shall not receive its share of this 97313
distribution until it has submitted a plan that addresses how the 97314
subsidy will be used to better serve at-risk students and increase 97315
their likelihood of successful completion of a bachelor's degree 97316
program. The Board of Regents shall disseminate to all 97317
state-supported institutions of higher education all such plans 97318
submitted by institutions that received Success Challenge funds. 97319

Of the foregoing appropriation item 235-420, Success 97320
Challenge, 33.33 per cent of the appropriation in each fiscal year 97321
shall be distributed to university main campuses in proportion to 97322
each campus's share of the total bachelor's degrees granted by 97323
university main campuses to undergraduate students who completed 97324
their bachelor's degrees in a "timely manner" in the previous 97325
fiscal year. For purposes of this section, "timely manner" means 97326
the normal time it would take for a full-time degree-seeking 97327
undergraduate student to complete the student's degree. Generally, 97328

for such students pursuing a bachelor's degree, "timely manner" 97329
means four years. Exceptions to this general rule shall be 97330
permitted for students enrolled in programs specifically designed 97331
to be completed in a longer time period. The Board of Regents 97332
shall collect data to assess the timely completion statistics by 97333
university main campuses. 97334

Section 209.63.36. APPALACHIAN NEW ECONOMY PARTNERSHIP 97335

The foregoing appropriation item 235-428, Appalachian New 97336
Economy Partnership, shall be distributed to Ohio University to 97337
continue a multi-campus and multi-agency coordinated effort to 97338
link Appalachia to the new economy. Ohio University shall use 97339
these funds to provide leadership in the development and 97340
implementation of initiatives in the areas of entrepreneurship, 97341
management, education, and technology. 97342

Section 209.63.39. ECONOMIC GROWTH CHALLENGE 97343

The foregoing appropriation item 235-433, Economic Growth 97344
Challenge, shall be used to enhance the basic research 97345
capabilities of Ohio's public and private institutions of higher 97346
education, support improved graduate programs throughout the 97347
state, and promote the transfer of technology developed by 97348
colleges and universities to private industry to further the 97349
economic goals of the state. 97350

Of the foregoing appropriation item 235-433, Economic Growth 97351
Challenge, \$18,000,000 in each fiscal year shall be used for the 97352
Research Incentive Program to enhance the basic research 97353
capabilities of public colleges and universities and accredited 97354
Ohio institutions of higher education holding certificates of 97355
authorization issued under section 1713.02 of the Revised Code, in 97356
order to strengthen academic research for pursuing Ohio's economic 97357
development goals. The Board of Regents, in consultation with the 97358

colleges and universities, shall administer the Research Incentive Program and utilize a means of matching, on a fractional basis, external funds attracted in the previous year by institutions for basic research. The program may include incentives for increasing the amount of external research funds coming to eligible institutions and for focusing research efforts upon critical state needs. Colleges and universities shall submit for review and approval to the Board of Regents plans for the institutional allocation of state dollars received through the program. The institutional plans shall provide the rationale for the allocation in terms of the strategic targeting of funds for academic and state purposes, for strengthening research programs, for increasing the amount of external research funds, and shall include an evaluation process to provide results of the increased support. Institutional plans for the use of Research Incentive funding must demonstrate a significant investment in Third Frontier activities funded at the institution. For a college or university with multiple Third Frontier grants, as much as ten per cent of that institution's Research Incentive funding may be invested in Third Frontier Project-related activities. Each institutional plan for the investment of Research Incentive moneys shall report on existing, planned, or possible relationships with other state science and technology programs and funding recipients in order to further ongoing statewide science and technology collaboration objectives. The Board of Regents shall submit a biennial report of progress to the General Assembly.

In fiscal year 2006, both those state-assisted doctoral degree-granting universities and those accredited Ohio institutions of higher education holding certificates of authorization under section 1713.02 of the Revised Code electing to participate in the Innovation Incentive Program shall initiate a comprehensive Innovation Incentive Plan designed to enhance

doctoral programs and areas of research that have the greatest
potential to attract preeminent researchers and build research
capacity; enhance regional or state economic growth by creating
new products and services to be commercialized; and complement
Ohio's Third Frontier Project.

Funding for the Innovation Incentive Program shall be
generated from those state-assisted universities electing to set
aside a portion of their allocation of the current doctoral
reserve as provided in appropriation item 235-501, State Share of
Instruction, and state matching funds provided in appropriation
item 235-433, Economic Growth Challenge. Additionally, those
accredited Ohio institutions of higher education holding
certificates of authorization under section 1713.02 of the Revised
Code electing to participate in the Innovation Incentive Program
shall be required to set aside an amount comparable to the
state-assisted universities. The criteria for the determination of
this amount shall be developed by the Board of Regents.

Of the foregoing appropriation item 235-433, Economic Growth
Challenge, \$2,343,097 in fiscal year 2006 and \$4,686,194 in fiscal
year 2007 shall match funds set aside by the state-assisted
universities for the Innovation Incentive Program. The set aside
begins in fiscal year 2006 and is intended to increase
incrementally over a period of ten years with the goal of setting
aside a total of fifteen per cent of the doctoral reserve from
appropriation item 235-501, State Share of Instruction, by 2016.

The Board of Regents shall use the combined amount of each
participating state-assisted university's set aside of the
doctoral reserve that has been withheld, the state matching funds
earmarked under appropriation item 235-433, Economic Growth
Challenge, and the amount set aside by each accredited Ohio
institution of higher education holding a certificate of
authorization under section 1713.02 of the Revised Code electing

to participate in the Innovation Incentive Program to make awards 97423
through a competitive process under the Innovation Incentive 97424
Program. Only universities electing to set aside the prescribed 97425
amount shall be eligible to compete for and receive Innovation 97426
Incentive awards. The participating universities shall use these 97427
awards to restructure their array of doctoral programs. 97428

Of the foregoing appropriation item 235-433, Economic Growth 97429
Challenge, \$500,000 in fiscal year 2007 shall be distributed for 97430
the Technology Commercialization Incentive. The purpose of the 97431
Technology Commercialization Incentive is to reward public and 97432
private colleges and universities for successful technology 97433
transfer to Ohio-based business and industry resulting in the 97434
commercialization of new products, processes, and services and the 97435
establishment of new business start-ups within the state. The 97436
Third Frontier Commission, with counsel from the Third Frontier 97437
Advisory Board, shall establish the eligibility criteria for 97438
public and private colleges and universities interested in 97439
applying for Technology Commercialization Incentive funding. To 97440
qualify for the funds, public and private colleges and 97441
universities must maintain a significant investment in their own 97442
technology-transfer and commercialization operation and 97443
capabilities, and possess a significant history of successful 97444
research partnerships with Ohio-based business and industry. 97445

Section 209.63.42. COLLEGE READINESS AND ACCESS 97446

Appropriation item 235-434, College Readiness and Access, 97447
shall be used by the Board of Regents to support programs designed 97448
to improve the academic preparation and increase the number of 97449
students that enroll and succeed in higher education such as the 97450
Ohio College Access Network, the state match for the federal 97451
Gaining Early Awareness and Readiness for Undergraduate Program, 97452
and early awareness initiatives. The appropriation item shall also 97453

be used to support innovative statewide strategies to increase 97454
student access and retention for specialized populations, and to 97455
provide for pilot projects that will contribute to improving 97456
access to higher education by specialized populations. The funds 97457
may be used for projects that improve access for nonpublic 97458
secondary students. 97459

Of the foregoing appropriation item 235-434, College 97460
Readiness and Access, \$798,684 in fiscal year 2006 and \$822,645 in 97461
fiscal year 2007 shall be distributed to the Ohio Appalachian 97462
Center for Higher Education at Shawnee State University. The board 97463
of directors of the Center shall consist of the presidents of 97464
Shawnee State University, Ohio University, Belmont Technical 97465
College, Hocking College, Jefferson Community College, Zane State 97466
College, Rio Grande Community College, Southern State Community 97467
College, and Washington State Community College; the dean of one 97468
of the Salem, Tuscarawas, and East Liverpool regional campuses of 97469
Kent State University, as designated by the president of Kent 97470
State University; and a representative of the Board of Regents 97471
designated by the Chancellor. 97472

Of the foregoing appropriation item 235-434, College 97473
Readiness and Access, \$169,553 in fiscal year 2006 and \$174,640 in 97474
fiscal year 2007 shall be distributed to Miami University for the 97475
Student Achievement in Research and Scholarship (STARS) Program. 97476

Of the foregoing appropriation item 235-434, College 97477
Readiness and Access, \$1,574,535 in fiscal year 2006 and 97478
\$2,753,985 in fiscal year 2007 shall be used in conjunction with 97479
funding provided in the Ohio Department of Education budget under 97480
appropriation item 200-431, School Improvement Initiatives, to 97481
support the Early College High School Pilot Program. 97482

Section 209.63.45. TEACHER IMPROVEMENT INITIATIVES 97483

Appropriation item 235-435, Teacher Improvement Initiatives, 97484
shall be used by the Board of Regents to support programs such as 97485
OSI - Discovery and the Centers of Excellence in Mathematics and 97486
Science designed to raise the quality of mathematics and science 97487
teaching in primary and secondary education. 97488

Of the foregoing appropriation item 235-435, Teacher 97489
Improvement Initiatives, \$204,049 in each fiscal year shall be 97490
distributed to the Mathematics and Science Center in Lake County. 97491

Of the foregoing appropriation item 235-435, Teacher 97492
Improvement Initiatives, \$106,619 in each fiscal year shall be 97493
distributed to the Ohio Mathematics and Science Coalition. 97494

Of the foregoing appropriation item 234-435, Teacher 97495
Improvement Initiatives, \$100,000 in each fiscal year shall be 97496
distributed to the Teacher Quality Partnerships study. 97497

Of the foregoing appropriation item 235-435, Teacher 97498
Improvement Initiatives, \$874,871 in each fiscal year shall be 97499
distributed to the Ohio Resource Center for Mathematics, Science, 97500
and Reading. The funds shall be used to support a resource center 97501
for mathematics, science, and reading to be located at a 97502
state-assisted university for the purpose of identifying best 97503
educational practices in primary and secondary schools and 97504
establishing methods for communicating them to colleges of 97505
education and school districts. The Ohio Resource Center for 97506
Mathematics, Science, and Reading shall not make available 97507
resources that are inconsistent with the K-12 science standards 97508
and policies as adopted by the State Board of Education. 97509

Section 209.63.48. EMINENT SCHOLARS 97510

The foregoing appropriation item 235-451, Eminent Scholars, 97511
shall be used by the Ohio Board of Regents to continue the Ohio 97512
Eminent Scholars Program, the purpose of which is to invest 97513

educational resources to address problems that are of vital 97514
statewide significance while fostering the growth in eminence of 97515
Ohio's academic programs. Ohio Eminent Scholars endowed chairs 97516
shall allow Ohio universities to recruit senior faculty members 97517
from outside Ohio who are nationally and internationally 97518
recognized scholars in areas of science and technology that 97519
provide the basic research platforms on which the state's 97520
technology and commercialization efforts are built. Endowment 97521
grants of approximately \$685,494 to state colleges and 97522
universities and nonprofit Ohio institutions of higher education 97523
holding certificates of authorization issued under section 1713.02 97524
of the Revised Code to match endowment gifts from nonstate sources 97525
may be made in accordance with a plan established by the Ohio 97526
Board of Regents. Matching nonstate endowment gifts shall be equal 97527
to the state's endowment grant of approximately \$685,494. The 97528
grants shall have as their purpose attracting and sustaining in 97529
Ohio scholar-leaders of national or international prominence; each 97530
grant shall assist in accelerating state economic growth through 97531
research that provides an essential basic science platform for 97532
commercialization efforts. Such scholar-leaders shall, among their 97533
duties, share broadly the benefits and knowledge unique to their 97534
fields of scholarship to the betterment of Ohio and its people and 97535
collaborate with other state technology programs and program 97536
recipients. 97537

All new Eminent Scholar awards made by the Board of Regents 97538
shall be associated with a Wright Center of Innovation, a 97539
Partnership Award from the Biomedical Research and Technology 97540
Transfer Trust Fund, or a Wright Capital Project. 97541

Section 209.63.51. ENTERPRISEOHIO NETWORK 97542

The foregoing appropriation item 235-455, EnterpriseOhio 97543
Network, shall be allocated by the Board of Regents to continue 97544

increasing the capabilities of the EnterpriseOhio Network to meet 97545
the ongoing training needs of Ohio employers. Funds shall support 97546
multicampus collaboration, best practice dissemination, and 97547
capacity building projects. The Regents Advisory Committee for 97548
Workforce Development, in its advisory role, shall advise in the 97549
development of plans and activities. 97550

Of the foregoing appropriation item 235-455, EnterpriseOhio 97551
Network, \$165,300 in each fiscal year shall be used by the Dayton 97552
Business/Sinclair College Jobs Profiling Program. 97553

Section 209.63.54. AREA HEALTH EDUCATION CENTERS 97554

The foregoing appropriation item 235-474, Area Health 97555
Education Centers Program Support, shall be used by the Board of 97556
Regents to support the medical school regional area health 97557
education centers' educational programs for the continued support 97558
of medical and other health professions education and for support 97559
of the Area Health Education Center Program. 97560

Of the foregoing appropriation item 235-474, Area Health 97561
Education Centers Program Support, \$159,158 in each fiscal year 97562
shall be disbursed to the Ohio University College of Osteopathic 97563
Medicine to operate a mobile health care unit to serve the 97564
southeastern area of the state. 97565

Of the foregoing appropriation item 235-474, Area Health 97566
Education Centers Program Support, \$119,369 in each fiscal year 97567
shall be used to support the Ohio Valley Community Health 97568
Information Network (OVCHIN) project. 97569

Section 209.63.57. STATE SHARE OF INSTRUCTION 97570

As soon as practicable during each fiscal year of the 97571
biennium ending June 30, 2007, in accordance with instructions of 97572
the Board of Regents, each state-assisted institution of higher 97573

education shall report its actual enrollment to the Board of Regents. 97574
97575

The Board of Regents shall establish procedures required by the system of formulas set out below and for the assignment of individual institutions to categories described in the formulas. The system of formulas establishes the manner in which aggregate expenditure requirements shall be determined for each of the three components of institutional operations. In addition to other adjustments and calculations described below, the subsidy entitlement of an institution shall be determined by subtracting from the institution's aggregate expenditure requirements income to be derived from the local contributions assumed in calculating the subsidy entitlements. The local contributions for purposes of determining subsidy support shall not limit the authority of the individual boards of trustees to establish fee levels. 97576
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The General Studies and Technical models shall be adjusted by the Board of Regents so that the share of state subsidy earned by those models is not altered by changes in the overall local share. A lower-division fee differential shall be used to maintain the relationship that would have occurred between these models and the baccalaureate models had an assumed share of 37.5 per cent been funded. 97589
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In defining the number of full-time equivalent (FTE) students for state subsidy purposes, the Board of Regents shall exclude all undergraduate students who are not residents of Ohio, except those charged in-state fees in accordance with reciprocity agreements made under section 3333.17 of the Revised Code or employer contracts entered into under section 3333.32 of the Revised Code. 97596
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(A) AGGREGATE EXPENDITURE PER FULL-TIME EQUIVALENT STUDENT 97602

(1) INSTRUCTION AND SUPPORT SERVICES 97603

MODEL FY 2006 FY 2007 97604

General Studies I	\$ 4,655	\$ 4,655	97605
General Studies II	\$ 5,135	\$ 5,135	97606
General Studies III	\$ 6,365	\$ 6,365	97607
Technical I	\$ 5,926	\$ 5,926	97608
Technical III	\$ 9,107	\$ 9,107	97609
Baccalaureate I	\$ 7,160	\$ 7,160	97610
Baccalaureate II	\$ 8,235	\$ 8,235	97611
Baccalaureate III	\$ 11,841	\$ 11,841	97612
Masters and Professional I	\$ 19,088	\$ 19,088	97613
Masters and Professional II	\$ 20,984	\$ 20,984	97614
Masters and Professional III	\$ 27,234	\$ 27,234	97615
Medical I	\$ 29,143	\$ 29,143	97616
Medical II	\$ 37,172	\$ 37,172	97617
MPD I	\$ 13,645	\$ 13,645	97618

(2) STUDENT SERVICES 97619

For this purpose, FTE counts shall be weighted to reflect 97620
differences among institutions in the numbers of students enrolled 97621
on a part-time basis. The student services subsidy per FTE shall 97622
be \$890 in each fiscal year for all models. 97623

(B) PLANT OPERATION AND MAINTENANCE (POM) 97624

(1) DETERMINATION OF THE SQUARE-FOOT-BASED POM SUBSIDY 97625

Space undergoing renovation shall be funded at the rate 97626
allowed for storage space. 97627

In the calculation of square footage for each campus, square 97628
footage shall be weighted to reflect differences in space 97629
utilization. 97630

The space inventories for each campus shall be those 97631
determined in the fiscal year 2003 state share of instruction 97632
calculation, adjusted for changes attributable to the construction 97633
or renovation of facilities for which state appropriations were 97634
made or local commitments were made prior to January 1, 1995. 97635

Only 50 per cent of the space permanently taken out of operation in fiscal year 2006 or fiscal year 2007 that is not otherwise replaced by a campus shall be deleted from the plant operation and maintenance space inventory.

The square-foot-based plant operation and maintenance subsidy for each campus shall be determined as follows:

(a) For each standard room type category shown below, the subsidy-eligible net assignable square feet (NASF) for each campus shall be multiplied by the following rates, and the amounts summed for each campus to determine the total gross square-foot-based POM expenditure requirement:

	FY 2006	FY 2007	
Classrooms	\$5.86	\$5.86	
Laboratories	\$7.31	\$7.31	
Offices	\$5.86	\$5.86	
Audio Visual Data Processing	\$7.31	\$7.31	
Storage	\$2.59	\$2.59	
Circulation	\$7.39	\$7.39	
Other	\$5.86	\$5.86	

(b) The total gross square-foot POM expenditure requirement shall be allocated to models in proportion to each campus's activity-based POM weight multiplied by the two- or five-year average subsidy-eligible FTEs for all models.

(c) The amounts allocated to models in division (B)(1)(b) of this section shall be multiplied by the ratio of subsidy-eligible FTE students to total FTE students reported in each model, and the amounts summed for all models. To this total amount shall be added an amount to support roads and grounds expenditures, which shall also be multiplied by the ratio of subsidy-eligible FTE students to total FTEs reported for each model. From this total amount, the amounts for Doctoral I and Doctoral II shall be subtracted to

produce the square-foot-based POM subsidy.			97667
(2) DETERMINATION OF THE ACTIVITY-BASED POM SUBSIDY			97668
(a) The number of subsidy-eligible FTE students in each model			97669
shall be multiplied by the following rates for each campus for			97670
each fiscal year.			97671
	FY 2006	FY 2007	97672
General Studies I	\$ 512	\$ 512	97673
General Studies II	\$ 662	\$ 662	97674
General Studies III	\$1,464	\$1,464	97675
Technical I	\$ 752	\$ 752	97676
Technical III	\$1,343	\$1,343	97677
Baccalaureate I	\$ 639	\$ 639	97678
Baccalaureate II	\$1,149	\$1,149	97679
Baccalaureate III	\$1,262	\$1,262	97680
Masters and Professional I	\$1,258	\$1,258	97681
Masters and Professional II	\$2,446	\$2,446	97682
Masters and Professional III	\$3,276	\$3,276	97683
Medical I	\$1,967	\$1,967	97684
Medical II	\$3,908	\$3,908	97685
MPD I	\$1,081	\$1,081	97686
(b) The sum of the products for each campus determined in			97687
division (B)(2)(a) of this section for all models except Doctoral			97688
I and Doctoral II for each fiscal year shall be weighted by a			97689
factor to reflect sponsored research activity and job			97690
training-related public services expenditures to determine the			97691
total activity-based POM subsidy.			97692
(C) CALCULATION OF CORE SUBSIDY ENTITLEMENTS AND ADJUSTMENTS			97693
(1) CALCULATION OF CORE SUBSIDY ENTITLEMENTS			97694
The calculation of the core subsidy entitlement shall consist			97695
of the following components:			97696

(a) For each campus in each fiscal year, the core subsidy entitlement shall be determined by multiplying the amounts listed above in divisions (A)(1) and (2) and (B)(2) of this section less assumed local contributions, by (i) average subsidy-eligible FTEs for the two-year period ending in the prior year for all models except Doctoral I and Doctoral II; and (ii) average subsidy-eligible FTEs for the five-year period ending in the prior year for all models except Doctoral I and Doctoral II.

(b) In calculating the core subsidy entitlements for Medical II models only, the Board of Regents shall use the following count of FTE students:

(i) For those medical schools whose current year enrollment, including students repeating terms, is below the base enrollment, the Medical II FTE enrollment shall equal: 65 per cent of the base enrollment plus 35 per cent of the current year enrollment including students repeating terms, where the base enrollment is:

The Ohio State University	1010	97713
University of Cincinnati	833	97714
Medical University of Ohio at Toledo	650	97715
Wright State University	433	97716
Ohio University	433	97717
Northeastern Ohio Universities College of Medicine	433	97718

(ii) For those medical schools whose current year enrollment, excluding students repeating terms, is equal to or greater than the base enrollment, the Medical II FTE enrollment shall equal the base enrollment plus the FTE for repeating students.

(iii) Students repeating terms may be no more than five per cent of current year enrollment.

(c) The Board of Regents shall compute the sum of the two calculations listed in division (C)(1)(a) of this section and use

the greater sum as the core subsidy entitlement. 97727

The POM subsidy for each campus shall equal the greater of 97728
the square-foot-based subsidy or the activity-based POM subsidy 97729
component of the core subsidy entitlement. 97730

(d) The state share of instruction provided for doctoral 97731
students shall be based on a fixed percentage of the total 97732
appropriation. In each fiscal year of the biennium not more than 97733
10.34 per cent of the total state share of instruction shall be 97734
reserved to implement the recommendations of the Graduate Funding 97735
Commission. It is the intent of the General Assembly that the 97736
doctoral reserve not exceed 10.34 per cent of the total state 97737
share of instruction to implement the recommendations of the 97738
Graduate Funding Commission. The Board of Regents may reallocate 97739
up to two per cent in each fiscal year of the reserve among the 97740
state-assisted universities on the basis of a quality review as 97741
specified in the recommendations of the Graduate Funding 97742
Commission. No such reallocation shall occur unless the Board of 97743
Regents, in consultation with representatives of state-assisted 97744
universities, determines that sufficient funds are available for 97745
this purpose. 97746

The amount so reserved shall be allocated to universities in 97747
proportion to their share of the total number of Doctoral I 97748
equivalent FTEs as calculated on an institutional basis using the 97749
greater of the two-year or five-year FTEs for the period fiscal 97750
year 1994 through fiscal year 1998 with annualized FTEs for fiscal 97751
years 1994 through 1997 and all-term FTEs for fiscal year 1998 as 97752
adjusted to reflect the effects of doctoral review and subsequent 97753
changes in Doctoral I equivalent enrollments. For the purposes of 97754
this calculation, Doctoral I equivalent FTEs shall equal the sum 97755
of Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs. 97756

If a university participates in the Innovation Incentive 97757

Program outlined in appropriation item 235-433, Economic Growth 97758
Challenge, then the Board of Regents shall withhold 1.5 per cent 97759
in fiscal year 2006 and three per cent in fiscal year 2007 of the 97760
participating university's allocation of the doctoral reserve. 97761
This withholding is intended to increase incrementally with a goal 97762
of setting aside 15 per cent of the total doctoral reserve by 97763
fiscal year 2016. 97764

The Board of Regents shall use the combined amount of each 97765
participating state-assisted university's set aside of the 97766
doctoral reserve that has been withheld, the state matching funds 97767
earmarked under appropriation item 235-433, Economic Growth 97768
Challenge, and the amount set aside by each accredited Ohio 97769
institution of higher education holding a certificate of 97770
authorization under section 1713.02 of the Revised Code electing 97771
to participate in the Innovation Incentive Program to make awards 97772
through a competitive process under the Innovation Incentive 97773
Program. Only universities electing to set aside the prescribed 97774
amount shall be eligible to compete for and receive Innovation 97775
Incentive awards. The participating universities shall use these 97776
awards to restructure their array of doctoral programs. 97777

(2) ANNUAL STATE SHARE OF INSTRUCTION FUNDING STOP LOSS 97778

In addition to and after the other adjustment noted above, in 97779
each fiscal year, no campus shall receive a state share of 97780
instruction allocation that is less than 97 per cent of the prior 97781
year's state share of instruction amount. 97782

(3) REDUCTIONS IN EARNINGS 97783

If the total state share of instruction earnings in any 97784
fiscal year exceeds the total appropriations available for such 97785
purposes, the Board of Regents shall proportionately reduce the 97786
state share of instruction earnings for all campuses by a uniform 97787
percentage so that the system wide sum equals available 97788

appropriations.	97789
(4) CAPITAL COMPONENT DEDUCTION	97790
After all other adjustments have been made, state share of	97791
instruction earnings shall be reduced for each campus by the	97792
amount, if any, by which debt service charged in Am. H.B. No. 748	97793
of the 121st General Assembly, Am. Sub. H.B. No. 850 of the 122nd	97794
General Assembly, Am. Sub. H.B. No. 640 of the 123rd General	97795
Assembly, and H.B. No. 675 of the 124th General Assembly, and Am.	97796
Sub. H.B. 16 of the 126th General Assembly for that campus exceeds	97797
that campus's capital component earnings. The sum of the amounts	97798
deducted shall be transferred to appropriation item 235-552,	97799
Capital Component, in each fiscal year.	97800
(D) EXCEPTIONAL CIRCUMSTANCES	97801
Adjustments may be made to the state share of instruction	97802
payments and other subsidies distributed by the Board of Regents	97803
to state-assisted colleges and universities for exceptional	97804
circumstances. No adjustments for exceptional circumstances may be	97805
made without the recommendation of the Chancellor and the approval	97806
of the Controlling Board.	97807
(E) MID-YEAR APPROPRIATION REDUCTIONS TO THE STATE SHARE OF	97808
INSTRUCTION	97809
The standard provisions of the state share of instruction	97810
calculation as described in the preceding sections of temporary	97811
law shall apply to any reductions made to appropriation item	97812
235-501, State Share of Instruction, before the Board of Regents	97813
has formally approved the final allocation of the state share of	97814
instruction funds for any fiscal year.	97815
Any reductions made to appropriation item 235-501, State	97816
Share of Instruction, after the Board of Regents has formally	97817
approved the final allocation of the state share of instruction	97818

funds for any fiscal year, shall be uniformly applied to each 97819
campus in proportion to its share of the final allocation. 97820

(F) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 97821

The state share of instruction payments to the institutions 97822
shall be in substantially equal monthly amounts during the fiscal 97823
year, unless otherwise determined by the Director of Budget and 97824
Management pursuant to section 126.09 of the Revised Code. 97825
Payments during the first six months of the fiscal year shall be 97826
based upon the state share of instruction appropriation estimates 97827
made for the various institutions of higher education according to 97828
Board of Regents enrollment estimates. Payments during the last 97829
six months of the fiscal year shall be distributed after approval 97830
of the Controlling Board upon the request of the Board of Regents. 97831

(G) LAW SCHOOL SUBSIDY 97832

The state share of instruction to state-supported 97833
universities for students enrolled in law schools in fiscal year 97834
2006 and fiscal year 2007 shall be calculated by using the number 97835
of subsidy-eligible FTE law school students funded by state 97836
subsidy in fiscal year 1995 or the actual number of 97837
subsidy-eligible FTE law school students at the institution in the 97838
fiscal year, whichever is less. 97839

(H) FUNDS REQUIRING CONTROLLING BOARD APPROVAL 97840

Of the foregoing appropriation item 235-501, State Share of 97841
Instruction, \$30,000,000 in fiscal year 2007 shall not be 97842
disbursed without approval of the Controlling Board. Within ten 97843
days after the issuance of the report of the Higher Education 97844
Funding Study Council required by Section 209.63.58 of this act, 97845
the Board of Regents shall seek the Controlling Board's approval 97846
to disburse the \$30,000,000 appropriation. 97847

Section 209.63.58. HIGHER EDUCATION FUNDING STUDY COUNCIL 97848

(A) The Higher Education Funding Study Council is hereby created, consisting of the following members:

(1) The Chancellor of the Ohio Board of Regents;

(2) One member of the Ohio Board of Regents, appointed by the chairperson of the Board;

(3) The Vice-Chancellor of Finance of the Ohio Board of Regents;

(4) Three members of the House of Representatives, not more than two of whom are members of the same political party, appointed by the Speaker of the House of Representatives;

(5) Three members of the Senate, not more than two of whom are members of the same political party, appointed by the President of the Senate;

(6) A student attending a state institution of higher education as defined in section 3345.011 of the Revised Code, appointed by the Governor;

(7) An employee of the Governor's office, appointed by the Governor;

(8) One representative from each of the following organizations, appointed by their respective governing bodies:

(a) The Inter-University Council of Ohio;

(b) The Ohio Association of Community Colleges;

(c) The Ohio Council of Medical School Deans;

(d) The Association of Independent Colleges and Universities of Ohio.

(B) Initial appointment of members shall be made not later than thirty days after the effective date of this section. The Speaker of the House of Representatives and the President of the Senate shall jointly appoint the chairperson of the Council.

Members of the Council shall serve without compensation. The 97878
Council's first meeting shall be not later than August 15, 2005. 97879
Subsequent meetings shall be conducted at the discretion of the 97880
chair. 97881

(C) The Council shall review all aspects of higher education 97882
funding contained in this act, including all appropriation items, 97883
and shall recommend any changes it determines are necessary. The 97884
Council shall also review the instructional and general fees as 97885
well as the room and board charges at the thirteen state 97886
universities, with the intent of setting limits on future 97887
increases in these fees and charges. The Council shall issue a 97888
report of its activities, findings, and recommendations to the 97889
Governor, the Speaker of the House of Representatives, and the 97890
President of the Senate not later than May 31, 2006. 97891

(D) The Council shall cease to exist January 1, 2007. 97892

Section 209.63.60. HIGHER EDUCATION - BOARD OF TRUSTEES 97893

Funds appropriated for instructional subsidies at colleges 97894
and universities may be used to provide such branch or other 97895
off-campus undergraduate courses of study and such master's degree 97896
courses of study as may be approved by the Board of Regents. 97897

In providing instructional and other services to students, 97898
boards of trustees of state-assisted institutions of higher 97899
education shall supplement state subsidies by income from charges 97900
to students. Each board shall establish the fees to be charged to 97901
all students, including an instructional fee for educational and 97902
associated operational support of the institution and a general 97903
fee for noninstructional services, including locally financed 97904
student services facilities used for the benefit of enrolled 97905
students. The instructional fee and the general fee shall 97906
encompass all charges for services assessed uniformly to all 97907

enrolled students. Each board may also establish special purpose 97908
fees, service charges, and fines as required; such special purpose 97909
fees and service charges shall be for services or benefits 97910
furnished individual students or specific categories of students 97911
and shall not be applied uniformly to all enrolled students. 97912
Except for the board of trustees of Miami University, in 97913
implementing the pilot tuition restructuring plan recognized in 97914
Section 89.05 of Am. Sub. H.B. 95 of the 125th General Assembly 97915
and again recognized by this act, a tuition surcharge shall be 97916
paid by all students who are not residents of Ohio. 97917

The boards of trustees of each state institution of higher 97918
education as defined in section 3345.011 of the Revised Code shall 97919
limit in-state undergraduate instructional and general fee 97920
increases for an academic year over the amounts charged in the 97921
prior academic year to not more than the lesser of six per cent 97922
or, for a full-time student, five hundred dollars. A board of 97923
trustees shall not authorize combined instructional and general 97924
fee increases of more than six per cent in a single vote. The 97925
limitations on fee increases prescribed in this section apply to 97926
an academic year even if, prior to the effective date of this 97927
section, a board of trustees has voted to increase fees beyond the 97928
amount permitted under this section. In such case, the board shall 97929
reduce the fees in an amount that results in combined in-state 97930
undergraduate instructional and general fees that comply with this 97931
section. These limitations shall not apply to increases required 97932
to comply with institutional covenants related to their 97933
obligations or to meet unfunded legal mandates or legally binding 97934
obligations incurred or commitments made prior to the effective 97935
date of this section with respect to which the institution had 97936
identified such fee increases as the source of funds. Any increase 97937
required by such covenants and any such mandates, obligations, or 97938
commitments shall be reported by the Board of Regents to the 97939

Controlling Board. These limitations may also be modified by the Board of Regents, with the approval of the Controlling Board, to respond to exceptional circumstances as identified by the Board of Regents.

The board of trustees of a state-assisted institution of higher education shall not authorize a waiver or nonpayment of instructional fees or general fees for any particular student or any class of students other than waivers specifically authorized by law or approved by the Chancellor. This prohibition is not intended to limit the authority of boards of trustees to provide for payments to students for services rendered the institution, nor to prohibit the budgeting of income for staff benefits or for student assistance in the form of payment of such instructional and general fees. This prohibition is not intended to limit the authority of the board of trustees of Miami University in providing financial assistance to students in implementing the pilot tuition restructuring plan recognized in Section 89.05 of Am. Sub. H.B. 95 of the 125th General Assembly and again recognized by this act.

Except for Miami University, in implementing the pilot tuition restructuring plan recognized in Section 89.05 of Am. Sub. H.B. 95 of the 125th General Assembly and again recognized by this act, each state-assisted institution of higher education in its statement of charges to students shall separately identify the instructional fee, the general fee, the tuition charge, and the tuition surcharge. Fee charges to students for instruction shall not be considered to be a price of service but shall be considered to be an integral part of the state government financing program in support of higher educational opportunity for students.

In providing the appropriations in support of instructional services at state-assisted institutions of higher education and the appropriations for other instruction it is the intent of the

General Assembly that faculty members shall devote a proper and
judicious part of their work week to the actual instruction of
students. Total class credit hours of production per quarter per
full-time faculty member is expected to meet the standards set
forth in the budget data submitted by the Board of Regents.

The authority of government vested by law in the boards of
trustees of state-assisted institutions of higher education shall
in fact be exercised by those boards. Boards of trustees may
consult extensively with appropriate student and faculty groups.
Administrative decisions about the utilization of available
resources, about organizational structure, about disciplinary
procedure, about the operation and staffing of all auxiliary
facilities, and about administrative personnel shall be the
exclusive prerogative of boards of trustees. Any delegation of
authority by a board of trustees in other areas of responsibility
shall be accompanied by appropriate standards of guidance
concerning expected objectives in the exercise of such delegated
authority and shall be accompanied by periodic review of the
exercise of this delegated authority to the end that the public
interest, in contrast to any institutional or special interest,
shall be served.

Section 209.63.63. STUDENT SUPPORT SERVICES 97993

The foregoing appropriation item 235-502, Student Support
Services, shall be distributed by the Board of Regents to Ohio's
state-assisted colleges and universities that incur
disproportionate costs in the provision of support services to
disabled students.

Section 209.63.66. OHIO INSTRUCTIONAL GRANTS 97999

In fiscal year 2006, instructional grants for all eligible
full-time students shall be made using the tables under section

3333.12 of the Revised Code. In fiscal year 2007, instructional grants for all eligible full-time students who have attended a college, university, or proprietary school and have completed coursework for college credit, excluding early college high school and post-secondary enrollment option students, prior to academic year 2006-2007, shall be made using the tables under section 3333.12 of the Revised Code.

Of the foregoing appropriation item 235-503, Ohio Instructional Grants, an amount in each fiscal year shall be used to make the payments authorized by division (C) of section 3333.26 of the Revised Code to the institutions described in that division. In addition, an amount in each fiscal year shall be used to reimburse the institutions described in division (B) of section 3333.26 of the Revised Code for the cost of the waivers required by that division.

The unencumbered balance of appropriation item 235-503, Ohio Instructional Grants, at the end of fiscal year 2006 shall be transferred to fiscal year 2007 for use under the same appropriation item. The amounts transferred are hereby appropriated.

Section 209.63.69. WAR ORPHANS SCHOLARSHIPS

The foregoing appropriation item 235-504, War Orphans Scholarships, shall be used to reimburse state-assisted institutions of higher education for waivers of instructional fees and general fees provided by them, to provide grants to institutions that have received a certificate of authorization from the Ohio Board of Regents under Chapter 1713. of the Revised Code, in accordance with the provisions of section 5910.04 of the Revised Code, and to fund additional scholarship benefits provided by section 5910.032 of the Revised Code.

Section 209.63.72. OHIOLINK 98032

The foregoing appropriation item 235-507, OhioLINK, shall be 98033
used by the Board of Regents to support OhioLINK, the state's 98034
electronic library information and retrieval system, which 98035
provides access statewide to the library holdings of all of Ohio's 98036
public colleges and universities, 40 private colleges, and the 98037
State Library of Ohio. 98038

Section 209.63.75. AIR FORCE INSTITUTE OF TECHNOLOGY 98039

The foregoing appropriation item 235-508, Air Force Institute 98040
of Technology, shall be used to strengthen the research and 98041
educational linkages between the Wright Patterson Air Force Base 98042
and institutions of higher education in Ohio. Of the foregoing 98043
appropriation item 235-508, Air Force Institute of Technology, 98044
\$1,233,588 in each fiscal year shall be used for research projects 98045
that connect the Air Force Research Laboratories with university 98046
partners. The institute shall provide annual reports to the Third 98047
Frontier Commission, that discuss existing, planned, or possible 98048
collaborations between programs and funding recipients related to 98049
technology, research development, commercialization, and support 98050
for Ohio's economic development. 98051

Of the foregoing appropriation item 235-508, Air Force 98052
Institute of Technology, \$691,757 in each fiscal year shall be 98053
used to match federal dollars to support technology 98054
commercialization and job creation. The Development Research 98055
Corporation shall use the funds to create or expand Ohio-based 98056
technology and commercial development collaborations in areas that 98057
are a priority in Ohio's third frontier initiative between 98058
industry, academia, and government. 98059

Section 209.63.78. OHIO SUPERCOMPUTER CENTER 98060

The foregoing appropriation item 235-510, Ohio Supercomputer Center, shall be used by the Board of Regents to support the operation of the Ohio Super Computer Center, located at The Ohio State University, as a statewide resource available to Ohio research universities both public and private. It is also intended that the center be made accessible to private industry as appropriate. Policies of the center shall be established by a governance committee, representative of Ohio's research universities and private industry, to be appointed by the Chancellor of the Board of Regents and established for this purpose.

The Ohio Supercomputer Center shall report on expanding solutions-oriented, computational science services to industrial and other customers, including alignment programs and recipients, and develop a plan for a computational science initiative in collaboration with the Wright Centers of Innovation Program.

Of the foregoing appropriation item 235-510, Ohio Supercomputer Center, \$250,000 in each fiscal year shall be used to support the Super Computer Center in Beaver creek.

Section 209.63.81. COOPERATIVE EXTENSION SERVICE

The foregoing appropriation item 235-511, Cooperative Extension Service, shall be disbursed through the Board of Regents to The Ohio State University in monthly payments, unless otherwise determined by the Director of Budget and Management under section 126.09 of the Revised Code.

Of the foregoing appropriation item 235-511, Cooperative Extension Service, \$178,271 in each fiscal year shall be used for additional staffing for county agents for expanded 4-H activities. Of the foregoing appropriation item 235-511, Cooperative Extension Service, \$178,271 in each fiscal year shall be used by the

Cooperative Extension Service, through the Enterprise Center for
Economic Development in cooperation with other agencies, for a
public-private effort to create and operate a small business
economic development program to enhance the development of
alternatives to the growing of tobacco, and implement, through
applied research and demonstration, the production and marketing
of other high-value crops and value-added products. Of the
foregoing appropriation item 235-511, Cooperative Extension
Service, \$55,179 in each fiscal year shall be used for farm labor
mediation and education programs, \$182,515 in each fiscal year
shall be used to support the Ohio State University Marion
Enterprise Center, and \$772,931 in each fiscal year shall be used
to support the Ohio Watersheds Initiative.

Section 209.63.84. OHIO UNIVERSITY VOINOVICH CENTER 98104

The foregoing appropriation item 235-513, Ohio University
Voinovich Center, shall be used by the Board of Regents to support
the operations of Ohio University's Voinovich Center.

Section 209.63.90. PERFORMANCE STANDARDS FOR MEDICAL 98108
EDUCATION 98109

The Board of Regents, in consultation with the state-assisted
medical colleges, shall develop performance standards for medical
education. Special emphasis in the standards shall be placed on
attempting to ensure that at least 50 per cent of the aggregate
number of students enrolled in state-assisted medical colleges
continue to enter residency as primary care physicians. Primary
care physicians are general family practice physicians, general
internal medicine practitioners, and general pediatric care
physicians. The Board of Regents shall monitor medical school
performance in relation to their plans for reaching the 50 per
cent systemwide standard for primary care physicians.

Section 209.63.93. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF MEDICINE 98121
98122

The foregoing appropriation item 235-515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Board of Regents in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities. 98123
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Section 209.63.94. CAPITOL SCHOLARSHIP PROGRAM 98130

The foregoing appropriation item 235-518, Capitol Scholarship Program, shall be used by the Board of Regents to provide scholarships to undergraduates of Ohio's four-year public and private institutions of higher education participating in the Washington Center Internship Program. A scholarship of \$1,800 shall be awarded to students enrolled in an institution operating on a quarter system, and a scholarship of \$2,300 shall be awarded to students enrolled in an institution operating on a semester system. The number of scholarships awarded shall be limited by the amounts appropriated in fiscal years 2006 and 2007. The Washington Center shall match the scholarships awarded to students as follows: \$1,200 for students enrolled in an institution operating on a quarter system, and \$1,700 for students enrolled in an institution operating on a semester system. 98131
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Section 209.63.95. FAMILY PRACTICE 98145

The Board of Regents shall develop plans consistent with existing criteria and guidelines as may be required for the distribution of appropriation item 235-519, Family Practice. 98146
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Section 209.63.96. SHAWNEE STATE SUPPLEMENT 98149

The foregoing appropriation item 235-520, Shawnee State 98150
Supplement, shall be used by Shawnee State University as detailed 98151
by both of the following: 98152

(A) To allow Shawnee State University to keep its 98153
undergraduate fees below the statewide average, consistent with 98154
its mission of service to an economically depressed Appalachian 98155
region; 98156

(B) To allow Shawnee State University to employ new faculty 98157
to develop and teach in new degree programs that meet the needs of 98158
Appalachians. 98159

Section 209.63.99. OSU GLENN INSTITUTE 98160

The foregoing appropriation item 235-521, The Ohio State 98161
University Glenn Institute, shall be used by the Board of Regents 98162
to support the operations of the Ohio State University's Glenn 98163
Institute. 98164

Section 209.64.03. POLICE AND FIRE PROTECTION 98165

The foregoing appropriation item 235-524, Police and Fire 98166
Protection, shall be used for police and fire services in the 98167
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 98168
Portsmouth, Xenia Township (Greene County), Rootstown Township, 98169
and the City of Nelsonville that may be used to assist these local 98170
governments in providing police and fire protection for the 98171
central campus of the state-affiliated university located therein. 98172
Each participating municipality and township shall receive at 98173
least \$5,000 in each fiscal year. Funds shall be distributed 98174
according to the method employed by the Board of Regents in the 98175
previous biennium. 98176

Section 209.64.06. GERIATRIC MEDICINE 98177

The Board of Regents shall develop plans consistent with 98178
existing criteria and guidelines as may be required for the 98179
distribution of appropriation item 235-525, Geriatric Medicine. 98180

Section 209.64.07. PRIMARY CARE RESIDENCIES 98181

The Board of Regents shall develop plans consistent with 98182
existing criteria and guidelines as may be required for the 98183
distribution of appropriation item 235-526, Primary Care 98184
Residencies. 98185

The foregoing appropriation item 235-526, Primary Care 98186
Residencies, shall be distributed in each fiscal year of the 98187
biennium, based on whether or not the institution has submitted 98188
and gained approval for a plan. If the institution does not have 98189
an approved plan, it shall receive five per cent less funding per 98190
student than it would have received from its annual allocation. 98191
The remaining funding shall be distributed among those 98192
institutions that meet or exceed their targets. 98193

Section 209.64.09. OHIO AEROSPACE INSTITUTE 98194

The foregoing appropriation item 235-527, Ohio Aerospace 98195
Institute, shall be distributed by the Board of Regents under 98196
section 3333.042 of the Revised Code. 98197

The Board of Regents, in consultation with the Third Frontier 98198
Commission, shall develop a plan for providing for appropriate, 98199
value-added participation of the Ohio Aerospace Institute in Third 98200
Frontier Project proposals and grants. 98201

Section 209.64.12. ACADEMIC SCHOLARSHIPS 98202

The foregoing appropriation item 235-530, Academic 98203

Scholarships, shall be used to provide academic scholarships to 98204
students under section 3333.22 of the Revised Code. 98205

Section 209.64.15. STUDENT CHOICE GRANTS 98206

The foregoing appropriation item 235-531, Student Choice 98207
Grants, shall be used to support the Student Choice Grant Program 98208
created by section 3333.27 of the Revised Code. The unencumbered 98209
balance of appropriation item 235-531, Student Choice Grants, at 98210
the end of fiscal year 2006 shall be transferred to fiscal year 98211
2007 for use under the same appropriation item to maintain grant 98212
award amounts in fiscal year 2007 equal to the awards provided in 98213
fiscal year 2006. The amounts transferred are hereby appropriated. 98214

Section 209.64.18. STUDENT WORKFORCE DEVELOPMENT GRANTS 98215

The foregoing appropriation item 235-534, Student Workforce 98216
Development Grants, shall be used to support the Student Workforce 98217
Development Grant Program. The Board of Regents shall distribute 98218
grants to each eligible student in an academic year. The size of 98219
each grant award shall be determined by the Board of Regents based 98220
on the amount of funds available for the program. The unencumbered 98221
balance of appropriation item 235-534, Student Workforce 98222
Development Grants, at the end of fiscal year 2006 shall be 98223
transferred to fiscal year 2007 for use under the same 98224
appropriation item. The amounts transferred are hereby 98225
appropriated. 98226

**Section 209.64.21. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 98227
CENTER** 98228

The foregoing appropriation item 235-535, Ohio Agricultural 98229
Research and Development Center, shall be disbursed through the 98230
Board of Regents to The Ohio State University in monthly payments, 98231
unless otherwise determined by the Director of Budget and 98232

Management under section 126.09 of the Revised Code. The Ohio
Agricultural Research and Development Center shall not be required
to remit payment to The Ohio State University during the biennium
ending June 30, 2007, for cost reallocation assessments. The cost
reallocation assessments include, but are not limited to, any
assessment on state appropriations to the Center.

The Ohio Agricultural Research and Development Center, an
entity of the College of Food, Agricultural, and Environmental
Sciences of The Ohio State University, shall further its mission
of enhancing Ohio's economic development and job creation by
continuing to internally allocate on a competitive basis
appropriated funding of programs based on demonstrated
performance. Academic units, faculty, and faculty-driven programs
shall be evaluated and rewarded consistent with agreed-upon
performance expectations as called for in the College's
Expectations and Criteria for Performance Assessment.

Of the foregoing appropriation item 235-535, Ohio
Agricultural Research and Development Center, \$458,410 in each
fiscal year shall be used to purchase equipment.

Of the foregoing appropriation item 235-535, Ohio
Agricultural Research and Development Center, \$806,463 in each
fiscal year shall be distributed to the Piketon Agricultural
Research and Extension Center.

Of the foregoing appropriation item 235-535, Ohio
Agricultural Research and Development Center, \$212,227 in each
fiscal year shall be distributed to the
Raspberry/Strawberry-Ellagic Acid Research program at The Ohio
State University Medical College in cooperation with The Ohio
State University College of Agriculture.

Of the foregoing appropriation item 235-535, Ohio
Agricultural Research and Development Center, \$42,445 in each

fiscal year shall be used to support the Ohio Berry Administrator. 98264

Of the foregoing appropriation item 235-535, Ohio 98265
Agricultural Research and Development Center, \$84,890 in each 98266
fiscal year shall be used for the development of agricultural 98267
crops and products not currently in widespread production in Ohio, 98268
in order to increase the income and viability of family farmers. 98269

Of the foregoing appropriation item 235-535, Ohio 98270
Agricultural Research and Development Center, \$125,000 in each 98271
fiscal year shall be distributed to Wilmington College for the 98272
commercialization of agricultural products. 98273

Section 209.64.22. STATE UNIVERSITY CLINICAL TEACHING 98274

The foregoing appropriation items 235-536, The Ohio State 98275
University Clinical Teaching; 235-537, University of Cincinnati 98276
Clinical Teaching; 235-538, Medical University of Ohio at Toledo 98277
Clinical Teaching; 235-539, Wright State University Clinical 98278
Teaching; 235-540, Ohio University Clinical Teaching; and 235-541, 98279
Northeastern Ohio Universities College of Medicine Clinical 98280
Teaching, shall be distributed through the Board of Regents. 98281

Of the foregoing appropriation item 235-539, Wright State 98282
University Clinical Teaching, \$124,644 in each fiscal year of the 98283
biennium shall be for the use of Wright State University's Ellis 98284
Institute for Clinical Teaching Studies to operate the clinical 98285
facility to serve the Greater Dayton area. 98286

The Board of Regents, in consultation with representatives of 98287
each of the six state-assisted colleges of medicine, shall study 98288
and propose recommendations for a formula to allocate 98289
appropriations for clinical teaching support. The consultation 98290
shall consider factors that reward medical schools for serving 98291
Ohio's health care needs in an equitable and efficient manner. 98292
Recommendations shall be submitted to the Office of Budget and 98293

Management and the General Assembly for consideration by November 15, 2006. A new method, approved by the Office of Budget and Management and the General Assembly, shall be implemented in fiscal years 2008 and 2009 for distributing funds for clinical teaching support.

Section 209.64.23. SCHOOL OF INTERNATIONAL BUSINESS 98299

Of the foregoing appropriation item 235-547, School of International Business, \$250,000 in each fiscal year shall be used for the continued development and support of the School of International Business of the state universities of northeast Ohio. The money shall go to the University of Akron. These funds shall be used by the university to establish a School of International Business located at the University of Akron. It may confer with Kent State University, Youngstown State University, and Cleveland State University as to the curriculum and other matters regarding the school.

Of the foregoing appropriation item 235-547, School of International Business, \$100,000 in each fiscal year shall be used by the University of Toledo College of Business for expansion of its international business programs.

Of the foregoing appropriation item 235-547, School of International Business, \$100,000 in each fiscal year shall be used to support the Ohio State University BioMEMS program.

Section 209.64.24. PART-TIME STUDENT INSTRUCTIONAL GRANTS 98317

The foregoing appropriation item 235-549, Part-time Student Instructional Grants, shall be used to support a grant program for part-time undergraduate students who are Ohio residents and who were enrolled in degree granting programs prior to academic year 2006-2007.

Eligibility for participation in the program shall include 98323
degree granting educational institutions that hold a certificate 98324
of registration from the State Board of Career Colleges and 98325
Schools, and nonprofit institutions that have a certificate of 98326
authorization issued under Chapter 1713. of the Revised Code, as 98327
well as state-assisted colleges and universities. Grants shall be 98328
given to students on the basis of need, as determined by the 98329
college, which, in making these determinations, shall give special 98330
consideration to single-parent heads-of-household and displaced 98331
homemakers who enroll in an educational degree program that 98332
prepares the individual for a career. In determining need, the 98333
college also shall consider the availability of educational 98334
assistance from a student's employer. It is the intent of the 98335
General Assembly that these grants not supplant such assistance. 98336

Section 209.64.27. CAPITAL COMPONENT 98337

The foregoing appropriation item 235-552, Capital Component, 98338
shall be used by the Board of Regents to implement the capital 98339
funding policy for state-assisted colleges and universities 98340
established in Am. H.B. No. 748 of the 121st General Assembly. 98341
Appropriations from this item shall be distributed to all campuses 98342
for which the estimated campus debt service attributable to new 98343
qualifying capital projects is less than the campus's 98344
formula-determined capital component allocation. Campus 98345
allocations shall be determined by subtracting the estimated 98346
campus debt service attributable to new qualifying capital 98347
projects from the campus's formula-determined capital component 98348
allocation. Moneys distributed from this appropriation item shall 98349
be restricted to capital-related purposes. 98350

Any campus for which the estimated campus debt service 98351
attributable to qualifying capital projects is greater than the 98352
campus's formula-determined capital component allocation shall 98353

have the difference subtracted from its State Share of Instruction 98354
allocation in each fiscal year. The sum of all such amounts shall 98355
be transferred from appropriation item 235-501, State Share of 98356
Instruction, to appropriation item 235-552, Capital Component. 98357

Section 209.64.30. DAYTON AREA GRADUATE STUDIES INSTITUTE 98358

The foregoing appropriation item 235-553, Dayton Area 98359
Graduate Studies Institute, shall be used by the Board of Regents 98360
to support the Dayton Area Graduate Studies Institute, an 98361
engineering graduate consortium of three universities in the 98362
Dayton area: Wright State University, the University of Dayton, 98363
and the Air Force Institute of Technology, with the participation 98364
of the University of Cincinnati and The Ohio State University. 98365

Of the foregoing appropriation item 235-553, Dayton Area 98366
Graduate Studies Institute, \$350,000 in each fiscal year shall be 98367
used by the Development Research Corporation to support 98368
collaborative research and technology commercialization 98369
initiatives in Ohio. 98370

Section 209.64.33. PRIORITIES IN COLLABORATIVE GRADUATE 98371
EDUCATION 98372

The foregoing appropriation item 235-554, Priorities in 98373
Collaborative Graduate Education, shall be used by the Board of 98374
Regents to support improvements in graduate programs at 98375
state-assisted universities that the Board of Regents identifies 98376
as vital to the state's economic strategy. Up to \$169,782 in each 98377
fiscal year shall be used to support collaborative efforts in 98378
graduate education in this program area. The collaborative program 98379
shall be coordinated by the Board of Regents. 98380

Section 209.64.36. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 98381

The foregoing appropriation item 235-556, Ohio Academic 98382

Resources Network, shall be used to support the operations of the 98383
Ohio Academic Resources Network, which shall include support for 98384
Ohio's state-assisted colleges and universities in maintaining and 98385
enhancing network connections. The network shall give priority to 98386
supporting the Third Frontier Network and allocating bandwidth to 98387
programs directly supporting Ohio's economic development. 98388

Section 209.64.39. LONG-TERM CARE RESEARCH 98389

The foregoing appropriation item 235-558, Long-term Care 98390
Research, shall be disbursed to Miami University for long-term 98391
care research. 98392

**Section 209.64.45. BOWLING GREEN STATE UNIVERSITY CANADIAN 98393
STUDIES CENTER** 98394

The foregoing appropriation item 235-561, Bowling Green State 98395
University Canadian Studies Center, shall be used by the Canadian 98396
Studies Center at Bowling Green State University to study 98397
opportunities for Ohio and Ohio businesses to benefit from the 98398
Free Trade Agreement between the United States and Canada. 98399

Section 209.64.51. OHIO COLLEGE OPPORTUNITY GRANT PHASE-IN 98400

The foregoing appropriation item 235-563, Ohio College 98401
Opportunity Grant, shall be used by the Board of Regents to begin 98402
to award needs-based financial aid to students based on the United 98403
States Department of Education's method of determining financial 98404
need. Beginning in fiscal year 2007, students who enrolled in a 98405
public, private, or proprietary post-secondary institution of 98406
higher education for the first time in academic year 2006-2007, 98407
excluding early college high school and post-secondary enrollment 98408
option participants, shall be eligible to receive aid based on 98409
their expected family contributions as calculated by the United 98410
State Department of Education, according to section 3333.122 of 98411

the Revised Code. 98412

Section 209.64.54. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 98413

The foregoing appropriation item 235-572, The Ohio State 98414
University Clinic Support, shall be distributed through the Board 98415
of Regents to The Ohio State University for support of dental and 98416
veterinary medicine clinics. 98417

Section 209.64.57. URBAN UNIVERSITY PROGRAM 98418

Universities receiving funds from the foregoing appropriation 98419
item 235-583, Urban University Program, that are used to support 98420
an ongoing university unit shall certify periodically in a manner 98421
approved by the Board of Regents that program funds are being 98422
matched on a one-to-one basis with equivalent resources. Overhead 98423
support may not be used to meet this requirement. Where Urban 98424
University Program funds are being used to support an ongoing 98425
university unit, matching funds shall come from continuing rather 98426
than one-time sources. At each participating state-assisted 98427
institution of higher education, matching funds shall be within 98428
the substantial control of the individual designated by the 98429
institution's president as the Urban University Program 98430
representative. 98431

Of the foregoing appropriation item 235-583, Urban University 98432
Program, \$117,215 in each fiscal year shall be used to support the 98433
Center for the Interdisciplinary Study of Education and the Urban 98434
Child at Cleveland State University. These funds shall be 98435
distributed according to rules adopted by the Board of Regents and 98436
shall be used by the center for interdisciplinary activities 98437
targeted toward increasing the chance of lifetime success of the 98438
urban child, including interventions beginning with the prenatal 98439
period. The primary purpose of the center is to study issues in 98440
urban education and to systematically map directions for new 98441

approaches and new solutions by bringing together a cadre of 98442
researchers, scholars, and professionals representing the social, 98443
behavioral, education, and health disciplines. 98444

Of the foregoing appropriation item 235-583, Urban University 98445
Program, \$1,433,037 in each fiscal year shall be distributed by 98446
the Board of Regents to Cleveland State University in support of 98447
the Maxine Goodman Levin College of Urban Affairs. 98448

Of the foregoing appropriation item 235-583, Urban University 98449
Program, \$1,433,037 in each fiscal year shall be distributed to 98450
the Northeast Ohio Research Consortium, the Urban Linkages 98451
Program, and the Urban Research Technical Assistance Grant 98452
Program. The distribution among the three programs shall be 98453
determined by the chair of the Urban University Program. 98454

Of the foregoing appropriation item 235-583, Urban University 98455
Program, \$247,453 in each fiscal year shall be used to support a 98456
public communication outreach program (WCPN). The primary purpose 98457
of the program shall be to develop a relationship between 98458
Cleveland State University and nonprofit communications entities. 98459

Of the foregoing appropriation item 235-583, Urban University 98460
Program, \$169,310 in each fiscal year shall be used to support the 98461
Kent State University Learning and Technology Project. This 98462
project is a kindergarten through university collaboration between 98463
schools surrounding Kent State University's eight campuses in 98464
northeast Ohio and corporate partners who will assist in 98465
development and delivery. 98466

The Kent State University Project shall provide a faculty 98467
member who has a full-time role in the development of 98468
collaborative activities and teacher instructional programming 98469
between Kent State University and the K-12th grade schools that 98470
surround its eight campuses; appropriate student support staff to 98471
facilitate these programs and joint activities; and hardware and 98472

software to schools that will make possible the delivery of 98473
instruction to pre-service and in-service teachers, and their 98474
students, in their own classrooms or school buildings. This shall 98475
involve the delivery of low-bandwidth streaming video and 98476
web-based technologies in a distributed instructional model. 98477

Of the foregoing appropriation item 235-583, Urban University 98478
Program, \$65,119 in each fiscal year shall be used to support the 98479
Ameritech Classroom/Center for Research at Kent State University. 98480

Of the foregoing appropriation item 235-583, Urban University 98481
Program, \$723,547 in each fiscal year shall be used to support the 98482
Polymer Distance Learning Project at the University of Akron. 98483

Of the foregoing appropriation item 235-583, Urban University 98484
Program, \$32,560 in each fiscal year shall be distributed to the 98485
Kent State University/Cleveland Design Center program. 98486

Of the foregoing appropriation item 235-583, Urban University 98487
Program, \$180,886 in each fiscal year shall be used to support the 98488
Bliss Institute of Applied Politics at the University of Akron. 98489

Of the foregoing appropriation item 235-583, Urban University 98490
Program, \$10,851 in each fiscal year shall be used for the 98491
Advancing-Up Program at the University of Akron. 98492

Of the foregoing appropriation item 235-583, Urban University 98493
Program, \$139,777 in each fiscal year shall be used to support the 98494
Strategic Economic Research Collaborative at the University of 98495
Toledo Urban Affairs Center. 98496

Of the foregoing appropriation item 235-583, Urban University 98497
Program, \$139,777 in each fiscal year shall be used to support the 98498
Institute for Collaborative Research and Public Humanities at The 98499
Ohio State University. 98500

Of the foregoing appropriation item 235-583, Urban University 98501
Program, \$300,368 in each fiscal year shall be used to support the 98502

Medina County University Center.	98503
Section 209.64.60. RURAL UNIVERSITY PROJECTS	98504
Of the foregoing appropriation item 235-587, Rural University	98505
Projects, Bowling Green State University shall receive \$263,783 in	98506
each fiscal year, Miami University shall receive \$245,320 in each	98507
fiscal year, and Ohio University shall receive \$575,015 in each	98508
fiscal year. These funds shall be used to support the Institute	98509
for Local Government Administration and Rural Development at Ohio	98510
University, the Center for Public Management and Regional Affairs	98511
at Miami University, and the Center for Policy Analysis and Public	98512
Service at Bowling Green State University.	98513
A small portion of the funds provided to Ohio University	98514
shall also be used for the Institute for Local Government	98515
Administration and Rural Development State and Rural Policy	98516
Partnership with the Governor's Office of Appalachia and the	98517
Appalachian delegation of the General Assembly.	98518
Of the foregoing appropriation item 235-587, Rural University	98519
Projects, \$15,942 in each fiscal year shall be used to support the	98520
Washington State Community College day care center.	98521
Of the foregoing appropriation item 235-587, Rural University	98522
Projects, \$47,829 in each fiscal year shall be used to support the	98523
COAD/ILGARD/GOA Appalachian Leadership Initiative.	98524
Section 209.64.63. HAZARDOUS MATERIALS PROGRAM	98525
The foregoing appropriation item 235-596, Hazardous Materials	98526
Program, shall be disbursed to Cleveland State University for the	98527
operation of a program to certify firefighters for the handling of	98528
hazardous materials. Training shall be available to all Ohio	98529
firefighters.	98530
Of the foregoing appropriation item 235-596, Hazardous	98531

Materials Program, \$177,337 in each fiscal year shall be used to 98532
support the Center for the Interdisciplinary Study of Education 98533
and Leadership in Public Service at Cleveland State University. 98534
These funds shall be distributed by the Board of Regents and shall 98535
be used by the center targeted toward increasing the role of 98536
special populations in public service and not-for-profit 98537
organizations. The primary purpose of the center is to study 98538
issues in public service and to guide strategies for attracting 98539
new communities into public service occupations by bringing 98540
together a cadre of researchers, scholars, and professionals 98541
representing the public administration, social behavioral, and 98542
education disciplines. 98543

Section 209.64.66. NATIONAL GUARD SCHOLARSHIP PROGRAM 98544

The Board of Regents shall disburse funds from appropriation 98545
item 235-599, National Guard Scholarship Program, at the direction 98546
of the Adjutant General. During each fiscal year, the Board of 98547
Regents, within ten days of cancellation, may certify to the 98548
Director of Budget and Management the amount of canceled 98549
prior-year encumbrances in appropriation item 235-599, National 98550
Guard Scholarship Program. Upon receipt of the certification, the 98551
Director of Budget and Management may transfer an amount up to the 98552
certified amount from the General Revenue Fund to the National 98553
Guard Scholarship Reserve Fund (Fund 5BM). Upon the request of the 98554
Adjutant General, the Board of Regents shall seek Controlling 98555
Board approval to establish appropriations in item 235-623, 98556
National Guard Scholarship Reserve Fund. The Board of Regents 98557
shall disburse funds from appropriation item 235-623, National 98558
Guard Scholarship Reserve Fund, at the direction of the Adjutant 98559
General. 98560

***Section 209.64.69. PLEDGE OF FEES** 98561

Any new pledge of fees, or new agreement for adjustment of 98562
fees, made in the biennium ending June 30, 2007, to secure bonds 98563
or notes of a state-assisted institution of higher education for a 98564
project for which bonds or notes were not outstanding on the 98565
effective date of this section shall be effective only after 98566
approval by the Board of Regents, unless approved in a previous 98567
biennium. 98568

Section 209.64.72. HIGHER EDUCATION GENERAL OBLIGATION DEBT 98569
SERVICE 98570

The foregoing appropriation item 235-909, Higher Education 98571
General Obligation Debt Service, shall be used to pay all debt 98572
service and related financing costs at the times they are required 98573
to be made under sections 151.01 and 151.04 of the Revised Code 98574
during the period from July 1, 2005, to June 30, 2007. The Office 98575
of the Sinking Fund or the Director of Budget and Management shall 98576
effectuate the required payments by intrastate transfer voucher. 98577

Section 209.64.75. SALES AND SERVICES 98578

The Board of Regents is authorized to charge and accept 98579
payment for the provision of goods and services. Such charges 98580
shall be reasonably related to the cost of producing the goods and 98581
services. No charges may be levied for goods or services that are 98582
produced as part of the routine responsibilities or duties of the 98583
Board. All revenues received by the Board of Regents shall be 98584
deposited into Fund 456, and may be used by the Board of Regents 98585
to pay for the costs of producing the goods and services. 98586

Section 209.64.76. OHIO HIGHER EDUCATIONAL FACILITY 98587
COMMISSION SUPPORT 98588

The foregoing appropriation item 235-602, Higher Educational 98589
Facility Commission Administration, shall be used by the Board of 98590

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Regents for operating expenses related to the Board of Regents' support of the activities of the Ohio Higher Educational Facility Commission. Upon the request of the chancellor, the Director of Budget and Management shall transfer up to \$55,000 cash from Fund 461 to Fund 4E8 in each fiscal year of the biennium.

Section 209.64.78. PHYSICIAN LOAN REPAYMENT 98596

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The foregoing appropriation item 235-604, Physician Loan Repayment, shall be used in accordance with sections 3702.71 to 3702.81 of the Revised Code.

Section 209.64.81. NURSING LOAN PROGRAM 98600

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The foregoing appropriation item 235-606, Nursing Loan Program, shall be used to administer the nurse education assistance program. Up to \$159,600 in fiscal year 2006 and \$167,580 in fiscal year 2007 may be used for operating expenses associated with the program. Any additional funds needed for the administration of the program are subject to Controlling Board approval.

Section 209.64.84. SCIENCE AND TECHNOLOGY COLLABORATION 98608

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The Board of Regents shall work in close collaboration with the Department of Development, the Air Quality Development Authority, and the Third Frontier Commission in relation to appropriation items and programs referred to as Alignment Programs in the following paragraph, and other technology-related appropriations and programs in the Department of Development, Air Quality Development Authority, and the Board of Regents as these agencies may designate, to ensure implementation of a coherent state strategy with respect to science and technology.

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"Alignment Programs" means: appropriation items 195-401, Thomas Edison Program; 898-402, Coal Development Office; 195-422,

Third Frontier Action Fund; 898-604, Coal Research and Development 98620
Fund; 235-433, Economic Growth Challenge; 235-451, Eminent 98621
Scholars; 235-508, Air Force Institute of Technology; 235-510, 98622
Ohio Supercomputer Center; 235-527, Ohio Aerospace Institute; 98623
235-535, Ohio Agricultural Research and Development Center; 98624
235-553, Dayton Area Graduate Studies Institute; 235-554, 98625
Priorities in Collaborative Graduate Education; 235-556, Ohio 98626
Academic Resources Network; and 195-435, Biomedical Research and 98627
Technology Transfer Trust. 98628

Consistent with the recommendations of the Governor's 98629
Commission on Higher Education and the Economy, Alignment Programs 98630
shall be managed and administered (1) to build on existing 98631
competitive research strengths; (2) to encourage new and emerging 98632
discoveries and commercialization of products and ideas that will 98633
benefit the Ohio economy; and (3) to assure improved collaboration 98634
among Alignment Programs, with programs administered by the Third 98635
Frontier Commission, and with other state programs that are 98636
intended to improve economic growth and job creation. 98637

If requested by the Third Frontier Commission, Alignment 98638
Programs managers shall report to the Commission or the Third 98639
Frontier Advisory Board, as directed by the Commission, on the 98640
contributions of their programs to achieving the objectives stated 98641
in the preceding paragraph of this section. 98642

Each alignment program shall be reviewed annually by the 98643
Third Frontier Commission with respect to its development of 98644
complementary relationships within a combined state science and 98645
technology investment portfolio and its overall contribution to 98646
the state's science and technology strategy, including the 98647
adoption of appropriately consistent criteria for: (1) the 98648
scientific merit of activities supported by the program; (2) the 98649
relevance of the program's activities to commercial opportunities 98650
in the private sector; (3) the private sector's involvement in a 98651

process that continually evaluates commercial opportunities to use 98652
the work supported by the program; and (4) the ability of the 98653
program and recipients of grant funding from the program to engage 98654
in activities that are collaborative, complementary, and efficient 98655
with respect to the expenditure of state funds. All programs 98656
listed above shall provide annual reports to the Third Frontier 98657
Commission discussing existing, planned, or possible 98658
collaborations between programs and recipients of grant funding 98659
related to technology, development, commercialization, and 98660
supporting Ohio's economic development. The annual review by the 98661
Third Frontier Commission shall be a comprehensive review of the 98662
entire state science and technology program portfolio rather than 98663
a review of individual programs. 98664

Applicants for Third Frontier and Alignment Programs funding 98665
shall identify their requirements for high-performance computing 98666
facilities and services, including both hardware and software, in 98667
the proposals. If an applicant's requirements exceed approximately 98668
\$100,000 for a proposal, the Ohio Supercomputer Center shall 98669
convene a panel of experts. The panel shall review the proposal to 98670
determine whether the proposal's requirements can be met through 98671
Ohio Supercomputer Center facilities or through other means and 98672
report such information to the Third Frontier Commission. 98673

To ensure that the state receives the maximum benefit from 98674
its investment in the Third Frontier Project and the Third 98675
Frontier Network, organizations receiving Third Frontier awards 98676
and Alignment Programs awards shall, as appropriate, be expected 98677
to have a connection to the Third Frontier Network that enables 98678
them and their collaborators to achieve award objectives through 98679
the Third Frontier Network. 98680

Section 209.64.87. REPAYMENT OF RESEARCH FACILITY INVESTMENT 98681
FUND MONEYS 98682

Notwithstanding any provision of law to the contrary, all 98683
repayments of Research Facility Investment Fund loans shall be 98684
made to the Bond Service Trust Fund. All Research Facility 98685
Investment Fund loan repayments made prior to the effective date 98686
of this section shall be transferred by the Director of Budget and 98687
Management to the Bond Service Trust Fund within sixty days after 98688
the effective date of this section. 98689

Campuses shall make timely repayments of Research Facility 98690
Investment Fund loans, according to the schedule established by 98691
the Board of Regents. In the case of late payments, the Board of 98692
Regents may deduct from an institution's periodic subsidy 98693
distribution an amount equal to the amount of the overdue payment 98694
for that institution, transfer such amount to the Bond Service 98695
Trust Fund, and credit the appropriate institution for the 98696
repayment. 98697

Section 209.64.90. VETERANS' PREFERENCES 98698

The Board of Regents shall work with the Governor's Office of 98699
Veterans' Affairs to develop specific veterans' preference 98700
guidelines for higher education institutions. These guidelines 98701
shall ensure that the institutions' hiring practices are in 98702
accordance with the intent of Ohio's veterans' preference laws. 98703

Section 209.64.93. STATE NEED-BASED FINANCIAL AID 98704
RECONCILIATION 98705

By the first day of August in each fiscal year, or as soon 98706
thereafter as possible, the Ohio Board of Regents shall certify to 98707
the Director of Budget and Management the amount necessary to pay 98708
any outstanding prior year obligations to higher education 98709
institutions for the state's need-based financial aid programs. 98710
The amounts certified are hereby appropriated to appropriation 98711
item 235-618, State Need-based Financial Aid Reconciliation, from 98712

revenues received in the State Need-based Financial Aid 98713
Reconciliation Fund (Fund 5Y5). 98714

Section 209.64.96. STUDY ON DISTRIBUTING STATE SHARE OF 98715
INSTRUCTION FUNDS BASED ON CAMPUS ADMINISTRATIVE AND OPERATIONAL 98716
EFFICIENCY 98717

The Board of Regents, in consultation with representatives of 98718
the higher education community, shall conduct a study on the 98719
feasibility of distributing a portion of GRF appropriation item 98720
235-501, State Share of Instruction, based on campus 98721
administrative and operational efficiency. The Board of Regents 98722
shall consider what statistic or statistics would be appropriate 98723
to measure administrative and operational efficiency and also 98724
shall consider what an adequate level of administrative support 98725
should be. The Board of Regents shall submit the results of the 98726
study to the Higher Education Funding Study Council not later than 98727
April 15, 2006. 98728

Section 209.64.99. STUDY ON DISTRIBUTING STATE SHARE OF 98729
INSTRUCTION FUNDS BASED ON THE NUMBER OF DEGREES AND CERTIFICATES 98730
AWARDED 98731

The Board of Regents, in consultation with representatives 98732
from the higher education community, shall conduct a study on the 98733
feasibility of distributing a portion of GRF appropriation item 98734
235-501, State Share of Instruction, based on the number of 98735
Ohioans who are awarded certificates or associate's, 98736
baccalaureate, master's, or doctoral degrees. The study shall 98737
examine whether it is feasible to retain a portion of the State 98738
Share of Instruction distributed to the campuses until such times 98739
as the certificates or degrees are conferred, whether the existing 98740
appropriation is sufficient to fund such an initiative, and how 98741
much in additional funds might be necessary to significantly 98742

increase the number of certificates and degrees earned by Ohioans 98743
each year. The Board of Regents shall submit the results of the 98744
study to the Higher Education Funding Study Council not later than 98745
April 15, 2006. 98746

Section 209.65.03. STUDY ON PROVIDING INCENTIVES FOR 98747
CERTIFICATE AND ASSOCIATE DEGREES 98748

The Board of Regents, in consultation with representatives 98749
from the higher education community, shall conduct a study on the 98750
feasibility of devising a performance-based grant to provide 98751
incentives to university branch campuses, community colleges, 98752
state community colleges, technical colleges, and the community 98753
and technical colleges at Youngstown State University, the 98754
University of Cincinnati, and The University of Akron to increase 98755
the number and proportion of Ohio students who receive a 98756
certificate or an associate degree, or who transfer to a four-year 98757
institution of higher education. In consultation with 98758
representatives from the higher education community, the Board of 98759
Regents shall develop measures of certification and degree 98760
completion, as well as transferal to a four-year institution of 98761
higher education. The Board of Regents shall recommend a formula, 98762
using the Success Challenge formula as a model, that will reward 98763
the public two-year campuses for the academic success of their 98764
undergraduate students. The Board of Regents shall submit the 98765
results of the study to the Higher Education Funding Study Council 98766
not later than April 15, 2006. 98767

Section 209.69. DRC DEPARTMENT OF REHABILITATION AND 98768
CORRECTION 98769
General Revenue Fund 98770
GRF 501-321 Institutional \$ 857,371,490 \$ 873,888,880 98771
Operations

GRF 501-403	Prisoner Compensation	\$	8,599,255	\$	8,599,255	98772
GRF 501-405	Halfway House	\$	38,104,924	\$	38,105,128	98773
GRF 501-406	Lease Rental Payments	\$	132,370,500	\$	120,600,600	98774
GRF 501-407	Community Nonresidential Programs	\$	15,383,471	\$	15,404,522	98775
GRF 501-408	Community Misdemeanor Programs	\$	8,041,489	\$	8,041,489	98776
GRF 501-501	Community Residential Programs - CBCF	\$	55,054,445	\$	55,054,445	98777
GRF 502-321	Mental Health Services	\$	64,897,564	\$	66,055,754	98778
GRF 503-321	Parole and Community Operations	\$	78,887,219	\$	80,708,911	98779
GRF 504-321	Administrative Operations	\$	27,559,389	\$	28,147,730	98780
GRF 505-321	Institution Medical Services	\$	159,926,575	\$	176,500,628	98781
GRF 506-321	Institution Education Services	\$	22,727,366	\$	23,114,615	98782
GRF 507-321	Institution Recovery Services	\$	6,946,286	\$	7,090,212	98783
TOTAL GRF	General Revenue Fund	\$	1,475,869,973	\$	1,501,312,169	98784
	General Services Fund Group					98785
148 501-602	Services and Agricultural	\$	95,207,653	\$	95,207,653	98786
200 501-607	Ohio Penal Industries	\$	38,000,000	\$	38,000,000	98787
4B0 501-601	Penitentiary Sewer Treatment Facility Services	\$	1,758,177	\$	1,758,177	98788
4D4 501-603	Prisoner Programs	\$	20,967,703	\$	20,967,703	98789
4L4 501-604	Transitional Control	\$	1,593,794	\$	1,593,794	98790
4S5 501-608	Education Services	\$	4,564,072	\$	4,564,072	98791
483 501-605	Property Receipts	\$	393,491	\$	393,491	98792

5AF	501-609	State and Non-Federal Awards	\$	262,718	\$	262,718	98793
5H8	501-617	Offender Financial Responsibility	\$	2,000,000	\$	2,000,000	98794
5L6	501-611	Information Technology Services	\$	3,741,980	\$	3,741,980	98795
571	501-606	Training Academy Receipts	\$	75,190	\$	75,190	98796
593	501-618	Laboratory Services	\$	5,799,999	\$	5,799,999	98797
TOTAL GSF General Services Fund Group			\$	174,364,777	\$	174,364,777	98798
Federal Special Revenue Fund Group							98799
3S1	501-615	Truth-In-Sentencing Grants	\$	26,127,427	\$	26,127,427	98800
323	501-619	Federal Grants	\$	12,198,353	\$	12,198,353	98801
TOTAL FED Federal Special Revenue Fund Group							98802
			\$	38,325,780	\$	38,325,780	98803
State Special Revenue Fund Group							98804
5CL	501-616	Sex Offender Supervision	\$	100,000	\$	75,000	98805
Total SSR State Special Revenue Fund Group			\$	100,000	\$	75,000	98806
TOTAL ALL BUDGET FUND GROUPS			\$	1,688,660,530	\$	1,714,077,726	98807
HALFWAY HOUSE TRANSFERS							98808
The Department of Rehabilitation and Correction shall seek							98809
the approval of the Controlling Board to transfer in each of							98810
fiscal years 2006 and 2007 from the unexpended, unobligated GRF							98811
appropriations made to the Department for fiscal years 2006 and							98812
2007 at least \$500,000 per fiscal year in appropriation authority							98813
to appropriation item 501-405, Halfway House.							98814
OHIO BUILDING AUTHORITY LEASE PAYMENTS							98815

The foregoing appropriation item 501-406, Lease Rental Payments, shall be used for payments to the Ohio Building Authority for the period July 1, 2005, to June 30, 2007, under the primary leases and agreements for those buildings made under Chapter 152. of the Revised Code but limited to the aggregate amount of \$252,971,100. This appropriation amount is the source of funds pledged for bond service charges on related obligations issued under Chapter 152. of the Revised Code.

PRISONER COMPENSATION

Money from the foregoing appropriation item 501-403, Prisoner Compensation, shall be transferred on a quarterly basis by intrastate transfer voucher to the Services and Agricultural Fund (Fund 148) for the purposes of paying prisoner compensation.

SEX OFFENDER SUPERVISION

On July 1, 2005, or as soon as practicable thereafter, the Director of Budget and Management shall transfer \$100,000 in cash from the Reparations Fund (Fund 402) to the Sex Offender Supervision Fund (Fund 5CL). On July 1, 2006, or as soon as practicable thereafter, the Director of Budget and Management shall transfer \$75,000 in cash from the Reparations Fund (Fund 402) to the Sex Offender Supervision Fund (Fund 5CL).

The foregoing appropriation item 501-616, Sex Offender Supervision, shall be used by the Department of Rehabilitation and Correction solely to pay for the costs incurred by the Adult Parole Authority in supervising sexually violent predators released from prison as required by section 2971.05 of the Revised Code. At the end of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer back to the Reparations Fund any unexpended, unencumbered cash in the Sex Offender Supervision Fund not needed in that fiscal year for the sole purpose of paying for the costs of supervising

sexually violent predators released from prison.				98847
Section 209.72. RSC REHABILITATION SERVICES COMMISSION				98848
General Revenue Fund				98849
GRF 415-100 Personal Services	\$	8,851,468	\$ 8,851,468	98850
GRF 415-402 Independent Living Council	\$	12,280	\$ 12,280	98851
GRF 415-403 Mental Health Services	\$	717,221	\$ 717,221	98852
GRF 415-404 MR/DD Services	\$	1,260,816	\$ 1,260,816	98853
GRF 415-405 Vocational Rehabilitation/Job and Family Services	\$	536,912	\$ 536,912	98854
GRF 415-406 Assistive Technology	\$	47,531	\$ 47,531	98855
GRF 415-431 Office for People with Brain Injury	\$	226,012	\$ 226,012	98856
GRF 415-506 Services for People with Disabilities	\$	12,185,215	\$ 12,185,215	98857
GRF 415-508 Services for the Deaf	\$	50,000	\$ 50,000	98858
GRF 415-509 Services for the Elderly	\$	359,377	\$ 359,377	98859
GRF 415-520 Independent Living Services	\$	50,000	\$ 50,000	98860
TOTAL GRF General Revenue Fund	\$	24,296,832	\$ 24,296,832	98861
General Services Fund Group				98862
4W5 415-606 Program Management Expenses	\$	18,557,040	\$ 18,557,040	98863
467 415-609 Business Enterprise Operating Expenses	\$	1,632,082	\$ 1,632,082	98864
TOTAL GSF General Services Fund Group	\$	20,189,122	\$ 20,189,122	98865
Federal Special Revenue Fund Group				98866
3L1 415-601 Social Security	\$	3,743,740	\$ 3,743,740	98867

		Personal Care Assistance					
3L1	415-605	Social Security	\$	1,100,488	\$	1,100,488	98869
		Community Centers for the Deaf					
3L1	415-607	Social Security	\$	175,860	\$	175,860	98870
		Administration Cost					
3L1	415-608	Social Security	\$	2,246,991	\$	131,716	98871
		Special Programs/Assistance					
3L1	415-610	Social Security	\$	1,336,324	\$	1,338,324	98872
		Vocational Rehabilitation					
3L1	415-614	Social Security	\$	154,942	\$	0	98873
		Independent Living					
3L4	415-612	Federal Independent	\$	894,662	\$	686,520	98874
		Living Centers or Services					
3L4	415-615	Federal - Supported	\$	1,338,191	\$	1,338,191	98875
		Employment					
3L4	415-617	Independent	\$	1,508,885	\$	1,608,885	98876
		Living/Vocational Rehabilitation Programs					
317	415-620	Disability	\$	82,870,347	\$	87,999,369	98877
		Determination					
379	415-616	Federal - Vocational	\$	123,565,158	\$	119,998,470	98878
		Rehabilitation					
TOTAL FED		Federal Special					98879
Revenue Fund Group			\$	218,935,588	\$	218,121,563	98880
State Special Revenue Fund Group							98881
4L1	415-619	Services for	\$	4,500,000	\$	4,500,000	98882
		Rehabilitation					

468 415-618 Third Party Funding	\$	1,055,407	\$	1,105,407	98883
TOTAL SSR State Special					98884
Revenue Fund Group	\$	5,555,407	\$	5,605,407	98885
TOTAL ALL BUDGET FUND GROUPS	\$	268,976,949	\$	268,212,924	98886
INDEPENDENT LIVING COUNCIL					98887
The foregoing appropriation item 415-402, Independent Living					98888
Council, shall be used to fund the operations of the State					98889
Independent Living Council.					98890
MENTAL HEALTH SERVICES					98891
The foregoing appropriation item 415-403, Mental Health					98892
Services, shall be used for the provision of vocational					98893
rehabilitation services to mutually eligible consumers of the					98894
Rehabilitation Services Commission and the Department of Mental					98895
Health.					98896
The Rehabilitation Services Commission shall provide the					98897
Department of Mental Health a quarterly report stating the numbers					98898
served, numbers placed in employment, average hourly wage, and					98899
average hours worked.					98900
MR/DD SERVICES					98901
The foregoing appropriation item 415-404, MR/DD Services,					98902
shall be used as state matching funds to provide vocational					98903
rehabilitation services to mutually eligible clients between the					98904
Rehabilitation Services Commission and the Department of Mental					98905
Retardation and Developmental Disabilities. The Rehabilitation					98906
Services Commission shall report to the Department of Mental					98907
Retardation and Developmental Disabilities, as outlined in an					98908
interagency agreement, on the number and status of mutually					98909
eligible clients and the status of the funds and expenditures for					98910
these clients.					98911
VOCATIONAL REHABILITATION/JOB AND FAMILY SERVICES					98912

The foregoing appropriation item 415-405, Vocational Rehabilitation/Job and Family Services, shall be used as state matching funds to provide vocational rehabilitation services to mutually eligible clients between the Rehabilitation Services Commission and the Department of Job and Family Services. The Rehabilitation Services Commission shall report to the Department of Job and Family Services, as outlined in an interagency agreement, on the number and status of mutually eligible clients and the status of the funds and expenditures for these clients.

ASSISTIVE TECHNOLOGY

The foregoing appropriation item 415-406, Assistive Technology, shall be provided to Assistive Technology of Ohio and shall be used only to provide grants under that program. No amount of the appropriation may be used for administrative costs.

OFFICE FOR PEOPLE WITH BRAIN INJURY

Of the foregoing appropriation item 415-431, Office for People with Brain Injury, up to \$50,000 in each fiscal year shall be used for the state match for a federal grant awarded through the Traumatic Brain Injury Act, Pub. L. No. 104-166, and up to \$50,000 in each fiscal year shall be provided to the Brain Injury Trust Fund. The remaining appropriation shall be used to plan and coordinate head-injury-related services provided by state agencies and other government or private entities, to assess the needs for such services, and to set priorities in this area.

SERVICES FOR THE DEAF

The foregoing appropriation item 415-508, Services for the Deaf, shall be used to supplement Social Security reimbursement funds used to provide grants to community centers for the deaf. These funds shall not be used in lieu of Social Security reimbursement funds.

SERVICES FOR THE ELDERLY	98943
The foregoing appropriation item 415-509, Services for the Elderly, shall be used as matching funds for vocational rehabilitation services for eligible elderly citizens with a disability.	98944 98945 98946 98947
INDEPENDENT LIVING SERVICES	98948
The foregoing appropriation items 415-520, Independent Living Services, and 415-612, Federal - Independent Living Centers or Services, shall be used to support state independent living centers or independent living services under Title VII of the Independent Living Services and Centers for Independent Living of the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d.	98949 98950 98951 98952 98953 98954 98955
PROGRAM MANAGEMENT EXPENSES	98956
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.	98957 98958 98959 98960 98961
INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS	98962
The foregoing appropriation item 415-617, Independent Living/Vocational Rehabilitation Programs, shall be used to support vocational rehabilitation programs, including, but not limited to, high tech high schools, training, and brain injury grants.	98963 98964 98965 98966 98967
SOCIAL SECURITY REIMBURSEMENT FUNDS	98968
Reimbursement funds received from the Social Security Administration, United States Department of Health and Human Services, for the costs of providing services and training to return disability recipients to gainful employment shall be used	98969 98970 98971 98972

in the Social Security Reimbursement Fund (Fund 3L1), as follows:	98973
(A) Appropriation item 415-601, Social Security Personal Care Assistance, to provide personal care services in accordance with section 3304.41 of the Revised Code;	98974 98975 98976
(B) Appropriation item 415-605, Social Security Community Centers for the Deaf, to provide grants to community centers for the deaf in Ohio for services to individuals with hearing impairments;	98977 98978 98979 98980
(C) Appropriation item 415-607, Social Security Administration Cost, to provide administrative services needed to administer the Social Security reimbursement program;	98981 98982 98983
(D) Appropriation item 415-608, Social Security Special Programs/Assistance, to provide vocational rehabilitation services to individuals with severe disabilities who are Social Security beneficiaries, to enable them to achieve competitive employment. This appropriation item also includes funds to assist the Personal Care Assistance, Community Centers for the Deaf, and Independent Living Programs to pay their share of indirect costs as mandated by federal OMB Circular A-87.	98984 98985 98986 98987 98988 98989 98990 98991
(E) Appropriation item 415-610, Social Security Vocational Rehabilitation, to provide vocational rehabilitation services to older blind individuals with severe disabilities to enable them to achieve a noncompetitive employment goal.	98992 98993 98994 98995
PILOT PROGRAM FOR VOCATIONAL REHABILITATION	98996
During fiscal years 2006 and 2007, the Rehabilitation Services Commission may conduct a pilot program to provide vocational rehabilitation and related services to entities, employers, or individuals that are not eligible for state- or federally-supported services through the commission. The commission shall propose fees to be collected from the entities,	98997 98998 98999 99000 99001 99002

employers, or individuals served by the pilot program to support 99003
the costs for vocational rehabilitation and related services 99004
provided under the pilot program. Fee revenues collected under the 99005
program shall be credited to Fund 468 (Third Party Funding). 99006
During implementation of the pilot program, the Rehabilitation 99007
Services Commission shall investigate and determine the 99008
possibility of utilizing this source of revenue to match federal 99009
funds. The Rehabilitation Services Commission shall evaluate the 99010
progress of the pilot program and issue a report of its findings 99011
to the Governor not later than December 15, 2007. The report shall 99012
include a recommendation to either continue or discontinue the 99013
pilot program in the next biennium. 99014

Section 209.75. RCB RESPIRATORY CARE BOARD 99015

General Services Fund Group 99016
4K9 872-609 Operating Expenses \$ 441,987 \$ 0 99017
TOTAL GSF General Services 99018
Fund Group \$ 441,987 \$ 0 99019
TOTAL ALL BUDGET FUND GROUPS \$ 441,987 \$ 0 99020

Section 209.78. REVENUE DISTRIBUTION FUNDS 99022

Volunteer Firefighters' Dependents Fund 99023
085 800-900 Volunteer \$ 280,000 \$ 280,000 99024
Firefighters'
Dependents Fund
TOTAL 085 Volunteer Firefighters' 99025
Dependents Fund \$ 280,000 \$ 280,000 99026
Agency Fund Group 99027
062 110-900 Resort Area Excise Tax \$ 1,000,000 \$ 1,075,000 99028
063 110-900 Permissive Tax \$ 1,627,628,631 \$ 1,706,969,960 99029
Distribution
067 110-900 School District Income \$ 185,000,000 \$ 195,000,000 99030

		Tax				
4P8	001-698	Cash Management	\$	2,500,000	\$	3,000,000 99031
		Improvement Fund				
608	001-699	Investment Earnings	\$	85,000,000	\$	85,000,000 99032
TOTAL	AGY	Agency Fund Group	\$	1,901,128,631	\$	1,991,044,960 99033
		Holding Account Redistribution				99034
R45	110-617	International Fuel Tax	\$	6,292,029	\$	0 99035
		Distribution				
TOTAL	090	Holding Account	\$	6,292,029	\$	0 99036
		Redistribution Fund				
		Revenue Distribution Fund Group				99037
049	038-900	Indigent Drivers	\$	1,865,000	\$	1,865,000 99038
		Alcohol Treatment				
050	762-900	International	\$	55,000,000	\$	55,000,000 99039
		Registration Plan				
		Distribution				
051	762-901	Auto Registration	\$	475,000,000	\$	475,000,000 99040
		Distribution				
054	110-900	Local Government	\$	90,000,000	\$	90,000,000 99041
		Property Tax				
		Replacement - Utility				
060	110-900	Gasoline Excise Tax	\$	325,000,000	\$	349,000,000 99042
		Fund				
064	110-900	Local Government	\$	94,605,130	\$	94,605,130 99043
		Revenue Assistance				
065	110-900	Library/Local	\$	458,510,155	\$	458,510,155 99044
		Government Support				
		Fund				
066	800-900	Undivided Liquor	\$	14,300,000	\$	14,300,000 99045
		Permits				
068	110-900	State and Local	\$	231,076,000	\$	235,542,000 99046
		Government Highway				
		Distribution				

069	110-900	Local Government Fund	\$	662,137,898	\$	662,137,898	99047
081	110-900	Local Government	\$	21,150,000	\$	158,166,000	99048
		Property Tax					
		Replacement-Business					
082	110-900	Horse Racing Tax	\$	130,000	\$	130,000	99049
083	700-900	Ohio Fairs Fund	\$	2,450,000	\$	2,450,000	99050
TOTAL RDF Revenue Distribution							99051
Fund Group			\$	2,431,224,183	\$	2,596,706,183	99052
TOTAL ALL BUDGET FUND GROUPS			\$	4,338,924,843	\$	4,588,031,143	99053
ADDITIONAL APPROPRIATIONS							99054
Appropriation items in this section shall be used for the							99055
purpose of administering and distributing the designated revenue							99056
distribution funds according to the Revised Code. If it is							99057
determined that additional appropriations are necessary for this							99058
purpose, such amounts are appropriated.							99059
Section 209.78.03. GENERAL REVENUE FUND TRANSFERS TO LOCAL							99060
GOVERNMENT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 081)							99061
Notwithstanding any provision of law to the contrary, the							99062
Director of Budget and Management shall transfer \$4,290,000 in							99063
fiscal year 2006 and \$30,090,000 in fiscal year 2007 from the							99064
General Revenue Fund to appropriation item 110-900, Local							99065
Government Property Tax Replacement - Business (Fund 081) in the							99066
Revenue Distribution Fund. The funds shall be used to reimburse							99067
local taxing units under section 5751.22 of the Revised Code.							99068
Section 209.81. SAN BOARD OF SANITARIAN REGISTRATION							99069
General Services Fund Group							99070
4K9	893-609	Operating Expenses	\$	134,279	\$	0	99071
TOTAL GSF General Services							99072
Fund Group			\$	134,279	\$	0	99073
TOTAL ALL BUDGET FUND GROUPS			\$	134,279	\$	0	99074

Section 209.84. OSB OHIO STATE SCHOOL FOR THE BLIND				99076
General Revenue Fund				99077
GRF 226-100 Personal Services	\$	6,469,841	\$ 6,594,261	99078
GRF 226-200 Maintenance	\$	704,162	\$ 704,162	99079
GRF 226-300 Equipment	\$	113,289	\$ 113,289	99080
TOTAL GRF General Revenue Fund	\$	7,287,292	\$ 7,411,712	99081
General Services Fund Group				99082
4H8 226-602 Education Reform	\$	21,620	\$ 21,620	99083
Grants				
TOTAL GSF General Services				99084
Fund Group	\$	21,620	\$ 21,620	99085
Federal Special Revenue Fund Group				99086
3P5 226-643 Medicaid Professional	\$	180,000	\$ 210,000	99087
Services Reimbursement				
310 226-626 Coordinating Unit	\$	1,639,000	\$ 1,639,000	99088
TOTAL FED Federal Special				99089
Revenue Fund Group	\$	1,819,000	\$ 1,849,000	99090
State Special Revenue Fund Group				99091
4M5 226-601 Student Activity and	\$	217,397	\$ 217,397	99092
Work Study				
TOTAL SSR State Special Revenue				99093
Fund Group	\$	217,397	\$ 217,397	99094
TOTAL ALL BUDGET FUND GROUPS	\$	9,345,309	\$ 9,499,729	99095
Section 209.87. OSD OHIO STATE SCHOOL FOR THE DEAF				99097
General Revenue Fund				99098
GRF 221-100 Personal Services	\$	8,401,704	\$ 8,401,704	99099
GRF 221-200 Maintenance	\$	1,032,751	\$ 1,032,751	99100
GRF 221-300 Equipment	\$	222,500	\$ 222,500	99101
TOTAL GRF General Revenue Fund	\$	9,656,955	\$ 9,656,955	99102

General Services Fund Group				99103
4M1 221-602 Education Reform	\$	27,575	\$ 27,575	99104
Grants				
TOTAL GSF General Services				99105
Fund Group	\$	27,575	\$ 27,575	99106
Federal Special Revenue Fund Group				99107
3AD 221-604 VREAL Ohio	\$	1,000,000	\$ 1,000,000	99108
3R0 221-684 Medicaid Professional	\$	35,000	\$ 35,000	99109
Services Reimbursement				99110
3Y1 221-686 Early Childhood Grant	\$	250,000	\$ 250,000	99111
311 221-625 Coordinating Unit	\$	1,062,426	\$ 1,062,426	99112
TOTAL FED Federal Special				99113
Revenue Fund Group	\$	2,347,426	\$ 2,347,426	99114
State Special Revenue Fund Group				99115
4M0 221-601 Educational Program	\$	32,688	\$ 32,688	99116
Expenses				99117
5H6 221-609 Even Start Fees &	\$	59,800	\$ 59,800	99118
Gifts				
TOTAL SSR State Special Revenue				99119
Fund Group	\$	92,488	\$ 92,488	99120
TOTAL ALL BUDGET FUND GROUPS	\$	12,124,444	\$ 12,124,444	99121
EQUIPMENT				99122
Of the foregoing appropriation item 221-300, Equipment, up to				99123
\$15,000 in fiscal year 2006 may be used by the Ohio School for the				99124
Deaf to purchase software for the documentation and tracking of				99125
students for increased accountability and data analysis for				99126
quality instruction.				99127
Section 209.90. SFC SCHOOL FACILITIES COMMISSION				99128
General Revenue Fund				99129
GRF 230-428 Lease Rental Payments	\$	31,691,700	\$ 31,603,200	99130

GRF 230-908 Common Schools General	\$ 188,724,700	\$ 224,911,500	99131
Obligation Debt			
Service			
TOTAL GRF General Revenue Fund	\$ 220,416,400	\$ 256,514,700	99132
State Special Revenue Fund Group			99133
5E3 230-644 Operating Expenses	\$ 7,319,617	\$ 7,691,485	99134
TOTAL SSR State Special Revenue			99135
Fund Group	\$ 7,319,617	\$ 7,691,485	99136
Lottery Profits Education Fund Group			99137
020 230-620 Career-Tech School	\$ 2,000,000	\$ 2,000,000	99138
Building Assistance			
TOTAL LPE Lottery Profits			99139
Education Fund Group	\$ 2,000,000	\$ 2,000,000	99140
TOTAL ALL BUDGET FUND GROUPS	\$ 229,736,017	\$ 266,206,185	99141

Section 209.90.03. LEASE RENTAL PAYMENTS 99143

The foregoing appropriation item 230-428, Lease Rental 99144
 Payments, shall be used to meet all payments at the times they are 99145
 required to be made during the period from July 1, 2005, to June 99146
 30, 2007, by the School Facilities Commission under leases and 99147
 agreements made under section 3318.26 of the Revised Code, but 99148
 limited to the aggregate amount of \$63,294,900. Nothing in this 99149
 act shall be deemed to contravene the obligation of the state to 99150
 pay, without necessity for further appropriation, from the sources 99151
 pledged thereto, the bond service charges on obligations issued 99152
 under Chapter 3318. of the Revised Code. 99153

COMMON SCHOOLS GENERAL OBLIGATION DEBT SERVICE 99154

The foregoing appropriation item 230-908, Common Schools 99155
 General Obligation Debt Service, shall be used to pay all debt 99156
 service and related financing costs at the times they are required 99157
 to be made under sections 151.01 and 151.03 of the Revised Code 99158

during the period from July 1, 2005, to June 30, 2007. The Office 99159
of the Sinking Fund or the Director of Budget and Management shall 99160
effectuate the required payments by an intrastate transfer 99161
voucher. 99162

OPERATING EXPENSES 99163

The foregoing appropriation item 230-644, Operating Expenses, 99164
shall be used by the Ohio School Facilities Commission to carry 99165
out its responsibilities under this section and Chapter 3318. of 99166
the Revised Code. 99167

In both fiscal years 2006 and 2007, the Executive Director of 99168
the Ohio School Facilities Commission shall certify on a quarterly 99169
basis to the Director of Budget and Management the amount of cash 99170
from interest earnings to be transferred from the School Building 99171
Assistance Fund (Fund 032), the Public School Building Fund (Fund 99172
021), and the Educational Facilities Trust Fund (Fund N87) to the 99173
Ohio School Facilities Commission Fund (Fund 5E3). The amount 99174
transferred may not exceed investment earnings credited to the 99175
School Building Assistance Fund (Fund 032), less any amount 99176
required to be paid for federal arbitrage rebate purposes. 99177

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 99178

At the request of the Executive Director of the Ohio School 99179
Facilities Commission, the Director of Budget and Management may 99180
cancel encumbrances for school district projects from a previous 99181
biennium if the district has not raised its local share of project 99182
costs within one year of receiving Controlling Board approval 99183
under section 3318.05 of the Revised Code. The Executive Director 99184
of the Ohio School Facilities Commission shall certify the amounts 99185
of the canceled encumbrances to the Director of Budget and 99186
Management on a quarterly basis. The amounts of the canceled 99187
encumbrances are hereby appropriated. 99188

Section 209.90.06. EXTREME ENVIRONMENTAL CONTAMINATION OF 99189
SCHOOL FACILITIES 99190

Notwithstanding any other provision of law to the contrary, 99191
the School Facilities Commission may provide assistance under the 99192
Exceptional Needs School Facilities Program established in section 99193
3318.37 of the Revised Code to any school district, and not 99194
exclusively to a school district in the lowest fifty per cent of 99195
adjusted valuation per pupil on the current ranking of school 99196
districts established under section 3317.02 of the Revised Code, 99197
for the purpose of the relocation or replacement of school 99198
facilities required as a result of extreme environmental 99199
contamination. 99200

The School Facilities Commission shall contract with an 99201
independent environmental consultant to conduct a study and to 99202
report to the commission as to the seriousness of the 99203
environmental contamination, whether the contamination violates 99204
applicable state and federal standards, and whether the facilities 99205
are no longer suitable for use as school facilities. The 99206
commission then shall make a determination regarding funding for 99207
the relocation or replacement of the school facilities. If the 99208
federal government or other public or private entity provides 99209
funds for restitution of costs incurred by the state or school 99210
district in the relocation or replacement of the school 99211
facilities, the school district shall use such funds in excess of 99212
the school district's share to refund the state for the state's 99213
contribution to the environmental contamination portion of the 99214
project. The school district may apply an amount of such 99215
restitution funds up to an amount equal to the school district's 99216
portion of the project, as defined by the commission, toward 99217
paying its portion of that project to reduce the amount of bonds 99218
the school district otherwise must issue to receive state 99219

assistance under sections 3318.01 to 3318.20 of the Revised Code. 99220

Section 209.90.09. CANTON CITY SCHOOL DISTRICT PROJECT 99221

(A) The Ohio School Facilities Commission may commit up to 99222
thirty-five million dollars to the Canton City School District for 99223
construction of a facility described in this section, in lieu of a 99224
high school that would otherwise be authorized under Chapter 3318. 99225
of the Revised Code. The Commission shall not commit funds under 99226
this section unless all of the following conditions are met: 99227

(1) The District has entered into a cooperative agreement 99228
with a state-assisted technical college. 99229

(2) The District has received an irrevocable commitment of 99230
additional funding from nonpublic sources. 99231

(3) The facility is intended to serve both secondary and 99232
postsecondary instructional purposes. 99233

(B) The Commission shall enter into an agreement with the 99234
District for the construction of the facility authorized under 99235
this section that is separate from and in addition to the 99236
agreement required for the District's participation in the 99237
Classroom Facilities Assistance Program under section 3318.08 of 99238
the Revised Code. Notwithstanding that section and sections 99239
3318.03, 3318.04, and 3318.083 of the Revised Code, the additional 99240
agreement shall provide, but not be limited to, the following: 99241

(1) The Commission shall not have any oversight 99242
responsibilities over the construction of the facility. 99243

(2) The facility need not comply with the specifications for 99244
plans and materials for high schools adopted by the Commission. 99245

(3) The Commission may decrease the basic project cost that 99246
would otherwise be calculated for a high school under Chapter 99247
3318. of the Revised Code. 99248

(4) The state shall not share in any increases in the basic project cost for the facility above the amount authorized under this section.

All other provisions of Chapter 3318. of the Revised Code apply to the approval and construction of a facility authorized under this section.

The state funds committed to the facility authorized by this section shall be part of the total amount the state commits to the Canton City School District under Chapter 3318. of the Revised Code. All additional state funds committed to the Canton City School District for classroom facilities assistance shall be subject to all provisions of Chapter 3318. of the Revised Code.

Section 209.93. SOS SECRETARY OF STATE

General Revenue Fund

GRF 050-321	Operating Expenses	\$	2,585,000	\$	2,585,000	99263
GRF 050-403	Election Statistics	\$	103,936	\$	103,936	99264
GRF 050-407	Pollworkers Training	\$	277,997	\$	277,997	99265
GRF 050-409	Litigation	\$	4,652	\$	4,652	99266

Expenditures

TOTAL GRF General Revenue Fund \$ 2,971,585 \$ 2,971,585 99267

General Services Fund Group 99268

4S8 050-610	Board of Voting	\$	7,200	\$	7,200	99269
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Machine Examiners

412 050-609	Notary Commission	\$	685,250	\$	685,249	99270
413 050-601	Information Systems	\$	169,955	\$	169,955	99271
414 050-602	Citizen Education Fund	\$	75,700	\$	55,712	99272
TOTAL General Services Fund Group		\$	938,105	\$	918,116	99273

Federal Special Revenue Fund Group 99274

3AS 050-616	2005 HAVA Voting	\$	37,436,203	\$	0	99275
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Machines

3X4 050-612	Ohio Center/Law	\$	41,000	\$	41,000	99276
	Related Educational					
	Grant					
TOTAL FED	Federal Special Revenue					99277
Fund Group		\$	37,477,203	\$	41,000	99278
State Special Revenue	Fund Group					99279
5N9 050-607	Technology	\$	129,565	\$	129,565	99280
	Improvements					
599 050-603	Business Services	\$	13,741,745	\$	13,761,734	99281
	Operating Expenses					
TOTAL SSR	State Special Revenue					99282
Fund Group		\$	13,871,310	\$	13,891,299	99283
Holding Account	Redistribution Fund Group					99284
R01 050-605	Uniform Commercial	\$	65,000	\$	65,000	99285
	Code Refunds					
R02 050-606	Corporate/Business	\$	100,000	\$	100,000	99286
	Filing Refunds					
TOTAL 090	Holding Account					99287
Redistribution Fund Group		\$	165,000	\$	165,000	99288
TOTAL ALL BUDGET FUND GROUPS		\$	55,423,203	\$	17,987,000	99289
	BOARD OF VOTING MACHINE EXAMINERS					99290
	The foregoing appropriation item 050-610, Board of Voting					99291
	Machine Examiners, shall be used to pay for the services and					99292
	expenses of the members of the Board of Voting Machine Examiners,					99293
	and for other expenses that are authorized to be paid from the					99294
	Board of Voting Machine Examiners Fund, which is created in					99295
	section 3506.05 of the Revised Code. Moneys not used shall be					99296
	returned to the person or entity submitting the equipment for					99297
	examination. If it is determined that additional appropriations					99298
	are necessary, such amounts are appropriated.					99299
	2005 HAVA VOTING MACHINES					99300

On July 1, 2005, or as soon as possible thereafter, the Secretary of State shall certify to the Director of Budget and Management the cash balance in Fund 3AR, appropriation item 050-615, 2004 HAVA Voting Machines. The Director of Budget and Management shall transfer the certified amount of cash to Fund 3AS, 050-616, 2005 HAVA Voting Machines, for use in fiscal year 2006. The transferred amount is hereby appropriated.

On July 1, 2006, or as soon as possible thereafter, the Director of Budget and Management shall transfer any remaining unexpended, unencumbered appropriations in Fund 3AS, appropriation item 050-616, 2005 HAVA Voting Machines, at the end of fiscal year 2006 to fiscal year 2007 for use under the same appropriation item.

HOLDING ACCOUNT REDISTRIBUTION GROUP

The foregoing appropriation items 050-605 and 050-606, Holding Account Redistribution Fund Group, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined that additional appropriations are necessary, such amounts are appropriated.

Section 209.96. SEN THE OHIO SENATE

General Revenue Fund				99321
GRF 020-321 Operating Expenses	\$	11,546,357	\$ 11,661,821	99322
TOTAL GRF General Revenue Fund	\$	11,546,357	\$ 11,661,821	99323
General Services Fund Group				99324
102 020-602 Senate Reimbursement	\$	444,025	\$ 444,025	99325
409 020-601 Miscellaneous Sales	\$	34,155	\$ 34,155	99326
TOTAL GSF General Services				99327
Fund Group	\$	478,180	\$ 478,180	99328
TOTAL ALL BUDGET FUND GROUPS	\$	12,024,537	\$ 12,140,001	99329

OPERATING EXPENSES

99330

On July 1, 2005, or as soon as possible thereafter, the Clerk 99331
of the Senate shall certify to the Director of Budget and 99332
Management the total fiscal year 2005 unencumbered appropriations 99333
in appropriation item 020-321, Operating Expenses. The Clerk may 99334
direct the Director of Budget and Management to transfer an amount 99335
not to exceed the total fiscal year 2005 unencumbered 99336
appropriations to fiscal year 2006 for use within appropriation 99337
item 020-321, Operating Expenses. Additional appropriation 99338
authority equal to the amount certified by the Clerk is hereby 99339
appropriated to appropriation item 020-321, Operating Expenses, in 99340
fiscal year 2006. 99341

On July 1, 2006, or as soon as possible thereafter, the Clerk 99342
of the Senate shall certify to the Director of Budget and 99343
Management the total fiscal year 2006 unencumbered appropriations 99344
in appropriation item 020-321, Operating Expenses. The Clerk may 99345
direct the Director of Budget and Management to transfer an amount 99346
not to exceed the total fiscal year 2006 unencumbered 99347
appropriations to fiscal year 2007 for use within appropriation 99348
item 020-321, Operating Expenses. Additional appropriation 99349
authority equal to the amount certified by the Clerk is hereby 99350
appropriated to appropriation item 020-321, Operating Expenses, in 99351
fiscal year 2007. 99352

Section 209.99. CSF COMMISSIONERS OF THE SINKING FUND 99353

Debt Service Fund Group 99354

072	155-902	Highway Capital	\$	180,620,600	\$	196,464,900	99355
		Improvements Bond					
		Retirement Fund					
073	155-903	Natural Resources Bond	\$	26,166,000	\$	24,659,100	99356
		Retirement Fund					
074	155-904	Conservation Projects	\$	14,687,300	\$	17,668,800	99357
		Bond Service Fund					

076	155-906	Coal Research and Development Bond Retirement Fund	\$	7,071,100	\$	8,980,800	99358
077	155-907	State Capital Improvements Bond Retirement Fund	\$	163,131,400	\$	174,545,100	99359
078	155-908	Common Schools Bond Retirement Fund	\$	200,724,700	\$	236,911,500	99360
079	155-909	Higher Education Bond Retirement Fund	\$	140,600,300	\$	158,114,100	99361
TOTAL DSF Debt Service Fund Group			\$	733,001,400	\$	817,344,300	99362
TOTAL ALL BUDGET FUND GROUPS			\$	733,001,400	\$	817,344,300	99363

ADDITIONAL APPROPRIATIONS 99364

Appropriation items in this section are for the purpose of 99365
 paying debt service and financing costs on bonds or notes of the 99366
 state issued under the Ohio Constitution and acts of the General 99367
 Assembly. If it is determined that additional appropriations are 99368
 necessary for this purpose, such amounts are appropriated. 99369

COMMISSIONER OF THE SINKING FUND HIGHWAY BOND TRANSFER 99370
 AUTHORIZATION 99371

Notwithstanding any other provision of law to the contrary, 99372
 the Commissioners of the Sinking Fund shall certify to the 99373
 Director of Budget and Management, and the director shall then 99374
 transfer, the cash balance remaining after provision for the 99375
 payment of all outstanding bonds, notes, coupons, and charges from 99376
 the Highway Obligation Bond Retirement Fund (Fund 071) to the 99377
 Highway Capital Improvements Bond Service Fund (Fund 072), created 99378
 by section 151.06 of the Revised Code, as expeditiously as 99379
 possible after the effective date of this section. 99380

Section 212.03. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY & 99381
 AUDIOLOGY 99382

General Services Fund Group				99383
4K9 886-609 Operating Expenses	\$	408,864	\$	0 99384
TOTAL GSF General Services				99385
Fund Group	\$	408,864	\$	0 99386
TOTAL ALL BUDGET FUND GROUPS	\$	408,864	\$	0 99387

Section 212.06. BTA BOARD OF TAX APPEALS 99389

General Revenue Fund				99390
GRF 116-321 Operating Expenses	\$	2,155,055	\$ 2,211,035	99391
TOTAL GRF General Revenue Fund	\$	2,155,055	\$ 2,211,035	99392
TOTAL ALL BUDGET FUND GROUPS	\$	2,155,055	\$ 2,211,035	99393

Section 212.09. TAX DEPARTMENT OF TAXATION 99395

General Revenue Fund				99396
GRF 110-321 Operating Expenses	\$	91,439,754	\$ 91,439,754	99397
GRF 110-412 Child Support	\$	71,988	\$ 71,988	99398
Administration				
GRF 110-901 Property Tax	\$	430,102,680	\$ 409,946,241	99399
Allocation - Taxation				
GRF 110-906 Tangible Tax Exemption	\$	18,355,923	\$ 13,766,942	99400
- Taxation				
TOTAL GRF General Revenue Fund	\$	539,970,345	\$ 515,224,925	99401
General Services Fund Group				99402
228 110-628 Tax Reform System	\$	7,000,000	\$ 7,000,000	99403
Implementation				
433 110-602 Tape File Account	\$	96,165	\$ 96,165	99404
5BW 110-630 Tax Amnesty Promotion	\$	2,000,000	\$ 0	99405
and Administration				
5W4 110-625 Centralized Tax Filing	\$	2,500,000	\$ 2,000,000	99406
and Payment				
5W7 110-627 Exempt Facility	\$	36,000	\$ 36,000	99407
Administration				

TOTAL GSF General Services				99408
Fund Group	\$	11,632,165	\$ 9,132,165	99409
Federal Special Revenue Fund Group				99410
3J6 110-601 Motor Fuel Compliance	\$	25,000	\$ 25,000	99411
TOTAL FED Federal Special Revenue				99412
Fund Group	\$	25,000	\$ 25,000	99413
State Special Revenue Fund Group				99414
4C6 110-616 International Registration Plan	\$	706,855	\$ 706,855	99415
4R6 110-610 Tire Tax Administration	\$	65,000	\$ 65,000	99416
435 110-607 Local Tax Administration	\$	15,880,987	\$ 16,394,879	99417
436 110-608 Motor Vehicle Audit	\$	1,350,000	\$ 1,350,000	99418
437 110-606 Litter Tax and Natural Resource Tax Administration	\$	625,232	\$ 625,232	99419
438 110-609 School District Income Tax	\$	2,599,999	\$ 2,599,999	99420
5BQ 110-629 Commercial Activity Tax Administration	\$	6,000,000	\$ 500,000	99421
5N5 110-605 Municipal Income Tax Administration	\$	265,000	\$ 265,000	99422
5N6 110-618 Kilowatt Hour Tax Administration	\$	85,000	\$ 85,000	99423
5V7 110-622 Motor Fuel Tax Administration	\$	4,268,345	\$ 4,397,263	99424
5V8 110-623 Property Tax Administration	\$	12,758,643	\$ 12,967,102	99425
639 110-614 Cigarette Tax Enforcement	\$	168,925	\$ 168,925	99426
642 110-613 Ohio Political Party	\$	600,000	\$ 600,000	99427

Distributions						
688	110-615	Local Excise Tax	\$ 300,000	\$ 300,000	99428	
Administration						
TOTAL SSR State Special Revenue					99429	
Fund Group			\$ 45,673,986	\$ 41,025,255	99430	
Agency Fund Group					99431	
095	110-901	Municipal Income Tax	\$ 21,000,000	\$ 21,000,000	99432	
425	110-635	Tax Refunds	\$ 1,483,900,000	\$ 1,582,700,000	99433	
TOTAL AGY Agency Fund Group				\$ 1,504,900,000	\$ 1,603,700,000	99434
Holding Account Redistribution Fund Group					99435	
R10	110-611	Tax Distributions	\$ 50,000	\$ 50,000	99436	
R11	110-612	Miscellaneous Income	\$ 50,000	\$ 50,000	99437	
Tax Receipts						
TOTAL 090 Holding Account					99438	
Redistribution Fund Group				\$ 100,000	\$ 100,000	99439
TOTAL ALL BUDGET FUND GROUPS				\$ 2,102,301,496	\$ 2,169,207,345	99440
HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK, AND TANGIBLE TAX					99441	
EXEMPTION					99442	
The foregoing appropriation item 110-901, Property Tax					99443	
Allocation - Taxation, is hereby appropriated to pay for the					99444	
state's costs incurred because of the Homestead Exemption, the					99445	
Manufactured Home Property Tax Rollback, and the Property Tax					99446	
Rollback. The Tax Commissioner shall distribute these funds					99447	
directly to the appropriate local taxing districts, except for					99448	
school districts, notwithstanding the provisions in sections					99449	
321.24 and 323.156 of the Revised Code, which provide for payment					99450	
of the Homestead Exemption, the Manufactured Home Property Tax					99451	
Rollback, and Property Tax Rollback by the Tax Commissioner to the					99452	
appropriate county treasurer and the subsequent redistribution of					99453	
these funds to the appropriate local taxing districts by the					99454	
county auditor.					99455	

The foregoing appropriation item 110-906, Tangible Tax Exemption - Taxation, is hereby appropriated to pay for the state's costs incurred because of the tangible personal property tax exemption required by division (C)(3) of section 5709.01 of the Revised Code. The Tax Commissioner shall distribute to each county treasurer the total amount appearing in the notification from the county treasurer under division (G) of section 321.24 of the Revised Code for all local taxing districts located in the county except for school districts, notwithstanding the provision in section 321.24 of the Revised Code which provides for payment of the \$10,000 tangible personal property tax exemption by the Tax Commissioner to the appropriate county treasurer for all local taxing districts located in the county including school districts. The county auditor shall distribute the amount paid by the Tax Commissioner among the appropriate local taxing districts except for school districts under division (G) of section 321.24 of the Revised Code.

Upon receipt of these amounts, each local taxing district shall distribute the amount among the proper funds as if it had been paid as real or tangible personal property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amounts specifically appropriated in appropriation items 110-901, Property Tax Allocation - Taxation, for the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback payments, and 110-906, Tangible Tax Exemption - Taxation, for the \$10,000 tangible personal property tax exemption payments, which are determined to be necessary for these purposes, are hereby appropriated.

MUNICIPAL INCOME TAX

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The foregoing appropriation item 110-901, Municipal Income Tax, shall be used to make payments to municipal corporations under section 5745.05 of the Revised Code. If it is determined that additional appropriations are necessary to make these payments, such amounts are hereby appropriated.

TAX REFUNDS

The foregoing appropriation item 110-635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.

TAX REFORM SYSTEM IMPLEMENTATION FUND

Notwithstanding section 3734.9010, division (B)(2)(c) of section 4505.09, division (B) of section 5703.12, section 5703.80, division (C)(6) of section 5727.81, sections 5733.122 and 5735.053, division (C) of section 5739.21, section 5745.03, division (C) of section 5747.03, and section 5747.113 of the Revised Code and any other statutory provision to the contrary, any residual cash balances determined and certified by the Tax Commissioner to the Director of Budget and Management shall be transferred on July 1, 2005, or as soon as possible thereafter, to the Tax Reform System Implementation Fund (Fund 228), which is hereby created in the State Treasury. The fund shall be used to pay expenses incurred by the Department of Taxation in providing an integrated tax system that will accommodate the needs of tax reform and allow for improved customer service, processing efficiency, compliance enforcement, and reporting.

INTERNATIONAL REGISTRATION PLAN AUDIT

The foregoing appropriation item 110-616, International Registration Plan, shall be used under section 5703.12 of the Revised Code for audits of persons with vehicles registered under the International Registration Plan.

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 99519

Of the foregoing appropriation item 110-607, Local Tax 99520
Administration, the Tax Commissioner may disburse funds, if 99521
available, for the purposes of paying travel expenses incurred by 99522
members of Ohio's delegation to the Streamlined Sales Tax Project, 99523
as appointed under section 5740.02 of the Revised Code. Any travel 99524
expense reimbursement paid for by the Department of Taxation shall 99525
be done in accordance with applicable state laws and guidelines. 99526

LITTER CONTROL TAX ADMINISTRATION FUND 99527

Notwithstanding section 5733.12 of the Revised Code, during 99528
the period from July 1, 2005, to June 30, 2006, the amount of 99529
\$625,232, and during the period from July 1, 2006, to June 30, 99530
2007, the amount of \$625,232, received by the Tax Commissioner 99531
under Chapter 5733. of the Revised Code, shall be credited to the 99532
Litter Control Tax Administration Fund (Fund 437). 99533

TAX AMNESTY PROMOTION AND ADMINISTRATION 99534

The foregoing appropriation item 110-630, Tax Amnesty 99535
Promotion and Administration, shall be used to pay expenses 99536
incurred to promote and administer the tax amnesty program run 99537
from January 1, 2006, through February 15, 2006, by the Department 99538
of Taxation. The Department of Taxation and Attorney General's 99539
Office shall work in close collaboration on promotion activities 99540
in relation to the Tax Amnesty Promotion and Administration 99541
program. 99542

CENTRALIZED TAX FILING AND PAYMENT FUND 99543

The Director of Budget and Management, under a plan submitted 99544
by the Tax Commissioner, or as otherwise determined by the 99545
Director of Budget and Management, shall set a schedule to 99546
transfer cash from the General Revenue Fund to the credit of the 99547
Centralized Tax Filing and Payment Fund (Fund 5W4). The transfers 99548

of cash shall not exceed \$4,500,000 in the biennium.				99549
COMMERCIAL ACTIVITY TAX ADMINISTRATION				99550
The foregoing appropriation item 110-629, Commercial Activity Tax Administration, shall be used to pay expenses incurred by the Department of Taxation to implement and administer the Commercial Activity Tax under Chapter 5751. of the Revised Code.				99551 99552 99553 99554
Section 212.12. DOT DEPARTMENT OF TRANSPORTATION				99555
Transportation Modes				99556
General Revenue Fund				99557
GRF 775-451 Public Transportation	\$	16,300,000	\$ 16,300,000	99558
- State				
GRF 776-465 Ohio Rail Development	\$	2,700,000	\$ 2,700,000	99559
Commission				
GRF 776-466 Railroad	\$	789,600	\$ 789,600	99560
Crossing/Grade Separation				
GRF 777-471 Airport Improvements -	\$	1,793,985	\$ 1,793,985	99561
State				
GRF 777-473 Rickenbacker Lease	\$	594,500	\$ 320,300	99562
Payments - State				
TOTAL GRF General Revenue Fund	\$	22,178,085	\$ 21,903,885	99563
Federal Special Revenue Fund Group				99564
3B9 776-662 Rail Transportation -	\$	10,000	\$ 10,000	99565
Federal				
TOTAL FED Federal Special Revenue				99566
Fund Group	\$	10,000	\$ 10,000	99567
State Special Revenue Fund Group				99568
4N4 776-663 Panhandle Lease	\$	764,400	\$ 764,400	99569
Reserve Payments				
4N4 776-664 Rail Transportation -	\$	2,111,500	\$ 2,111,500	99570

	Other				
5CF 776-667	Rail Transload	\$	500,000	\$	0 99571
	Facilities				
5W9 777-615	Airport Assistance	\$	570,000	\$	570,000 99572
TOTAL SSR	State Special Revenue				99573
Fund Group		\$	3,945,900	\$	3,445,900 99574
TOTAL ALL BUDGET FUND GROUPS		\$	26,133,985	\$	25,359,785 99575
	ELDERLY AND DISABLED FARE ASSISTANCE				99576
	Of the foregoing appropriation item 775-451, Public				99577
	Transportation - State, up to \$6,000,000 in fiscal year 2006 and				99578
	\$7,000,000 in fiscal year 2007 may be used to make grants to				99579
	county transit boards, regional transit authorities, regional				99580
	transit commissions, counties, municipal corporations, and private				99581
	nonprofit organizations that operate or will operate public				99582
	transportation systems, for the purpose of reducing the transit				99583
	fares of elderly or disabled persons. The Director of				99584
	Transportation shall establish criteria for the distribution of				99585
	these grants under division (B) of section 5501.07 of the Revised				99586
	Code.				99587
	AVIATION LEASE PAYMENTS				99588
	The foregoing appropriation item 777-473, Rickenbacker Lease				99589
	Payments - State, shall be used to meet scheduled payments for the				99590
	Rickenbacker Port Authority. The Director of Transportation shall				99591
	certify to the Director of Budget and Management any				99592
	appropriations in appropriation item 777-473, Rickenbacker Lease				99593
	Payments - State, that are not needed to make lease payments for				99594
	the Rickenbacker Port Authority. Notwithstanding section 127.14 of				99595
	the Revised Code, the amount certified may be transferred by the				99596
	Director of Budget and Management to appropriation item 777-471,				99597
	Airport Improvements - State.				99598
	RAIL TRANSLOAD FACILITIES				99599

The foregoing appropriation item 776-667, Rail Transload Facilities, shall be used to fund the Rail Transload Initiative, a statewide pilot program administered by the Ohio Rail Development Commission, to provide grants to assist communities and railroads and other businesses to develop facilities that will enhance the ability of railroads to work with other transport modes to move bulk commodities more efficiently and safely.

Section 212.15.	TOS TREASURER OF STATE				99607	
General Revenue Fund					99608	
GRF 090-321	Operating Expenses	\$	9,041,937	\$	9,041,937	99609
GRF 090-401	Office of the Sinking Fund	\$	521,576	\$	521,576	99610
						99611
GRF 090-402	Continuing Education	\$	435,770	\$	435,770	99612
GRF 090-524	Police and Fire Disability Pension Fund	\$	25,000	\$	20,000	99613
						99614
GRF 090-534	Police & Fire Ad Hoc Cost of Living	\$	180,000	\$	150,000	99615
						99616
GRF 090-554	Police and Fire Survivor Benefits	\$	1,100,000	\$	1,000,000	99617
						99618
GRF 090-575	Police and Fire Death Benefits	\$	20,000,000	\$	20,000,000	99619
						99620
TOTAL GRF	General Revenue Fund	\$	31,304,283	\$	31,169,283	99621
General Services Fund Group					99622	
4E9 090-603	Securities Lending Income	\$	2,721,800	\$	2,814,000	99623
577 090-605	Investment Pool Reimbursement	\$	550,000	\$	550,000	99624
						99625
605 090-609	Treasurer of State	\$	700,000	\$	700,000	99626

Administrative Fund				99627
TOTAL GSF General Services				99628
Fund Group	\$	3,971,800	\$ 4,064,000	99629
State Special Revenue Fund Group				99630
5C5 090-602 County Treasurer	\$	135,000	\$ 135,000	99631
Education				
TOTAL SSR State Special Revenue				99632
Fund Group	\$	135,000	\$ 135,000	99633
Agency Fund Group				99634
425 090-635 Tax Refunds	\$	31,000,000	\$ 31,000,000	99635
TOTAL Agency Fund Group	\$	31,000,000	\$ 31,000,000	99636
TOTAL ALL BUDGET FUND GROUPS	\$	66,411,083	\$ 66,368,283	99637

Section 212.15.03. OFFICE OF THE SINKING FUND 99639

The foregoing appropriation item 090-401, Office of the 99640
Sinking Fund, shall be used for financing and other costs incurred 99641
by or on behalf of the Commissioners of the Sinking Fund, the Ohio 99642
Public Facilities Commission or its secretary, or the Treasurer of 99643
State, with respect to State of Ohio general obligation bonds or 99644
notes, including, but not limited to, printing, advertising, 99645
delivery, rating fees and the procurement of ratings, professional 99646
publications, membership in professional organizations, and 99647
services referred to in division (D) of section 151.01 of the 99648
Revised Code. The General Revenue Fund shall be reimbursed for 99649
such costs by intrastate transfer voucher pursuant to a 99650
certification by the Office of the Sinking Fund of the actual 99651
amounts used. The amounts necessary to make such reimbursements 99652
are appropriated from the general obligation bond retirement funds 99653
created by the Constitution and laws to the extent such costs are 99654
incurred. 99655

POLICE AND FIRE DEATH BENEFIT FUND 99656

The foregoing appropriation item 090-575, Police and Fire Death Benefits, shall be disbursed quarterly by the Treasurer of State at the beginning of each quarter of each fiscal year to the Board of Trustees of the Ohio Police and Fire Pension Fund. The Treasurer of State shall certify such amounts quarterly to the Director of Budget and Management. By the twentieth day of June of each fiscal year, the Board of Trustees of the Ohio Police and Fire Pension Fund shall certify to the Treasurer of State the amount disbursed in the current fiscal year to make the payments required by section 742.63 of the Revised Code and shall return to the Treasurer of State moneys received from this appropriation item but not disbursed.

TAX REFUNDS

The foregoing appropriation item 090-635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If the Director of Budget and Management determines that additional amounts are necessary for this purpose, such amounts are hereby appropriated.

Section 212.18. UST PETROLEUM UNDERGROUND STORAGE TANK

Agency Fund Group				99676
691 810-632 PUSTRCB Staff	\$	1,075,158	\$ 1,116,658	99677
TOTAL AGY Agency Fund Group	\$	1,075,158	\$ 1,116,658	99678
TOTAL ALL BUDGET FUND GROUPS	\$	1,075,158	\$ 1,116,658	99679

Section 212.21. TTA OHIO TUITION TRUST AUTHORITY

State Special Revenue Fund Group				99682
5AM 095-603 Index Savings Plan	\$	2,866,240	\$ 3,104,865	99683
5P3 095-602 Variable College	\$	2,042,486	\$ 2,118,568	99684
Savings Fund				
645 095-601 Operating Expenses	\$	807,260	\$ 891,173	99685
TOTAL SSR State Special Revenue				99686

Fund Group	\$	5,715,986	\$	6,114,606	99687
TOTAL ALL BUDGET FUND GROUPS	\$	5,715,986	\$	6,114,606	99688

Section 212.24. OVH OHIO VETERANS' HOME 99690

General Revenue Fund 99691

GRF 430-100 Personal Services	\$	20,629,914	\$	21,030,031	99692
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GRF 430-200 Maintenance	\$	6,396,200	\$	6,396,200	99693
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TOTAL GRF General Revenue Fund	\$	27,026,114	\$	27,426,231	99694
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General Services Fund Group 99695

484 430-603 Rental and Service	\$	882,737	\$	882,737	99696
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Revenue

TOTAL GSF General Services Fund	\$	882,737	\$	882,737	99697
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Group

Federal Special Revenue Fund Group 99698

3L2 430-601 Federal VA Per Diem	\$	14,990,510	\$	15,290,320	99699
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Grant

TOTAL FED Federal Special Revenue 99700

Fund Group	\$	14,990,510	\$	15,290,320	99701
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State Special Revenue Fund Group 99702

4E2 430-602 Veterans Home	\$	8,322,731	\$	8,530,800	99703
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Operating

604 430-604 Veterans Home	\$	770,096	\$	770,096	99704
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Improvement

TOTAL SSR State Special Revenue 99705

Fund Group	\$	9,092,827	\$	9,300,896	99706
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TOTAL ALL BUDGET FUND GROUPS	\$	51,992,188	\$	52,900,184	99707
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Section 212.27. VET VETERANS' ORGANIZATIONS 99709

General Revenue Fund 99710

VAP AMERICAN EX-PRISONERS OF WAR 99711

GRF 743-501 State Support	\$	25,030	\$	25,030	99712
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VAN ARMY AND NAVY UNION, USA, INC. 99713

GRF 746-501	State Support	\$	55,012	\$	55,012	99714
	VKW KOREAN WAR VETERANS					99715
GRF 747-501	State Support	\$	49,453	\$	49,453	99716
	VJW JEWISH WAR VETERANS					99717
GRF 748-501	State Support	\$	29,715	\$	29,715	99718
	VCW CATHOLIC WAR VETERANS					99719
GRF 749-501	State Support	\$	57,990	\$	57,990	99720
	VPH MILITARY ORDER OF THE PURPLE HEART					99721
GRF 750-501	State Support	\$	56,377	\$	56,377	99722
	VVV VIETNAM VETERANS OF AMERICA					99723
GRF 751-501	State Support	\$	185,954	\$	185,954	99724
	VAL AMERICAN LEGION OF OHIO					99725
GRF 752-501	State Support	\$	302,328	\$	302,328	99726
	VII AMVETS					99727
GRF 753-501	State Support	\$	287,919	\$	287,919	99728
	VAV DISABLED AMERICAN VETERANS					99729
GRF 754-501	State Support	\$	216,308	\$	216,308	99730
	VMC MARINE CORPS LEAGUE					99731
GRF 756-501	State Support	\$	115,972	\$	115,972	99732
	V37 37TH DIVISION AEF VETERANS' ASSOCIATION					99733
GRF 757-501	State Support	\$	5,946	\$	5,946	99734
	VFW VETERANS OF FOREIGN WARS					99735
GRF 758-501	State Support	\$	246,615	\$	246,615	99736
TOTAL GRF General Revenue Fund		\$	1,634,619	\$	1,634,619	99737
TOTAL ALL BUDGET FUND GROUPS		\$	1,634,619	\$	1,634,619	99738

RELEASE OF FUNDS 99739

The foregoing appropriation items 743-501, 746-501, 747-501, 99740
748-501, 749-501, 750-501, 751-501, 752-501, 753-501, 754-501, 99741
756-501, 757-501, and 758-501, State Support, shall be released 99742
upon approval by the Director of Budget and Management. 99743

CENTRAL OHIO UNITED SERVICES ORGANIZATION 99744

Of the foregoing appropriation item 751-501, State Support, 99745

Vietnam Veterans of America, \$50,000 in each fiscal year shall be	99746
used to support the activities of the Central Ohio USO.	99747
VAL AMERICAN LEGION OF OHIO	99748
Of the foregoing appropriation item 752-501, State Support,	99749
VAL American Legion, at least \$50,000 in each fiscal year shall be	99750
used to fund service officer expenses.	99751
VETERANS SERVICE COMMISSION EDUCATION	99752
Of the foregoing appropriation item 753-501, State Support,	99753
AMVETS, up to \$20,000 in each fiscal year may be used to provide	99754
moneys to the Association of County Veterans Service Commissioners	99755
to reimburse its member county veterans service commissions for	99756
costs incurred in carrying out educational and outreach duties	99757
required under divisions (E) and (F) of section 5901.03 of the	99758
Revised Code. Additionally, at least \$50,000 shall be used in each	99759
fiscal year to fund service officer expenses. The Director of	99760
Budget and Management shall release these funds upon the	99761
presentation of an itemized receipt, approved by the Governor's	99762
Office of Veterans Affairs, from the association for reasonable	99763
and appropriate expenses incurred while performing these duties.	99764
The association shall establish uniform procedures for reimbursing	99765
member commissions.	99766
VAV DISABLED AMERICAN VETERANS	99767
Of the foregoing appropriation item 754-501, State Support,	99768
VAV Disabled American Veterans, at least \$50,000 in each fiscal	99769
year shall be used to fund service officer expenses.	99770
VMC MARINE CORPS LEAGUE	99771
Of the foregoing appropriation item 756-501, State Support,	99772
VMC Marine Corps League, at least \$30,000 in each fiscal year	99773
shall be used to fund service officer expenses.	99774
VFW VETERANS OF FOREIGN WARS	99775

Of the foregoing appropriation item 758-501, State Support, 99776
 VFW Veterans of Foreign Wars, at least \$50,000 in each fiscal year 99777
 shall be used to fund service officer expenses. 99778

Section 212.30. DVM STATE VETERINARY MEDICAL BOARD 99779

General Services Fund Group 99780

4K9 888-609 Operating Expenses \$ 293,691 \$ 0 99781

5BU 888-602 Veterinary Student \$ 60,000 \$ 0 99782

Loan Program

TOTAL GSF General Services 99783

Fund Group \$ 353,691 \$ 0 99784

TOTAL ALL BUDGET FUND GROUPS \$ 353,691 \$ 0 99785

CASH TRANSFER TO VETERINARY STUDENT LOAN PROGRAM FUND (FUND 99786
 5BU) 99787

On July 1, 2005, or as soon as possible thereafter, the 99788
 Director of Budget and Management shall transfer \$60,000 in cash 99789
 from the Occupational Licensing and Regulatory Fund (Fund 4K9) to 99790
 the Veterinary Student Loan Program Fund (Fund 5BU), which is 99791
 hereby created. The amount of the transfer is hereby appropriated. 99792

VETERINARY STUDENT LOAN PROGRAM 99793

The foregoing appropriation item 888-602, Veterinary Student 99794
 Loan Program, shall be used by the Veterinary Medical Licensing 99795
 Board to implement a student loan repayment program for veterinary 99796
 students focusing on large animal populations, public health, or 99797
 regulatory veterinary medicine. 99798

Section 212.33. DYS DEPARTMENT OF YOUTH SERVICES 99799

General Revenue Fund 99800

GRF 470-401 RECLAIM Ohio \$ 177,016,683 \$ 182,084,588 99801

GRF 470-412 Lease Rental Payments \$ 20,267,500 \$ 21,882,700 99802

GRF 470-510 Youth Services \$ 18,608,587 \$ 18,608,587 99803

GRF 472-321	Parole Operations	\$	14,358,995	\$	14,962,871	99804
GRF 477-321	Administrative	\$	14,239,494	\$	14,754,420	99805
	Operations					
TOTAL GRF	General Revenue Fund	\$	244,491,259	\$	252,293,166	99806
	General Services Fund Group					99807
175 470-613	Education	\$	10,112,529	\$	9,450,598	99808
	Reimbursement					
4A2 470-602	Child Support	\$	320,641	\$	328,657	99809
4G6 470-605	General Operational	\$	10,000	\$	10,000	99810
	Funds					
479 470-609	Employee Food Service	\$	141,466	\$	137,666	99811
523 470-621	Wellness Program	\$	46,937	\$	0	99812
6A5 470-616	Building Demolition	\$	31,100	\$	0	99813
TOTAL GSF	General Services					99814
	Fund Group	\$	10,662,673	\$	9,926,921	99815
	Federal Special Revenue Fund Group					99816
3V5 470-604	Juvenile	\$	4,254,745	\$	4,254,746	99817
	Justice/Delinquency					
	Prevention					
3W0 470-611	Federal Juvenile	\$	222,507	\$	0	99818
	Programs FFY 02					
3Z8 470-625	Federal Juvenile	\$	1,500,001	\$	773,812	99819
	Programs FFY 04					
3Z9 470-626	Federal Juvenile	\$	465,000	\$	0	99820
	Programs FFY 05					
321 470-601	Education	\$	1,422,580	\$	1,465,399	99821
321 470-603	Juvenile Justice	\$	1,981,169	\$	2,006,505	99822
	Prevention					
321 470-606	Nutrition	\$	2,471,550	\$	2,470,655	99823
321 470-614	Title IV-E	\$	4,960,589	\$	6,012,361	99824
	Reimbursements					
321 470-617	Americorps Programs	\$	456,000	\$	463,700	99825

TOTAL FED Federal Special Revenue				99826
Fund Group	\$	17,734,141	\$ 17,447,178	99827
State Special Revenue Fund Group				99828
147 470-612 Vocational Education	\$	1,937,784	\$ 2,009,866	99829
4W3 470-618 Help Me Grow	\$	11,000	\$ 11,000	99830
5BH 470-628 Partnerships for Success	\$	1,500,000	\$ 1,500,000	99831
TOTAL SSR State Special Revenue				99832
Fund Group	\$	3,448,784	\$ 3,520,866	99833
TOTAL ALL BUDGET FUND GROUPS	\$	276,336,857	\$ 283,188,131	99834
RECLAIM OHIO				99835
Of the foregoing appropriation item 470-401, RECLAIM Ohio,				99836
\$25,000 in each fiscal year shall be distributed directly to the				99837
Lighthouse Youth Services Wrap-Around Program.				99838
OHIO BUILDING AUTHORITY LEASE PAYMENTS				99839
The foregoing appropriation item 470-412, Lease Rental				99840
Payments, in the Department of Youth Services, shall be used for				99841
payments to the Ohio Building Authority for the period from July				99842
1, 2005, to June 30, 2007, under the primary leases and agreements				99843
for facilities made under Chapter 152. of the Revised Code, but				99844
limited to the aggregate amount of \$42,150,200. This appropriation				99845
is the source of funds pledged for bond service charges on related				99846
obligations issued pursuant to Chapter 152. of the Revised Code.				99847
EDUCATION REIMBURSEMENT				99848
The foregoing appropriation item 470-613, Education				99849
Reimbursement, shall be used to fund the operating expenses of				99850
providing educational services to youth supervised by the				99851
Department of Youth Services. Operating expenses include, but are				99852
not limited to, teachers' salaries, maintenance costs, and				99853
educational equipment. This appropriation item may be used for				99854
capital expenses related to the education program.				99855

EMPLOYEE FOOD SERVICE AND EQUIPMENT 99856

Notwithstanding section 125.14 of the Revised Code, the 99857
foregoing appropriation item 470-609, Employee Food Service, may 99858
be used to purchase any food operational items with funds received 99859
into the fund from reimbursement for state surplus property. 99860

PARTNERSHIPS FOR SUCCESS 99861

In fiscal year 2006, the foregoing appropriation item 99862
470-628, Partnerships for Success, shall be used to support the 99863
Partnerships for Success Project. On or before January 1, 2007, 99864
the Director of Budget and Management shall transfer any amount of 99865
cash that remains unspent in the Partnerships for Success Fund 99866
(Fund 5BH) to the Children's Trust Fund (Fund 198). 99867

FEDERAL JUVENILE JUSTICE PROGRAM TRANSFER FROM THE OFFICE OF 99868
CRIMINAL JUSTICE SERVICES TO THE DEPARTMENT OF YOUTH SERVICES 99869

Any business relating to the funds associated with the Office 99870
of Criminal Justice Services' appropriation item 196-602, Criminal 99871
Justice Federal Programs, commenced but not completed by the 99872
Office of Criminal Justice Services or its director shall be 99873
completed by the Department of Youth Services or its director in 99874
the same manner, and with the same effect, as if completed by the 99875
Office of Criminal Justice Services or its director. No 99876
validation, cure, right, privilege, remedy, obligation, or 99877
liability is lost or impaired by reason of the transfer and shall 99878
be administered by the Department of Youth Services. 99879

Any action or proceeding against the Office of Criminal 99880
Justice Services pending on the effective date of this section 99881
shall not be affected by the transfer of responsibility to the 99882
Department of Youth Services, and shall be prosecuted or defended 99883
in the name of the Department of Youth Services or its director. 99884
In all such actions and proceedings, the Department of Youth 99885
Services or its director upon application of the court shall be 99886

substituted as party. 99887

Section 303.03. EXPENDITURES AND APPROPRIATION INCREASES 99888
APPROVED BY THE CONTROLLING BOARD 99889

Any money that the Controlling Board approves for expenditure 99890
or any increase in appropriation authority that the Controlling 99891
Board approves under sections 127.14, 131.35, and 131.39 of the 99892
Revised Code or any other provision of law is hereby appropriated 99893
for the period ending June 30, 2007. 99894

Section 303.06. PERSONAL SERVICE EXPENSES 99895

Unless otherwise prohibited by law, any appropriation from 99896
which personal service expenses are paid shall bear the employer's 99897
share of public employees' retirement, workers' compensation, 99898
disabled workers' relief, and all group insurance programs; the 99899
costs of centralized accounting, centralized payroll processing, 99900
and related personnel reports and services; the cost of the Office 99901
of Collective Bargaining; the cost of the Personnel Board of 99902
Review; the cost of the Employee Assistance Program; the cost of 99903
the affirmative action and equal employment opportunity programs 99904
administered by the Department of Administrative Services; the 99905
costs of interagency information management infrastructure; and 99906
the cost of administering the state employee merit system as 99907
required by section 124.07 of the Revised Code. These costs shall 99908
be determined in conformity with the appropriate sections of law 99909
and paid in accordance with procedures specified by the Office of 99910
Budget and Management. Expenditures from appropriation item 99911
070-601, Public Audit Expense - Local Government, in Fund 422 may 99912
be exempted from the requirements of this section. 99913

Section 303.09. RE-ISSUANCE OF VOIDED WARRANTS 99914

In order to provide funds for the reissuance of voided 99915

warrants under section 117.47 of the Revised Code, there is hereby 99916
appropriated, out of moneys in the state treasury from the fund 99917
credited as provided in section 117.47 of the Revised Code, that 99918
amount sufficient to pay such warrants when approved by the Office 99919
of Budget and Management. 99920

Section 303.12. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 99921
AGAINST THE STATE 99922

Except as otherwise provided in this section, an 99923
appropriation in this act or any other act may be used for the 99924
purpose of satisfying judgments, settlements, or administrative 99925
awards ordered or approved by the Court of Claims or by any other 99926
court of competent jurisdiction in connection with civil actions 99927
against the state. This authorization does not apply to 99928
appropriations to be applied to or used for payment of guarantees 99929
by or on behalf of the state, or for payments under lease 99930
agreements relating to, or debt service on, bonds, notes, or other 99931
obligations of the state. Notwithstanding any other statute to the 99932
contrary, this authorization includes appropriations from funds 99933
into which proceeds of direct obligations of the state are 99934
deposited only to the extent that the judgment, settlement, or 99935
administrative award is for, or represents, capital costs for 99936
which the appropriation may otherwise be used and is consistent 99937
with the purpose for which any related obligations were issued or 99938
entered into. Nothing contained in this section is intended to 99939
subject the state to suit in any forum in which it is not 99940
otherwise subject to suit, and is not intended to waive or 99941
compromise any defense or right available to the state in any suit 99942
against it. 99943

Section 303.13. CAPITAL PROJECT SETTLEMENTS 99944

This section specifies an additional and supplemental 99945

procedure to provide for payments of judgments and settlements if 99946
the Director of Budget and Management determines, pursuant to 99947
division (C)(4) of section 2743.19 of the Revised Code, that 99948
sufficient unencumbered moneys do not exist in the particular 99949
appropriation to pay the amount of a final judgment rendered 99950
against the state or a state agency, including the settlement of a 99951
claim approved by a court, in an action upon and arising out of a 99952
contractual obligation for the construction or improvement of a 99953
capital facility if the costs under the contract were payable in 99954
whole or in part from a state capital projects appropriation. In 99955
such a case, the director may either proceed pursuant to division 99956
(C)(4) of section 2743.19 of the Revised Code or apply to the 99957
Controlling Board to increase an appropriation or create an 99958
appropriation out of any unencumbered moneys in the state treasury 99959
to the credit of the capital projects fund from which the initial 99960
state appropriation was made. The Controlling Board may approve or 99961
disapprove the application as submitted or modified. The amount of 99962
an increase in appropriation or new appropriation specified in an 99963
application approved by the Controlling Board is hereby 99964
appropriated from the applicable capital projects fund and made 99965
available for the payment of the judgment or settlement. 99966

If the director does not make the application authorized by 99967
this section or the Controlling Board disapproves the application, 99968
and the director does not make application under division (C)(4) 99969
of section 2743.19 of the Revised Code, the director shall for the 99970
purpose of making that payment make a request to the General 99971
Assembly as provided for in division (C)(5) of that section. 99972

Section 303.18. INCOME TAX DISTRIBUTION TO COUNTIES 99973

There are hereby appropriated out of any moneys in the state 99974
treasury to the credit of the General Revenue Fund, which are not 99975
otherwise appropriated, funds sufficient to make any payment 99976

required by division (B)(2) of section 5747.03 of the Revised Code.	99977 99978
Section 303.21. REAPPROPRIATION OF UNEXPENDED ENCUMBERED BALANCES OF OPERATING APPROPRIATIONS	99979 99980
An unexpended balance of an operating appropriation or reappropriation that a state agency lawfully encumbered prior to the close of a fiscal year is reappropriated on the first day of July of the following fiscal year from the fund from which it was originally appropriated or reappropriated for the following period and shall remain available only for the purpose of discharging the encumbrance:	99981 99982 99983 99984 99985 99986 99987
(A) For an encumbrance for personal services, maintenance, equipment, or items for resale, other than an encumbrance for an item of special order manufacture not available on term contract or in the open market or for reclamation of land or oil and gas wells for a period of not more than five months from the end of the fiscal year;	99988 99989 99990 99991 99992 99993
(B) For an encumbrance for an item of special order manufacture not available on term contract or in the open market, for a period of not more than five months from the end of the fiscal year or, with the written approval of the Director of Budget and Management, for a period of not more than twelve months from the end of the fiscal year;	99994 99995 99996 99997 99998 99999
(C) For an encumbrance for reclamation of land or oil and gas wells, for a period ending when the encumbered appropriation is expended or for a period of two years, whichever is less;	100000 100001 100002
(D) For an encumbrance for any other expense, for such period as the director approves, provided such period does not exceed two years.	100003 100004 100005
Any operating appropriations for which unexpended balances	100006

are reappropriated beyond a five-month period from the end of the
fiscal year by division (B) of this section shall be reported to
the Controlling Board by the Director of Budget and Management by
the thirty-first day of December of each year. The report on each
such item shall include the item, the cost of the item, and the
name of the vendor. The report shall be updated on a quarterly
basis for encumbrances remaining open.

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Upon the expiration of the reappropriation period set out in
divisions (A), (B), (C), or (D) of this section, a reappropriation
made by this section lapses, and the Director of Budget and
Management shall cancel the encumbrance of the unexpended
reappropriation not later than the end of the weekend following
the expiration of the reappropriation period.

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Notwithstanding the preceding paragraph, with the approval of
the Director of Budget and Management, an unexpended balance of an
encumbrance that was reappropriated on the first day of July by
this section for a period specified in division (C) or (D) of this
section and that remains encumbered at the close of the fiscal
biennium is hereby reappropriated on the first day of July of the
following fiscal biennium from the fund from which it was
originally appropriated or reappropriated for the applicable
period specified in division (C) or (D) of this section and shall
remain available only for the purpose of discharging the
encumbrance.

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The Director of Budget and Management may correct accounting
errors committed by the staff of the Office of Budget and
Management, such as re-establishing encumbrances or appropriations
cancelled in error, during the cancellation of operating
encumbrances in November and of non-operating encumbrances in
December.

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If the Controlling Board approved a purchase, that approval

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remains in effect so long as the appropriation used to make that purchase remains encumbered. 100038
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Section 306.03. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS 100040

The maximum amounts that may be assessed against nuclear electric utilities under division (B)(2) of section 4937.05 of the Revised Code are as follows: 100041
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	FY 2006	FY 2007	
Department of Agriculture			100045
Fund 4E4 Utility Radiological Safety	\$73,059	\$73,059	100046
Department of Health			100047
Fund 610 Radiation Emergency Response	\$850,000	\$850,000	100048
Environmental Protection Agency			100049
Fund 644 ER Radiological Safety	\$286,114	\$286,114	100050
Emergency Management Agency			100051
Fund 657 Utility Radiological Safety	\$1,260,000	\$1,260,000	100052

Section 312.01. TRANSFERS OF FISCAL YEAR 2005 GENERAL REVENUE 100053

FUND ENDING BALANCES 100054

Notwithstanding divisions (B)(1)(b), (B)(2), and (C) of section 131.44 of the Revised Code, fiscal year 2005 surplus revenue shall be distributed as follows: 100055
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(A) The first \$60,000,000 of such surplus revenue shall be transferred to Fund 5AX, Public Assistance Reconciliation Fund, to pay a portion of the remaining state TANF liability to the federal government. 100058
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(B) The next \$40,000,000 of such surplus revenue shall be transferred to the Disaster Services Fund (5E2), which is hereby created in the state treasury. 100062
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(C) The next \$50,000,000 of such surplus revenue shall be transferred to Fund 021, the Public School Building Fund. 100065
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(D) Any surplus revenue in excess of the amounts distributed 100067
under divisions (A) to (C) of this section shall be transferred to 100068
the Budget Stabilization Fund. 100069

Section 312.03. TRANSFERS TO THE GENERAL REVENUE FUND FROM 100070
NON-FEDERAL NON-GRF FUNDS 100071

Notwithstanding any other provision of law to the contrary, 100072
during fiscal years 2006 and 2007, the Director of Budget and 100073
Management is hereby authorized to transfer cash from non-federal, 100074
non-General Revenue Fund funds that are not constitutionally 100075
restricted to the General Revenue Fund. The total amount of cash 100076
transfers made pursuant to this section to the General Revenue 100077
Fund during fiscal years 2006 and 2007 shall not exceed 100078
\$60,000,000. 100079

Section 312.06. TRANSFERS TO THE GENERAL REVENUE FUND OF 100080
INTEREST EARNED 100081

Notwithstanding any provision of Ohio law to the contrary, 100082
the Director of Budget and Management, through June 30, 2007, may 100083
transfer interest earned by any fund in the Central Accounting 100084
System to the General Revenue Fund. This section does not apply to 100085
funds whose source of revenue is restricted or protected by the 100086
Constitution of this state, federal tax law, or the "Cash 100087
Management Improvement Act of 1990" 104 Stat. 1058 (1990), 31 100088
U.S.C. 6501, et. seq., as amended. 100089

Section 312.09. BUDGET STABILIZATION FUND TRANSFERS 100090

(A) Notwithstanding any provision of law to the contrary, 100091
through June 30, 2006, if the Director of Budget and Management 100092
determines that the estimated ending fund balance of the General 100093
Revenue Fund will be greater than the amounts assumed in this act 100094
for fiscal year 2006, the Director shall transfer at least 100095

\$50,000,000 at the end of fiscal year 2006 to the Budget 100096
Stabilization Fund, if available unobligated balances exist. This 100097
division does not apply to division (A) of Section 206.66.21, TANF 100098
TRANSFERS, of this act. 100099

(B) Notwithstanding any provision of law to the contrary, 100100
through June 30, 2007, if the Director of Budget and Management 100101
determines that the estimated ending fund balance of the General 100102
Revenue Fund will be greater than the amounts assumed in this act 100103
for fiscal year 2007, the Director may transfer up to the excess 100104
balance to the Budget Stabilization Fund. This division does not 100105
apply to division (A) of Section 206.66.21, TANF TRANSFERS, of 100106
this act. 100107

(C) Notwithstanding any provision of law to the contrary, 100108
through June 30, 2007, if the Director of Budget and Management 100109
determines that state revenue receipts and available fund balances 100110
in any fund other than the General Revenue Fund exceed estimated 100111
state expenditures, the Director may transfer up to the excess 100112
revenue to the Budget Stabilization Fund. This division does not 100113
apply to revenue restricted or protected by the Ohio Constitution, 100114
federal tax law or grant requirements, or the "Cash Management 100115
Improvement Act of 1990," 104 Stat. 1058 (1990), 31 U.S.C. 6501, 100116
et seq., as amended. 100117

(D) In executing division (A) of this section and divisions 100118
(A) and (B) of Section 206.66.21, TANF TRANSFERS, it is intended 100119
that these divisions be applied and construed so that both of the 100120
transfers authorized under these divisions may be made through 100121
June 30, 2007. 100122

(E) After making the transfers described in divisions (A) to 100123
(C) of this section, the Director of Budget and Management shall 100124
submit a report to the President of the Senate and the Speaker of 100125
the House of Representatives. 100126

Section 312.10. TAX REFORM SYSTEM IMPLEMENTATION FUND	100127
TRANSFERS TO TAX AMNESTY PROGRAM	100128
Notwithstanding any provision of law to the contrary, prior	100129
to June 30, 2006, the Director of Budget and Management shall	100130
transfer \$2,000,000 in cash from the Tax Reform System	100131
Implementation Fund (Fund 228) to the Tax Amnesty Promotion and	100132
Administration Fund (Fund 5BW), which is hereby created in the	100133
State Treasury. The funds shall be used to pay expenses incurred	100134
in promoting and administering the tax amnesty program run by the	100135
Department of Taxation.	100136
After receiving the revenue receipts from the tax amnesty	100137
program, the Director of Budget and Management shall transfer the	100138
first \$2,000,000 to the Tax Reform System Implementation Fund, the	100139
next \$10,000,000 to the General Revenue Fund, and the remaining	100140
excess fund balance to the Budget Stabilization Fund.	100141
Section 312.12. GRF TRANSFER TO FUND 5N4, OAKS PROJECT	100142
IMPLEMENTATION	100143
On July 1, 2005, or as soon thereafter as possible, the	100144
Director of Budget and Management shall transfer an amount not to	100145
exceed \$675,000 in cash from the General Revenue Fund to Fund 5N4,	100146
OAKS Project Implementation. On July 1, 2006, or as soon	100147
thereafter as possible, the Director of Budget and Management	100148
shall transfer an amount not to exceed \$675,000 in cash from the	100149
General Revenue Fund to Fund 5N4, OAKS Project Implementation.	100150
Section 312.15. CORPORATE AND UCC FILING FUND TRANSFER TO GRF	100151
Not later than the first day of June in each year of the	100152
biennium, the Director of Budget and Management shall transfer	100153
\$1,000,000 from the Corporate and Uniform Commercial Code Filing	100154
Fund to the General Revenue Fund.	100155

Section 312.18. GRF TRANSFER TO THE NATIONAL GUARD	100156
SCHOLARSHIP RESERVE FUND	100157
On July 1, 2005, or as soon as possible thereafter, the	100158
Director of Budget and Management shall transfer up to \$592,000	100159
cash from the General Revenue Fund to the National Guard	100160
Scholarship Reserve Fund (Fund 5BM).	100161
Section 312.19. GRF TRANSFER TO THE PUBLIC SCHOOL BUILDING	100162
FUND	100163
In fiscal year 2006, the Director of Budget and Management	100164
shall transfer \$30,000,000 in cash from the General Revenue Fund	100165
to Fund 021, the Public School Building Fund.	100166
Section 312.21. APPROPRIATIONS RELATED TO CASH TRANSFERS AND	100167
RE-ESTABLISHMENT OF ENCUMBRANCES	100168
Any cash transferred by the Director of Budget and Management	100169
under section 126.15 of the Revised Code is hereby appropriated.	100170
Any amounts necessary to re-establish appropriations or	100171
encumbrances under section 126.15 of the Revised Code are hereby	100172
appropriated.	100173
Section 312.24. TRANSFERS FROM THE TOBACCO MASTER SETTLEMENT	100174
AGREEMENT FUND	100175
(A) Notwithstanding section 183.02 of the Revised Code, on	100176
July 1, 2005, or as soon as possible thereafter, the Director of	100177
Budget and Management shall transfer from the Tobacco Master	100178
Settlement Agreement Fund (Fund 087) \$5,000,000 cash to the	100179
General Revenue Fund, up to \$5,000,000 cash to the Healthy Ohioans	100180
Initiative Fund (Fund 5BL in the Department of Health), \$6,000,000	100181
cash to the Children's Hospitals Fund (Fund 5CR in the Department	100182
of Job and Family Services), and \$10,000,000 cash to the Lung	100183

Cancer and Lung Disease Research Fund (Fund 5CY in the Department of Development). Of the tobacco revenue that is credited to the Tobacco Master Settlement Agreement Fund (Fund 087) in fiscal year 2005, the share that is determined pursuant to section 183.02 of the Revised Code to be the amount transferred by the Director of Budget and Management from the Tobacco Master Settlement Agreement Fund (Fund 087) to the Tobacco Use Prevention and Cessation Trust Fund (Fund H87) shall be reduced by the amount that is transferred from the Tobacco Master Settlement Agreement Fund (Fund 087) to various funds pursuant to this division.

(B) Notwithstanding section 183.02 of the Revised Code, on July 1, 2006, or as soon as possible thereafter, the Director of Budget and Management shall transfer from the Tobacco Master Settlement Agreement Fund (Fund 087) \$6,000,000 cash to the Children's Hospitals Fund (Fund 5CR in the Department of Job and Family Services). Of the tobacco revenue that is credited to the Tobacco Master Settlement Agreement Fund (Fund 087) in fiscal year 2006, the share that is determined pursuant to section 183.02 of the Revised Code to be the amount transferred by the Director of Budget and Management from the Tobacco Master Settlement Agreement Fund (Fund 087) to the Tobacco Use Prevention and Cessation Trust Fund (Fund H87) shall be reduced by the amount that is transferred from the Tobacco Master Settlement Agreement Fund (Fund 087) pursuant to this division.

(C) Notwithstanding section 183.02 of the Revised Code, on July 1, 2006, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$800,000 cash from the Tobacco Master Settlement Agreement Fund (Fund 087) to the General Revenue Fund. Of the tobacco revenue that is credited to the Tobacco Master Settlement Agreement Fund (Fund 087) in fiscal year 2006, the share that is determined pursuant to section 183.02 of the Revised Code to be the amount transferred by the Director of

Budget and Management from the Tobacco Master Settlement Agreement Fund (Fund 087) to the Ohio's Public Health Priorities Trust Fund (Fund L87) shall be reduced by the amount that is transferred from the Tobacco Master Settlement Agreement Fund (Fund 087) to the General Revenue Fund under this division.

Section 312.27. TRANSFERS TO THE EDUCATION FACILITIES TRUST FUND

Notwithstanding section 183.02 of the Revised Code, after all transfers from the Tobacco Master Settlement Agreement Fund (Fund 087) to various other funds of cash that would have otherwise been transferred to the Tobacco Use Prevention and Cessation Trust Fund (Fund H87) in fiscal year 2006 have been made, the Director of Budget and Management shall transfer the remaining balance of the funds that would otherwise be transferred to the Tobacco Use Prevention and Cessation Trust Fund in fiscal year 2006 to the Education Facilities Trust Fund (Fund N87).

Notwithstanding section 183.02 of the Revised Code, after all transfers from the Tobacco Master Settlement Agreement Fund (Fund 087) to various other funds of cash that would have otherwise been transferred to the Tobacco Use Prevention and Cessation Trust Fund (Fund H87) in fiscal year 2007 have been made, the Director of Budget and Management shall transfer the remaining balance of the funds that would otherwise be transferred to the Tobacco Use Prevention and Cessation Trust Fund in fiscal year 2007 to the Education Facilities Trust Fund (Fund N87).

Section 315.03. CONSOLIDATION OF REGULATORY BOARDS

(A) It is the intent of the General Assembly to consolidate the following health-related regulatory boards within the Department of Health not later than July 1, 2006:

- (1) The Chemical Dependency Professionals Board;

(2) The Board of Chiropractic Examiners;	100246
(3) The Counselor, Social Worker, and Marriage and Family Therapist Board;	100247 100248
(4) The Ohio Board of Dietetics;	100249
(5) The Ohio Occupational Therapy, Physical Therapy, and Athletic Trainers Board;	100250 100251
(6) The Ohio Optical Dispensers Board;	100252
(7) The State Board of Optometry;	100253
(8) The State Board of Orthotics, Prosthetics, and Pedorthics;	100254 100255
(9) The State Board of Psychology;	100256
(10) The Ohio Respiratory Care Board;	100257
(11) The Board of Speech-Language Pathology and Audiology;	100258
(12) The State Veterinary Medical Licensing Board.	100259
(B) It is the intent of the General Assembly to consolidate the following regulatory boards and commissions within the Department of Commerce not later than July 1, 2006:	100260 100261 100262
(1) The Ohio Athletic Commission;	100263
(2) The Barber Board;	100264
(3) The State Board of Cosmetology;	100265
(4) The Board of Embalmers and Funeral Directors;	100266
(5) The Manufactured Homes Commission;	100267
(6) The Board of Motor Vehicle Collision Repair Registration;	100268
(7) The State Board of Sanitarian Registration.	100269
(C) It is the intent of the General Assembly to consolidate the Ohio Medical Transportation Board within the Department of Public Safety not later than July 1, 2006.	100270 100271 100272

(D) The Director of Budget and Management and the Directors of Administrative Services, Commerce, Health, and Public Safety shall appoint representatives to a transition team. In addition, the transition team shall include a total of three members representing the affected regulatory boards, to be selected by the executive directors of those boards.

The transition team shall develop a plan to ensure the smooth and timely consolidation of the boards into the respective departments. The transition team shall address the details of the consolidations, identifying necessary statutory changes and working with the Office of Budget and Management to develop budgets for the respective departments and the consolidated boards and commissions. The transition team may recommend additional regulatory boards or commissions to be consolidated and may recommend modifications to the planned consolidations.

The transition team shall submit a report containing recommendations and the details for the consolidations not later than December 31, 2005, to the Governor, the Speaker of the House of Representatives, and the President of the Senate. The report and recommendations shall address the following issues, and may address additional issues:

- (1) The necessary levels of funding;
- (2) The savings projected as a result of the consolidations;
- (3) The consolidation of activities between each board or commission and the department providing centralized services, including the role of the members of the board or commission and the role of the department;
- (4) The staffing levels needed, whether employees must be retained, and whether any employees retained have civil service status;

(5) The continuation of the standards and procedures of the board or commission;	100303 100304
(6) The continuation of rules and whether any rules need to be amended as a result of the consolidations;	100305 100306
(7) The transfer of assets, liabilities, and contractual obligations;	100307 100308
(8) The transfer of records and other materials pertaining to the board or commission.	100309 100310
(E) It is the intent of the General Assembly to introduce a bill in fiscal year 2006 that will include the necessary statutory changes to effect the consolidations and that will include revised appropriations for the departments and the consolidated boards and commissions for fiscal year 2007.	100311 100312 100313 100314 100315
Section 315.04. RECOMMENDATIONS FOR A STATE GOVERNMENT REORGANIZATION PLAN	100316 100317
Within thirty days after the effective date of this section, the Department of Administrative Services shall begin developing recommendations for a state government reorganization plan focused on increased efficiencies in the operation of state government and a reduced number of state agencies. The Department shall present its recommendations to the Speaker of the House of Representatives, the President of the Senate, the Minority Leader of the House of Representatives, and the Minority Leader of the Senate by not later than January 1, 2007.	100318 100319 100320 100321 100322 100323 100324 100325 100326
Section 315.06. CAREER-TECHNICAL SCHOOL BUILDING ASSISTANCE PROGRAM	100327 100328
All materials, assets, liabilities, and records of the Department of Education, irrespective of form or medium, deemed necessary by the Ohio School Facilities Commission to implement	100329 100330 100331

sections 3318.47, 3318.48, and 3318.49 of the Revised Code shall 100332
be transferred to the Commission not later than one hundred twenty 100333
days after the effective date of this section, in accordance with 100334
a transition plan which shall be developed and approved by the 100335
Commission in consultation with the Department. 100336

All current and pending loans and appropriations, 100337
encumbrances, and funds related to the Career-Technical School 100338
Building Assistance Fund (Fund 020), deemed necessary by the 100339
Commission to implement section 3318.48 of the Revised Code, shall 100340
be transferred to the Commission not later than one hundred twenty 100341
days after the effective date of this section in accordance with 100342
the transition plan. 100343

Any business commenced but not completed by the Department on 100344
the effective date of this section relating to the implementation 100345
of section 3318.48 of the Revised Code and the functions 100346
transferred by this section shall continue to be administered by 100347
the Department for a period of one hundred twenty days after the 100348
effective date of this section or until the transition plan 100349
described in this section is approved by the Commission, whichever 100350
occurs first. The Department shall provide the Commission whatever 100351
administrative assistance the Commission requires during the 100352
period of transition, which assistance shall be specified in the 100353
transition plan described in this section. 100354

Wherever any law, contract, or other document refers to the 100355
Department, the State Board of Education, or the Superintendent of 100356
Public Instruction in regard to the implementation or 100357
administration of section 3318.48 of the Revised Code, the 100358
references shall be deemed to refer to the Commission or the 100359
Director of the Commission. No action or proceeding pending on the 100360
effective date of this section relating to the implementation or 100361
administration of Chapter 3318. of the Revised Code is affected by 100362
the transfer. In all such actions and proceedings, the Commission 100363

or the Director shall be substituted as a party upon application 100364
by the receiving entity to the court or other appropriate 100365
tribunal. 100366

Section 315.09. ELIMINATION OF THE OHIO EDUCATIONAL 100367
TELECOMMUNICATIONS NETWORK COMMISSION 100368

(A) Effective July 1, 2005, the Ohio Educational 100369
Telecommunications Network Commission is abolished and its 100370
functions, assets, and liabilities, including but not limited to 100371
vehicles and equipment assigned to employees of the Commission and 100372
records of the Commission regardless of form or medium, are 100373
transferred to the eTech Ohio Commission. The eTech Ohio 100374
Commission is thereupon and thereafter successor to, assumes the 100375
obligations of, and otherwise constitutes the continuation of the 100376
Ohio Educational Telecommunications Network Commission. The 100377
functions of the Executive Director of the Ohio Educational 100378
Telecommunications Network Commission are thereupon and thereafter 100379
transferred to the Executive Director of the eTech Ohio 100380
Commission. 100381

Any business commenced but not completed by the Ohio 100382
Educational Telecommunications Network Commission or the Executive 100383
Director of the Ohio Educational Telecommunications Network 100384
Commission on July 1, 2005, shall be completed by the eTech Ohio 100385
Commission or the Executive Director of the eTech Ohio Commission, 100386
respectively, in the same manner, and with the same effect, as if 100387
completed by the Ohio Educational Telecommunications Network 100388
Commission or the Executive Director of the Ohio Educational 100389
Telecommunications Network Commission. No validation, cure, right, 100390
privilege, remedy, obligation, or liability is lost or impaired by 100391
reason of the transfer required under this section and shall be 100392
administered by the eTech Ohio Commission. All of the Ohio 100393
Educational Telecommunications Network Commission's rules, orders, 100394

and determinations continue in effect as rules, orders, and 100395
determinations of the eTech Ohio Commission, until modified or 100396
rescinded by the eTech Ohio Commission. If necessary to ensure the 100397
integrity of the Administrative Code, the Director of the 100398
Legislative Service Commission shall renumber the Ohio Educational 100399
Telecommunications Network Commission's rules to reflect their 100400
transfer to the eTech Ohio Commission. 100401

(B) Employees of the Ohio Educational Telecommunications 100402
Network Commission shall be transferred to the eTech Ohio 100403
Commission or dismissed. Employees of the Ohio Educational 100404
Telecommunications Network Commission so dismissed cease to hold 100405
their positions of employment on July 1, 2005. 100406

(C) No judicial or administrative action or proceeding in 100407
which the Ohio Educational Telecommunications Network Commission 100408
or the Executive Director of the Commission is a party that is 100409
pending on July 1, 2005, is affected by the transfer of functions 100410
under division (A) of this section. Such action or proceeding 100411
shall be prosecuted or defended in the name of the eTech Ohio 100412
Commission. On application to the court or other tribunal, the 100413
eTech Ohio Commission shall be substituted for the Executive 100414
Director of the Ohio Educational Telecommunications Network or the 100415
Commission as a party to such action or proceeding. 100416

(D) On and after July 1, 2005, when the Ohio Educational 100417
Telecommunications Network Commission or the Executive Director of 100418
the Ohio Educational Telecommunications Network Commission is 100419
referred to in any statute, rule, contract, grant, or other 100420
document, the reference is hereby deemed to refer to the eTech 100421
Ohio Commission or the Executive Director of the eTech Ohio 100422
Commission, respectively. 100423

Section 315.10. ELIMINATION OF THE OHIO SCHOOLNET COMMISSION 100424

(A) Effective July 1, 2005, the Ohio SchoolNet Commission is 100425
abolished and its functions, assets, and liabilities, including, 100426
but not limited to, vehicles and equipment assigned to employees 100427
of the Commission and records of the Commission regardless of form 100428
or medium, are transferred to the eTech Ohio Commission. The eTech 100429
Ohio Commission is thereupon and thereafter successor to, assumes 100430
the obligations of, and otherwise constitutes the continuation of 100431
the Ohio SchoolNet Commission. The functions of the Executive 100432
Director of the Ohio SchoolNet Commission are thereupon and 100433
thereafter transferred to the Executive Director of the eTech Ohio 100434
Commission. 100435

Any business commenced but not completed by the Ohio 100436
SchoolNet Commission or the Executive Director of the Ohio 100437
SchoolNet Commission on July 1, 2005, shall be completed by the 100438
eTech Ohio Commission or the Executive Director of the eTech Ohio 100439
Commission, respectively, in the same manner, and with the same 100440
effect, as if completed by the Ohio SchoolNet Commission or the 100441
Executive Director of the Ohio SchoolNet Commission. No 100442
validation, cure, right, privilege, remedy, obligation, or 100443
liability is lost or impaired by reason of the transfer required 100444
under this section and shall be administered by the eTech Ohio 100445
Commission. All of the Ohio SchoolNet Commission's rules, orders, 100446
and determinations continue in effect as rules, orders, and 100447
determinations of the eTech Ohio Commission, until modified or 100448
rescinded by the eTech Ohio Commission. If necessary to ensure the 100449
integrity of the Administrative Code, the Director of the 100450
Legislative Service Commission shall renumber the Ohio SchoolNet 100451
Commission's rules to reflect their transfer to the eTech Ohio 100452
Commission. 100453

(B) Employees of the Ohio SchoolNet Commission shall be 100454
transferred to the eTech Ohio Commission or dismissed. Employees 100455
of the Ohio SchoolNet Commission so dismissed cease to hold their 100456

positions of employment on July 1, 2005. 100457

(C) No judicial or administrative action or proceeding in 100458
which the Ohio SchoolNet Commission or the Executive Director of 100459
the Commission is a party that is pending on July 1, 2005, is 100460
affected by the transfer of functions under division (A) of this 100461
section. Such action or proceeding shall be prosecuted or defended 100462
in the eTech Ohio Commission. On application to the court or other 100463
tribunal, the eTech Ohio Commission shall be substituted for the 100464
Executive Director of the Ohio SchoolNet Commission as a party to 100465
such action or proceeding. 100466

(D) On and after July 1, 2005, when the Ohio SchoolNet 100467
Commission or the Executive Director of the Ohio SchoolNet 100468
Commission is referred to in any statute, rule, contract, grant, 100469
or other document, the reference is hereby deemed to refer to the 100470
eTech Ohio Commission or the Executive Director of the eTech Ohio 100471
Commission, respectively. 100472

(E) If the Department of Education receives any expenditure 100473
and program reports for fiscal year 2005 for programs that were 100474
administered by the Ohio SchoolNet Commission during that fiscal 100475
year, the Department shall forward those reports to the eTech Ohio 100476
Commission by September 30, 2005. 100477

Section 315.11. TRANSFER OF FUNDS TO THE AGENCIES 100478

On and after July 1, 2005, notwithstanding any provision of 100479
law to the contrary, the Director of Budget and Management is 100480
authorized to take the actions described in this section with 100481
respect to budget changes made necessary by administrative 100482
reorganization, program transfers, the creation of new funds, and 100483
the consolidation of funds as authorized by this act. The Director 100484
may make any transfer of cash balances between funds. At the 100485
request of the Director, the Ohio Educational Telecommunications 100486

Network Commission and the Ohio SchoolNet Commission shall certify 100487
to the Director an estimate of the amount of the cash balance to 100488
be transferred to the receiving funds. The Director may transfer 100489
the estimated amount when needed to make payments. Not more than 100490
thirty days after certifying the estimated amount, the Commissions 100491
shall certify the final amount to the Director. The Director shall 100492
transfer the difference between any amount previously transferred 100493
and the certified final amount. The Director may cancel 100494
encumbrances and re-establish encumbrances or parts of 100495
encumbrances as needed in fiscal year 2006 in the appropriate 100496
funds and appropriation items for the same purposes. The 100497
appropriation authority necessary to re-establish such 100498
encumbrances in fiscal year 2006 as determined by the Director, in 100499
a different fund or appropriation item, within an agency or 100500
between agencies, is hereby appropriated. When re-established 100501
encumbrances or parts of re-established encumbrances are 100502
cancelled, the Director shall reduce the appropriations for these 100503
respective funds and appropriation items by the amount of the 100504
encumbrances cancelled. The amounts cancelled are hereby 100505
authorized. Any fiscal year 2005 unencumbered or unallotted 100506
appropriation balances may be transferred to the appropriate funds 100507
and appropriation items to be used for the same purposes, as 100508
determined by the Director. The amounts transferred are hereby 100509
appropriated. 100510

Section 316.03. (A) On July 1, 2005, or as soon as possible 100511
thereafter, the Speaker of the House of Representatives, the 100512
President of the Senate, and the Governor, with the advice and 100513
consent of the Senate, shall appoint members to the eTech Ohio 100514
Commission as required by section 3353.02 of the Revised Code, as 100515
enacted by this act. On July 1, 2005, or as soon as possible 100516
thereafter, the Governor shall appoint a chairperson of the 100517
Commission as required by section 3353.02 of the Revised Code. 100518

Notwithstanding division (F) of that section, the initial chairperson appointed by the Governor shall serve until July 1, 2006, at which time the Governor shall appoint a chairperson in accordance with that section.

(B) Notwithstanding section 3353.03 of the Revised Code, as enacted by this act, the Governor, with the advice and consent of the Senate, shall appoint an interim executive director of the Commission on July 1, 2005, or as soon as possible thereafter. The interim executive director shall serve for one year or until the Commission appoints an executive director pursuant to that section, whichever is earlier. The Governor shall fix the compensation of the interim executive director. The interim executive director shall exercise any authority provided by law to the executive director of the Commission or delegated to the interim executive director by the Commission.

(C) Notwithstanding any provision of law to the contrary, the Director of Budget and Management, or the Director's designee, may do both of the following:

(1) Exercise any authority provided by law to the eTech Ohio Commission until Commission members hold their first meeting following their appointment under this section;

(2) Exercise any authority provided by law to the executive director of the Commission, or delegated to the Director of Budget and Management, or the Director's designee, by the Commission, until an interim executive director of the Commission is appointed under this section.

Section 318.03. GENERAL OBLIGATION DEBT SERVICE PAYMENTS

Certain appropriations are in this act for the purpose of paying debt service and financing costs on general obligation bonds or notes of the state issued pursuant to the Ohio

Constitution and acts of the General Assembly. If it is determined 100549
that additional appropriations are necessary for this purpose, 100550
such amounts are hereby appropriated. 100551

Section 318.06. LEASE PAYMENTS TO OPFC, OBA, AND TREASURER OF 100552
STATE 100553

Certain appropriations are in this act for the purpose of 100554
making lease payments pursuant to leases and agreements relating 100555
to bonds or notes issued by the Ohio Building Authority or the 100556
Treasurer of State or, previously, by the Ohio Public Facilities 100557
Commission, pursuant to the Ohio Constitution and acts of the 100558
General Assembly. If it is determined that additional 100559
appropriations are necessary for this purpose, such amounts are 100560
hereby appropriated. 100561

Section 318.09. AUTHORIZATION FOR TREASURER OF STATE AND OBM 100562
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 100563

The Office of Budget and Management shall initiate and 100564
process disbursements from general obligation and lease rental 100565
payment appropriation items during the period from July 1, 2005, 100566
to June 30, 2007, relating to bonds or notes issued under Sections 100567
2i, 2k, 2l, 2m, 2n, 2o, and 15 of Article VIII, Ohio Constitution, 100568
and Chapters 151. and 154. of the Revised Code. Disbursements 100569
shall be made upon certification by the Treasurer of State of the 100570
dates and the amounts due on those dates. 100571

Section 318.12. ISSUANCE OF OBLIGATIONS BY THE OHIO COAL 100572
DEVELOPMENT OFFICE 100573

The Ohio Public Facilities Commission, upon the request of 100574
the Director of the Ohio Coal Development Office of the Ohio Air 100575
Quality Development Authority with the advice of the Technical 100576
Advisory Committee created in section 1551.35 of the Revised Code 100577

and the approval of the Executive Director of the Ohio Air Quality
Development Authority, is hereby authorized to issue and sell, in
accordance with Section 15 of Article VIII, Ohio Constitution, and
Chapter 151. and particularly sections 151.01 and 151.07 of the
Revised Code, bonds and other obligations of the State of Ohio in
an aggregate principal amount not to exceed \$15,000,000 in
addition to the issuance of obligations heretofore authorized by
prior acts of the General Assembly. The obligations shall be
dated, issued, and sold from time to time in such amounts as may
be necessary to provide sufficient moneys to the credit of the
Coal Research and Development Fund created in section 1555.15 of
the Revised Code to pay costs charged to the fund when due.

Section 321.03. STATE AND LOCAL REBATE AUTHORIZATION

There is hereby appropriated, from those funds designated by
or pursuant to the applicable proceedings authorizing the issuance
of state obligations, amounts computed at the time to represent
the portion of investment income to be rebated or amounts in lieu
of or in addition to any rebate amount to be paid to the federal
government in order to maintain the exclusion from gross income
for federal income tax purposes of interest on those state
obligations under section 148(f) of the Internal Revenue Code.

Rebate payments shall be approved and vouchered by the Office
of Budget and Management.

Section 321.06. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT

Pursuant to the plan for compliance with the Federal Cash
Management Improvement Act required by section 131.36 of the
Revised Code, the Director of Budget and Management may cancel and
re-establish all or part of encumbrances in like amounts within
the funds identified by the plan. The amounts necessary to
re-establish all or part of encumbrances are hereby appropriated.

Section 321.09. STATEWIDE INDIRECT COST RECOVERY 100608

Whenever the Director of Budget and Management determines 100609
that an appropriation made to a state agency from a fund of the 100610
state is insufficient to provide for the recovery of statewide 100611
indirect costs under section 126.12 of the Revised Code, the 100612
amount required for such purpose is hereby appropriated from the 100613
available receipts of such fund. 100614

Section 321.10. GRF TRANSFERS ON BEHALF OF THE STATEWIDE 100615
INDIRECT COST ALLOCATION PLAN 100616

The total transfers made from the General Revenue Fund by the 100617
Director of Budget and Management under this section shall not 100618
exceed the amounts transferred into the General Revenue Fund under 100619
division (B) of section 126.12 of the Revised Code. 100620

The director of an agency may certify to the Director of 100621
Budget and Management the amount of expenses not allowed to be 100622
included in the Statewide Indirect Cost Allocation Plan under 100623
federal regulations, from any fund included in the Statewide 100624
Indirect Cost Allocation Plan, prepared as required by section 100625
126.12 of the Revised Code. 100626

Upon determining that no alternative source of funding is 100627
available to pay for such expenses, the Director of Budget and 100628
Management may transfer from the General Revenue Fund into the 100629
fund for which the certification is made, up to the amount of the 100630
certification. The director of the agency receiving such funds 100631
shall include, as part of the next budget submission prepared 100632
under section 126.02 of the Revised Code, a request for funding 100633
for such activities from an alternative source such that further 100634
federal disallowances would not be required. 100635

Section 321.11. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 100636

Notwithstanding any provision of law to the contrary, on or before the first day of September of each fiscal year, the Director of Budget and Management, in order to reduce the payment of adjustments to the federal government, as determined by the plan prepared under division (A) of section 126.12 of the Revised Code, may designate such funds as the director considers necessary to retain their own interest earnings.

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Section 401.05. That Sections 16.09, 19.01, 20.01, 22.03, 22.04, 23.02, 23.12, 23.13, 23.19, 23.26, 23.45, and 24.01 of Am. Sub. H.B. 16 of the 126th General Assembly be amended to read as follows:

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Appropriations

Sec. 16.09.	OSB SCHOOL FOR THE BLIND			100648
CAP-774	Glass Windows/E Wall of Natatorium	\$	63,726	100649
CAP-775	Renovation of Science Lab Greenhouse	\$	58,850	100650
CAP-776	Renovating Recreation Area	\$	213,900	100651
CAP-777	New Classrooms for Secondary MH Program	\$	880,407	100652
CAP-778	Renovation of Student Health Service Area	\$	144,375	100653
CAP-779	Replacement of Cottage Windows	\$	208,725	100654
CAP-780	New School Lighting	\$	184,500	100655
<u>782</u>				
CAP-781	Food Prep. Area Air Conditioning	\$	67,250	100656
Total School for the Blind		\$	1,821,733	100657

Sec. 19.01. All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Cultural and Sports Facilities Building Fund (Fund 030) that are not otherwise appropriated.

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Appropriations

AFC CULTURAL FACILITIES COMMISSION 100662

CAP-010	Sandusky State Theatre Improvements	\$	325,000	100663
CAP-013	Stambaugh Hall Improvements	\$	250,000	100664
CAP-033	Woodward Opera House Renovation	\$	100,000	100665
CAP-038	Center Exhibit Replacement	\$	816,000	100666
CAP-043	Statewide Site Repairs	\$	100,000	100667
CAP-044	National Underground Railroad Freedom Center	\$	4,150,000	100668
CAP-046	Cincinnati Museum Center Improvements	\$	250,000	100669
CAP-052	Akron Art Museum	\$	1,012,500	100670
CAP-053	Powers Auditorium Improvements - Eleanor Beecher Flad Pavilion	\$	250,000	100671
CAP-065	Beck Center for the Cultural Arts	\$	100,000	100672
CAP-069	Cleveland Institute of Art	\$	250,000	100673
CAP-071	Cleveland Institute of Music	\$	750,000	100674
CAP-073	Marina District/Ice Arena Development	\$	3,500,000	100675
CAP-074	Stan Hywet Hall & Gardens - West Vista Restoration	\$	750,000	100676
CAP-745	Emergency Repairs	\$	838,560	100677
CAP-769	Rankin House State Memorial	\$	192,000	100678
CAP-781	Archives and Library Automation	\$	624,000	100679
CAP-784	Center Rehabilitation	\$	960,000	100680
CAP-806	Grant Boyhood Home Improvements	\$	480,000	100681
CAP-812	Schuster Arts Center	\$	5,500,000	100682
CAP-823	Marion Palace Theatre	\$	750,000	100683
CAP-826	Renaissance Theatre	\$	750,000	100684
CAP-834	Galion Historic Big Four Depot Restoration	\$	170,000	100685
CAP-835	Jamestown Opera House	\$	125,000	100686
CAP-844	Charles A. Eulett Education Center/Edge of Appalachia Museum Center	\$	1,850,000	100687
CAP-845	Lima Historic Athletic Field	\$	100,000	100688
CAP-846	Butler Palace Theatre	\$	100,000	100689
			<u>200,000</u>	

CAP-847	Voice of America Museum	\$	275,000	100690
CAP-848	Oxford Arts Center ADA Project	\$	72,000	100691
CAP-849	Clark County Community Arts Expansion Project	\$	500,000	100692
CAP-850	Westcott House Historic Site	\$	75,000	100693
CAP-851	General Lytle Homestead - Harmony Hill	\$	50,000	100694
CAP-852	Miami Township Community Amphitheatre	\$	50,000	100695
CAP-853	Western Reserve Historical Society	\$	1,000,000	100696
CAP-854	Steamship Mather Museum	\$	100,000	100697
CAP-855	Rock and Roll Hall of Fame	\$	250,000	100698
CAP-856	Friendly Inn Settlement House Historic Site	\$	250,000	100699
CAP-857	Merrick House Historic Site	\$	250,000	100700
CAP-858	Strongsville Historic Building	\$	100,000	100701
CAP-859	Arts Castle	\$	100,000	100702
CAP-860	Great Lakes Historical Society	\$	325,000	100703
CAP-861	Ohio Glass Museum	\$	250,000	100704
CAP-862	Goll Wood Homestead	\$	50,000	100705
CAP-863	Ariel Theatre	\$	100,000	100706
CAP-864	Bellbrook/Sugarcreek Historical Society	\$	10,000	100707
CAP-865	Kennedy Stone House	\$	15,000	100708
CAP-866	Sports Facilities Improvements - Cincinnati	\$	4,350,000	100709
CAP-867	Ensemble Theatre	\$	450,000	100710
CAP-868	Taft Museum	\$	500,000	100711
CAP-869	Art Academy of Cincinnati	\$	100,000	100712
CAP-870	Riverbend Pavilion Improvements	\$	250,000	100713
CAP-871	Cincinnati Art & Technology Academy - Longworth Hall	\$	100,000	100714
CAP-872	Music Hall: Over-The-Rhine	\$	750,000	100715
CAP-873	John Bloomfield Home Restoration	\$	115,000	100716
CAP-874	Malinta Historical Society Caboose Exhibit	\$	6,000	100717

CAP-875	Hocking County Historical Society - Schempp House	\$	10,000	100718
CAP-876	Art Deco Markay Theater	\$	200,000	100719
CAP-877	Harvey Wells House	\$	100,000	100720
CAP-878	Bryn Du	\$	250,000	100721
CAP-879	Broad Street Historical Renovation	\$	300,000	100722
CAP-880	Amherst Historical Society	\$	35,000	100723
CAP-881	COSI - Toledo	\$	1,900,000	100724
CAP-882	Ohio Theatre - Toledo	\$	100,000	100725
CAP-883	Chester Academy Historic Site Renovations	\$	25,000	100726
CAP-884	Bradford Ohio Railroad Museum	\$	100,000	100727
CAP-885	Montgomery County Historical Society Archives	\$	100,000	100728
CAP-886	Nelson T. Gant Historic Homestead	\$	25,000	100729
CAP-887	Aurora Outdoor Sports Complex	\$	50,000	100730
CAP-888	Preble County Historical Society	\$	100,000	100731
CAP-889	Tecumseh Sugarloaf Mountain Amphitheatre	\$	120,000	100732
CAP-890	Pro Football Hall of Fame	\$	400,000	100733
CAP-891	MAPS Air Museum	\$	15,000	100734
CAP-892	Foundation Community Theatre <u>Theatre</u>	\$	50,000	100735
CAP-893	William McKinley Library Restoration	\$	250,000	100736
CAP-894	Hale Farm & Village	\$	250,000	100737
CAP-895	Blossom Music Center	\$	2,512,500	100738
CAP-896	Richard Howe House	\$	100,000	100739
CAP-897	Ward-Thomas Museum	\$	30,000	100740
CAP-898	Packard Music Hall Renovation Project	\$	100,000	100741
CAP-899	Holland Theatre	\$	100,000	100742
CAP-900	Van Wert Historical Society	\$	32,000	100743
CAP-901	Warren County Historical Society	\$	225,000	100744
CAP-902	Marietta Colony Theatre	\$	335,000	100745
CAP-903	West Salem Village Opera House	\$	92,000	100746
CAP-904	Beavercreek Community Theater	\$	100,000	100747
CAP-905	Smith Orr Homestead	\$	100,000	100748

Total Cultural Facilities Commission	\$	43,592,560	100749
		<u>41,165,060</u>	
TOTAL Cultural and Sports Facilities Building Fund	\$	43,592,560	100750
		<u>41,165,060</u>	

Sec. 20.01. All items set forth in this section are hereby 100752
appropriated out of any moneys in the state treasury to the credit 100753
of the Ohio Parks and Natural Resources Fund (Fund 031) that are 100754
not otherwise appropriated. 100755

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES			100756
STATEWIDE AND LOCAL PROJECTS			100757
CAP-012	Land Acquisition	\$	750,000 100758
CAP-051	Buck Creek State Park - Camp/Dock Renovations	\$	25,000 100759
CAP-060	East Fork State Park Renovation	\$	50,000 100760
<u>CAP-068</u>	<u>Kennedy Stone House</u>	<u>\$</u>	<u>15,000</u> 100761
CAP-080	Atwood Lake Conservancy District	\$	75,000 100762
CAP-083	John Bryan State Park Shelter Construction	\$	30,000 100763
CAP-084	Findley State Park General Improvements	\$	12,500 100764
CAP-085	The Wilds Carnivore Center	\$	1,000,000 100765
CAP-086	Scippo Creek Conservation	\$	75,000 100766
CAP-087	Belpre City Swimming Pool	\$	125,000 100767
CAP-705	Ohio-Erie Canal Tuscarawas River Logjam Removal	\$	25,000 100768
CAP-748	Local Parks Projects - Statewide	\$	2,511,079 100769
CAP-753	Project Planning	\$	1,144,316 100770
CAP-881	Dam Rehabilitation	\$	5,000,000 100771
CAP-931	Wastewater/Water Systems Upgrades	\$	2,900,000 100772
Total Statewide and Local Projects		\$	13,722,895 100773
			<u>12,737,895</u> 100774
Total Department of Natural Resources		\$	13,722,895 100775

		<u>12,737,895</u>	100776
TOTAL Ohio Parks and Natural Resources Fund	\$	13,722,895	100777
		<u>12,737,895</u>	100778

Appropriations

Sec. 22.03. DMH DEPARTMENT OF MENTAL HEALTH			100780
CAP-479 Community Assistance Projects	\$	1,800,000	100781
		<u>1,950,000</u>	
CAP-978 Infrastructure Improvements	\$	8,050,000	100782
CAP-989 Cleveland Christian Home	\$	100,000	100783
Total Department of Mental Health	\$	9,950,000	100784
		<u>10,000,000</u>	

COMMUNITY ASSISTANCE PROJECTS 100785

Of the foregoing appropriation item CAP-479, Community Assistance Projects, \$200,000 shall be used for the Center for Families and Children, \$100,000 shall be used for the Cleveland Christian Home, and ~~\$100,000~~ \$150,000 shall be used for the Berea Children's Home. 100786
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Appropriations

Sec. 22.04. DMR DEPARTMENT OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES			100791
			100792
STATEWIDE AND CENTRAL OFFICE PROJECTS			100793
CAP-480 Community Assistance Projects	\$	9,475,000	100794
CAP-955 Statewide Development Centers	\$	3,257,257	100795
Total Statewide and Central Office Projects	\$	12,732,257	100796
TOTAL Department of Mental Retardation and Developmental Disabilities	\$	12,732,257	100797
TOTAL MENTAL HEALTH FACILITIES IMPROVEMENT FUND	\$	22,782,257	100798

COMMUNITY ASSISTANCE PROJECTS 100799

The foregoing appropriation item CAP-480, Community Assistance Projects, may be used to provide community assistance 100800
100801

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.

Of the foregoing appropriation item CAP-480, \$200,000 shall
be used for the Achievement Centers for Children+ and \$250,000
shall be used for Bellefaire Jewish Children's Bureau+.

Notwithstanding any other provision of law to the contrary,
of the foregoing appropriation item CAP-480, \$250,000 shall be
used for the Julie Billart facility+ and \$75,000 shall be used for
the Hanson Home.

Appropriations

Sec. 23.02. ~~OEB OHIO EDUCATIONAL TELECOMMUNICATIONS NETWORK~~ 100820
~~COMMISSION~~ ETC ETECH OHIO 100821
CAP-001 Educational TV and Radio Equipment \$ 1,027,038 100822
Total ~~Ohio Educational Telecommunications Network~~ \$ 1,027,038 100823
~~Commission~~ eTech Ohio

Appropriations

Sec. 23.12. CLS CLEVELAND STATE UNIVERSITY 100825
CAP-023 Basic Renovations \$ 3,267,875 100826
CAP-125 College of Education Building \$ 8,057,262 100827
~~CAP-130 WVIZ Technology Center/Playhouse Square~~ \$ 750,000 100828
CAP-152 Rhodes Tower-Data Center Relocation \$ 1,000,000 100829

CAP-153	University Annex-Vacation and Demolition	\$	49,390	100830
CAP-154	Main Classroom Stair Tower & Entry	\$	1,500,000	100831
CAP-155	Cleveland Playhouse	\$	250,000	100832
CAP-156	Physical Education Building Rehabilitation	\$	1,000,000	100833
Total Cleveland State University		\$	15,874,527 <u>15,124,527</u>	100834

Appropriations

Sec. 23.13. KSU KENT STATE UNIVERSITY				100836
CAP-022	Basic Renovations	\$	3,573,078	100837
CAP-105	Basic Renovations-East Liverpool	\$	151,408	100838
CAP-106	Basic Renovations-Geauga	\$	45,607	100839
CAP-107	Basic Renovations-Salem	\$	105,640	100840
CAP-108	Basic Renovations-Stark	\$	325,358	100841
CAP-110	Basic Renovations-Ashtabula	\$	177,801	100842
CAP-111	Basic Renovations-Trumbull	\$	347,695	100843
CAP-112	Basic Renovations-Tuscarawas	\$	171,699	100844
CAP-212	Health Science Building, Planning	\$	705,720	100845
CAP-235	Rehabilitation of Franklin Hall	\$	13,923,684	100846
CAP-260	Land Acquisitions & Improvements-East Liverpool	\$	638,419	100847
CAP-261	Addition/Renovation of Classrooms-Geauga	\$	246,878	100848
CAP-262	Gym Renovation Planning-Salem	\$	490,213	100849
CAP-263	Parking Lot & Roadway Paving-Stark	\$	162,076	100850
CAP-264	Fine Arts Building & New Campus Center-Stark	\$	1,000,000	100851
CAP-265	Science Lab Addition-Trumbull	\$	991,786	100852
CAP-266	Fine & Performing Arts Center - Tuscarawas	\$	844,655	100853
CAP-267	Columbiana County Port Authority	\$	875,000	100854
CAP-268	Canton Convention Center	\$	735,000	100855
<u>CAP-269</u>	<u>Blossom Music Center</u>	<u>\$</u>	<u>2,512,500</u>	100856

Total Kent State University	\$	25,511,717	100857
		<u>28,024,217</u>	

Sec. 23.19. WSU WRIGHT STATE UNIVERSITY 100859

CAP-015	Basic Renovations	\$	2,752,255	100860
CAP-064	Basic Renovations - Lake	\$	91,232	100861
CAP-115	Russ Engineering Expansion	\$	369,000	100862
CAP-116	Rike Hall Renovation	\$	2,000,000	100863
CAP-119	Science Lab Renovations (Planning)	\$	5,720,940	100864
CAP-120	Lake Campus University Center	\$	1,420,709	100865
CAP-127	Rehabilitate Festival Playhouse	\$	1,000,000	100866
CAP-128	Glenn Helen Preserve Eco Art Classroom	\$	25,000	100867
<u>CAP-132</u>	<u>Montgomery County Port Authority</u>	<u>\$</u>	<u>1,000,000</u>	100868
Total Wright State University		\$	13,379,136	100869
			<u>14,379,136</u>	100870

MONTGOMERY COUNTY PORT AUTHORITY 100871

Appropriation item CAP-132, Montgomery County Port Authority, 100872

shall not be released unless the Controlling Board approves the 100873

release, and, within 90 days after the effective date of this 100874

amendment, Wright State University shall seek the Controlling 100875

Board's approval to release the funds appropriated to CAP-132, 100876

Montgomery County Port Authority. 100877

Sec. 23.26. CCC CUYAHOGA COMMUNITY COLLEGE 100878

			Appropriations	
CAP-031	Basic Renovations	\$	2,428,960	100879
CAP-079	Cleveland Art Museum Improvements	\$	3,000,000	100880
CAP-094	Collegewide Wayfinding Signage System	\$	1,067,510	100881
CAP-095	Collegewide Asset Protection and Building Codes Upgrade	\$	1,491,522	100882
CAP-096	Health Care Technology Building - Eastern	\$	6,050,264	100883

<u>CAP-097</u>	<u>WVIZ Technology Center/Playhouse Square</u>	\$	<u>750,000</u>	100884
Total Cuyahoga Community College		\$	14,038,256	100885
			<u>14,788,256</u>	

Sec. 23.45. STC STARK TECHNICAL COLLEGE 100886

CAP-004	Basic Renovations	\$	438,295	100887
CAP-035	Business Technologies Addition	\$	1,378,892	100888
Rehabilitation				
CAP-037	Fuel Cell Initiative	\$	250,000	100889
Total Stark Technical College		\$	2,067,187	100890
Total Board of Regents and State				100891
Institutions of Higher Education		\$	488,343,998	100892
			<u>490,956,498</u>	
TOTAL Higher Education Improvement Fund		\$	489,371,036	100893
			<u>492,883,536</u>	

Sec. 24.01. All items set forth in this section are hereby 100895
appropriated out of any moneys in the state treasury to the credit 100896
of the Parks and Recreation Improvement Fund (Fund 035) that are 100897
not otherwise appropriated. 100898

Appropriations

DNR DEPARTMENT OF NATURAL RESOURCES 100899

CAP-004	Burr Oak Lodge	\$	150,000	100900
CAP-012	Land Acquisition	\$	243,663	100901
<u>CAP-085</u>	<u>The Wilds Carnivore Center</u>	\$	<u>1,000,000</u>	100902
CAP-088	Muskingum River Lock and Dam	\$	250,000	100903
<u>CAP-716</u>				100904
CAP-234	State Park Campgrounds, Cabins, and Lodges	\$	2,712,500	100905
CAP-331	Park Boating Facilities	\$	7,588,383	100906
CAP-701	Buckeye Lake State Park - Dam	\$	4,000,000	100907
Rehabilitation				
CAP-718	Grand Lake St. Mary's State Park Erosion	\$	450,000	100908

	Control Project			
CAP-748	Local Park Projects	\$	2,715,000	100909
CAP-753	Project Planning	\$	175,000	100910
CAP-848	Hazardous Dam Repair - Statewide	\$	1,325,000	100911
CAP-876	Statewide Trails	\$	1,101,500	100912
			<u>1,851,500</u>	
CAP-931	Statewide Wastewater/Water Systems	\$	2,500,000	100913
	Upgrade			
Total Department of Natural Resources		\$	23,211,046	100914
			<u>24,961,046</u>	100915
TOTAL Parks and Recreation Improvement Fund		\$	23,211,046	100916
			<u>24,961,046</u>	100917
	FEDERAL REIMBURSEMENT			100918
	All reimbursements received from the federal government for			100919
	any expenditures made pursuant to this section shall be deposited			100920
	in the state treasury to the credit of the Parks and Recreation			100921
	Improvement Fund (Fund 035).			100922
	LOCAL PARKS PROJECTS			100923
	Of the foregoing appropriation item CAP-748, Local Parks			100924
	Projects, \$75,000 shall be used for the Springfield Arts Veterans'			100925
	Park; \$50,000 shall be used for the Village of Bentleyville Park;			100926
	\$25,000 shall be used for the Cleveland Police and Firefighters			100927
	Memorial Park; \$100,000 shall be used for the Parma Heights			100928
	Greenbriar Park; \$125,000 shall be used for the Fairborn Park			100929
	Entrance Project; \$250,000 shall be used for the Greene County			100930
	Soccer Park; \$750,000 shall be used for the Banks Park; \$400,000			100931
	shall be used for the Colerain Township Park Improvements;			100932
	\$200,000 shall be used for the Colerain Township Heritage Park;			100933
	\$75,000 shall be used for the London Park Project; \$50,000 shall			100934
	be used for Somerset Park Improvements; \$50,000 shall be used for			100935
	Meadowbrook Park; \$25,000 shall be used for Early Hill Park;			100936
	\$25,000 shall be used for the Wright-Flyer Aviation Park; \$200,000			100937

shall be used for Madison Township Park; \$10,000 shall be used for 100938
the Wellington Soccer Field Park; \$10,000 shall be used for the 100939
Greenwich Township Baseball Field Park Improvements; \$20,000 shall 100940
be used for the City of London Sports Park; \$25,000 shall be used 100941
for the Pleasant Hill Park Ball Field Project; and \$250,000 shall 100942
be used for the Education Gateway at Sippo Lake Park. 100943

STATEWIDE TRAILS PROGRAM 100944

Of the foregoing appropriation item CAP-876, Statewide 100945
Trails, \$85,000 shall be used for the Williamsburg-Batavia 100946
hike/bike trail; \$16,500 shall be used for the South Milford Road 100947
Bike Trail Project; \$125,000 shall be used for the Tri-County 100948
Triangle Trail in Fayette county; ~~\$100,00~~ \$100,000 shall be used 100949
for the Tri-County Triangle Trail in Highland County; \$125,000 100950
shall be used for the Tri-County Triangle Trail in Ross county; 100951
\$550,000 shall be used for the Camp Chase Ohio to Erie Trail; ~~and~~ 100952
\$100,000 shall be used for the Holmes County Park District - Rails 100953
to Trails; and \$750,000 shall be used for the Little Miami Trail 100954
through the Village of Terrace Park. The state funds for the 100955
Little Miami Trail Project shall be used to undertake project work 100956
that is eligible for reimbursement under the federal Land and 100957
Water Conservation Fund and the Recreational Trails Program. The 100958
federal reimbursement funds for the project work shall be credited 100959
to the Parks and Recreation Improvement Fund (Fund 035). 100960

Section 401.06. That existing Sections 16.09, 19.01, 20.01, 100961
22.03, 22.04, 23.02, 23.12, 23.13, 23.19, 23.26, 23.45, and 24.01 100962
of Am. Sub. H.B. 16 of the 126th General Assembly are hereby 100963
repealed. 100964

Section 401.07. That Section 3 of Am. H.B. 67 of the 126th 100965
General Assembly be amended to read as follows: 100966

<p>Sec. 3. All items in this section are hereby appropriated out of any moneys in the state treasury to the credit of the designated fund. For all appropriations made in this act, those in the first column are for fiscal year 2006, and those in the second column are for fiscal year 2007.</p>				100967	100968	100969	100970	100971
FND AI	AI TITLE	Appropriations		100972				
	BWC BUREAU OF WORKERS' COMPENSATION			100973				
	Workers' Compensation Fund Group			100974				
023 855-401	William Green Lease	\$ 19,736,600	\$ 20,125,900	100975				
	Payments to OBA							
023 855-407	Claims, Risk & Medical	\$ 140,052,037	\$ 140,052,037	100976				
	Management							
023 855-408	Fraud Prevention	\$ 11,713,797	\$ 11,713,797	100977				
023 855-409	Administrative	\$ 119,246,553	\$ 119,246,553	100978				
	Services							
023 855-410	Attorney General	\$ 4,314,644	\$ 4,314,644	100979				
	Payments							
822 855-606	Coal Workers' Fund	\$ 91,894	\$ 91,894	100980				
823 855-608	Marine Industry	\$ 53,952	\$ 53,952	100981				
825 855-605	Disabled Workers	\$ 693,764	\$ 693,764	100982				
	Relief Fund							
826 855-609	Safety & Hygiene	\$ 20,130,820	\$ 20,130,820	100983				
	Operating							
826 855-610	Safety Grants Program	\$ 4,000,000	\$ 4,000,000	100984				
	TOTAL WCF Workers' Compensation			100985				
	Fund Group	\$ 320,034,061	\$ 320,423,361	100986				
	Federal Special Revenue Fund Group			100987				
349 855-601	OSHA Enforcement	\$ 1,527,750	\$ 1,604,140	100988				
	TOTAL FED Federal Special Revenue	\$ 1,527,750	\$ 1,604,140	100989				
	Fund Group							
	TOTAL ALL BUDGET FUND GROUPS	\$ 321,561,811	\$ 322,027,501	100990				

WILLIAM GREEN LEASE PAYMENTS 100991

The foregoing appropriation item 855-401, William Green Lease 100992
Payments to OBA, shall be used for lease payments to the Ohio 100993
Building Authority, and these appropriations shall be used to meet 100994
all payments at the times they are required to be made during the 100995
period from July 1, 2005, to June 30, 2007, by the Bureau of 100996
Workers' Compensation to the Ohio Building Authority pursuant to 100997
leases and agreements made under Chapter 152. of the Revised Code 100998
and Section 6 of Am. Sub. H.B. 743 of the 118th General Assembly. 100999
Of the amounts received in Fund 023, appropriation item 855-401, 101000
William Green Lease Payments to OBA, up to \$39,862,500 shall be 101001
restricted for lease rental payments to the Ohio Building 101002
Authority. If it is determined that additional appropriations are 101003
necessary for such purpose, such amounts are hereby appropriated. 101004

Notwithstanding any other provision of law to the contrary, 101005
all tenants of the William Green Building not funded by the 101006
Workers' Compensation Fund (Fund 023) shall pay their fair share 101007
of the costs of lease payments to the Workers' Compensation Fund 101008
(Fund 023) by intrastate transfer voucher. 101009

WORKERS' COMPENSATION OVERSIGHT COMMISSION 101010

Of the foregoing appropriation item 855-409, Administrative 101011
Services, up to \$18,000 per calendar year shall be used to pay the 101012
annual compensation of each investment expert member of the 101013
Workers' Compensation Oversight Commission, as provided in 101014
divisions (D) and (F) of section 4121.12 of the Revised Code. Each 101015
investment expert member shall also receive reasonable and 101016
necessary expenses while engaged in the performance of his or her 101017
duties, as provided in division (F) of section 4121.12 of the 101018
Revised Code. 101019

WORKERS' COMPENSATION FRAUD UNIT 101020

The Workers' Compensation Section Fund (Fund 195) shall 101021

receive payments from the Bureau of Workers' Compensation at the beginning of each quarter of each fiscal year to fund expenses of the Workers' Compensation Fraud Unit of the Attorney General's Office. Of the foregoing appropriation item 855-410, Attorney General Payments, \$773,151 in fiscal year 2006 and \$773,151 in fiscal year 2007 shall be used to provide these payments.

SAFETY AND HYGIENE

Notwithstanding section 4121.37 of the Revised Code, the Administrator of Workers' Compensation shall transfer moneys from the State Insurance Fund so that appropriation item 855-609, Safety and Hygiene Operating, is provided \$20,130,820 in fiscal year 2006 and \$20,130,820 in fiscal year 2007.

LONG-TERM CARE LOAN FUND

Upon the request of the Administrator of the Bureau of Workers' Compensation and with the advice and consent of the Bureau of Workers' Compensation Oversight Commission, the Director of Budget and Management shall transfer cash in the amounts requested from the Safety and Hygiene Operating Fund (Fund 826) to the Long-Term Care Loan Fund (Fund 829) created in section 4121.48 of the Revised Code. The amounts transferred are hereby appropriated.

OSHA ON-SITE CONSULTATION PROGRAM

The Bureau of Workers' Compensation may designate a portion of appropriation item 855-609, Safety and Hygiene Operating, to be used to match federal funding for the federal Occupational Safety and Health Administration's (OSHA) on-site consultation program.

VOCATIONAL REHABILITATION

The Bureau of Workers' Compensation and the Rehabilitation Services Commission shall enter into an interagency agreement for the provision of vocational rehabilitation services and staff to

mutually eligible clients. The bureau shall provide \$587,774 in 101052
fiscal year 2006 and \$605,407 in fiscal year 2007 from the State 101053
Insurance Fund to fund vocational rehabilitation services and 101054
staff in accordance with the interagency agreement. 101055

FUND BALANCE 101056

Any unencumbered cash balance in excess of \$45,000,000 in the 101057
Workers' Compensation Fund (Fund 023) on the thirtieth day of June 101058
of each fiscal year shall be used to reduce the administrative 101059
cost rate charged to employers to cover appropriations for Bureau 101060
of Workers' Compensation operations. 101061

OSHA ENFORCEMENT FUND TRANSFER 101062

On July 1, 2005, or as soon thereafter as possible, the 101063
Director of Budget and Management shall transfer the OSHA 101064
Enforcement Fund (Fund 349) from the Department of Commerce to the 101065
Bureau of Workers' Compensation. At the request of the Director of 101066
the Department of Commerce, the Director of Budget and Management 101067
may cancel encumbrances in this fund from appropriation item 101068
800-626, OSHA Enforcement, within the budget of the Department of 101069
Commerce, and reestablish those encumbrances or parts of those 101070
encumbrances in fiscal year 2006 for the same purpose and to the 101071
same vendor to appropriation item 855-601, OSHA Enforcement, 101072
within the budget of the Bureau of Workers' Compensation. As 101073
determined by the Director of Budget and Management, the 101074
appropriation authority necessary to reestablish encumbrances or 101075
parts of encumbrances in fiscal year 2006 for the Bureau of 101076
Workers' Compensation is hereby granted. 101077

Section 401.08. That existing Section 3 of Am. H.B. 67 of the 101078
126th General Assembly is hereby repealed. 101079

Section 401.11. That Sections 203.03, 203.03.09, 203.03.10, 101080
203.06.06, 203.06.12, 203.06.15, and 203.06.24 of Am. Sub. H.B. 68 101081

of the 126th General Assembly be amended to read as follows:				101082
Sec. 203.03. DOT DEPARTMENT OF TRANSPORTATION				101083
FUND	TITLE	FY 2006	FY 2007	101084
	Transportation Planning and Research			101085
Highway Operating Fund Group				101086
002 771-411	Planning and Research	\$ 19,000,000	\$ 19,112,000	101087
	- State			
002 771-412	Planning and Research	\$ 40,000,000	\$ 40,000,000	101088
	- Federal			
TOTAL HOF Highway Operating				101089
Fund Group				
		\$ 59,000,000	\$ 59,112,000	101090
TOTAL ALL BUDGET FUND GROUPS -				101091
Transportation Planning				101092
and Research				
		\$ 59,000,000	\$ 59,112,000	101093
Highway Construction				101094
Highway Operating Fund Group				101095
002 772-421	Highway Construction -	\$ 585,240,305	\$ 578,969,730	101096
	State			
002 772-422	Highway Construction -	\$ 1,021,500,000	\$ 1,131,500,000	101097
	Federal			
002 772-424	Highway Construction -	\$ 62,500,000	\$ 53,500,000	101098
	Other			
214 770-401	Infrastructure Debt	\$ 80,182,400	\$ 105,129,400	101099
	Service - Federal			
214 772-434	Infrastructure Lease	\$ 12,537,100	\$ 12,536,000	101100
	Payments - Federal			
212 772-426	Highway Infrastructure	\$ 1,500,000	\$ 2,000,000	101101
	Bank - Federal			
212 772-427	Highway Infrastructure	\$ 9,353,400	\$ 12,853,400	101102
	Bank - State	<u>5,353,400</u>	<u>8,853,400</u>	
212 772-429	Highway Infrastructure	\$ 12,500,000	\$ 12,500,000	101103

		Bank - Local					
212	772-430	Infrastructure Debt	\$	1,500,000	\$	1,500,000	101104
		Reserve Title 23-49					
<u>213</u>	<u>772-431</u>	<u>Roadway Infrastructure</u>	<u>\$</u>	<u>500,000</u>	<u>\$</u>	<u>500,000</u>	101105
		<u>Bank - State</u>					
213	772-432	Roadway Infrastructure	\$	7,000,000	\$	7,000,000	101106
		Bank - Local					
<u>213</u>	<u>772-433</u>	<u>Infrastructure Debt</u>	<u>\$</u>	<u>2,000,000</u>	<u>\$</u>	<u>2,000,000</u>	101107
		<u>Reserve - State</u>					
		TOTAL HOF Highway Operating					101108
		Fund Group	\$	1,793,813,205	\$	1,917,488,530	101109
				<u>1,792,313,205</u>		<u>1,915,988,530</u>	
		Highway Capital Improvement Fund Group					101110
042	772-723	Highway Construction -	\$	220,000,000	\$	150,000,000	101111
		Bonds					
		Infrastructure Bank Obligations Fund Group					101112
045	772-428	Highway Infrastructure	\$	180,000,000	\$	160,000,000	101113
		Bank - Bonds					
		TOTAL 045 Infrastructure Bank					101114
		Obligations Fund Group	\$	180,000,000	\$	160,000,000	101115
		TOTAL ALL BUDGET FUND GROUPS -					101116
		Highway Construction	\$	2,193,813,205	\$	2,227,488,530	101117
		Highway Maintenance					101118
		Highway Operating Fund Group					101119
002	773-431	Highway Maintenance -	\$	386,527,582	\$	393,313,472	101120
		State					
		TOTAL HOF Highway Operating					101121
		Fund Group	\$	386,527,582	\$	393,313,472	101122
							101123
		TOTAL ALL BUDGET FUND GROUPS -					101124
		Highway Maintenance	\$	386,527,582	\$	393,313,472	101125
		Public Transportation					101126

Highway Operating Fund Group				101127
002 775-452 Public Transportation	\$	30,000,000	\$ 30,365,000	101128
- Federal				
002 775-454 Public Transportation	\$	1,500,000	\$ 1,500,000	101129
- Other				
002 775-459 Elderly and Disabled	\$	4,595,000	\$ 4,595,000	101130
Special Equipment -				
Federal				
212 775-408 Transit Infrastructure	\$	2,500,000	\$ 2,500,000	101131
Bank - Local				
<u>212 775-455 Title 49</u>	<u>\$</u>	<u>1,000,000</u>	<u>\$ 1,000,000</u>	101132
<u>Infrastructure Bank -</u>				
<u>State</u>				
<u>213 775-457 Transit Infrastructure</u>	<u>\$</u>	<u>500,000</u>	<u>\$ 500,000</u>	101133
<u>Bank - State</u>				
213 775-460 Transit Infrastructure	\$	1,000,000	\$ 1,000,000	101134
Bank - Local				
TOTAL HOF Highway Operating				101135
Fund Group	\$	39,595,000	\$ 39,960,000	101136
		<u>41,095,000</u>	<u>41,460,000</u>	
TOTAL ALL BUDGET FUND GROUPS -				101137
Public Transportation	\$	39,595,000	\$ 39,960,000	101138
		<u>41,095,000</u>	<u>41,460,000</u>	
Rail Transportation				101139
Highway Operating Fund Group				101140
002 776-462 Grade Crossings -	\$	15,000,000	\$ 15,000,000	101141
Federal				
TOTAL HOF Highway Operating				101142
Fund Group	\$	15,000,000	\$ 15,000,000	101143
TOTAL ALL BUDGET FUND GROUPS -				101144
Rail Transportation	\$	15,000,000	\$ 15,000,000	101145
Aviation				101146

Highway Operating Fund Group				101147
002 777-472 Airport Improvements - \$	405,000	\$	405,000	101148
Federal				
002 777-475 Aviation \$	4,007,600	\$	4,046,900	101149
Administration				
213 777-477 Aviation \$	3,000,000	\$	3,000,000	101150
Infrastructure Bank -				
State				
213 777-478 Aviation \$	7,000,000	\$	7,000,000	101151
Infrastructure Bank -				
Local				
TOTAL HOF Highway Operating				101152
Fund Group \$	14,412,600	\$	14,451,900	101153
TOTAL ALL BUDGET FUND GROUPS -				101154
Aviation \$	14,412,600	\$	14,451,900	101155
Administration				101156
Highway Operating Fund Group				101157
002 779-491 Administration - State \$	119,624,513	\$	121,057,898	101158
TOTAL HOF Highway Operating				101159
Fund Group \$	119,624,513	\$	121,057,898	101160
TOTAL ALL BUDGET FUND GROUPS -				101161
Administration \$	119,624,513	\$	121,057,898	101162
Debt Service				101163
Highway Operating Fund Group				101164
002 770-003 Administration - State \$	13,074,500	\$	10,923,100	101165
- Debt Service				
TOTAL HOF Highway Operating				101166
Fund Group \$	13,074,500	\$	10,923,100	101167
TOTAL ALL BUDGET FUND GROUPS -				101168
Debt Service \$	13,074,500	\$	10,923,100	101169
TOTAL Department of Transportation				101170
TOTAL HOF Highway Operating				101171

Fund Group	\$ 2,441,047,400	\$ 2,571,306,900	101172
TOTAL 042 Highway Capital			101173
Improvement Fund Group	\$ 220,000,000	\$ 150,000,000	101174
TOTAL 045 Infrastructure Bank			101175
Obligations Fund Group	\$ 180,000,000	\$ 160,000,000	101176
TOTAL ALL BUDGET FUND GROUPS	\$ 2,841,047,400	\$ 2,881,306,900	101177

Sec. 203.03.09. PUBLIC ACCESS ROADS FOR STATE FACILITIES 101179

Of the foregoing appropriation item 772-421, Highway 101180
Construction - State, ~~\$4,517,500~~ \$5,000,000 shall be used in each 101181
fiscal year during the fiscal year 2006-2007 biennium by the 101182
Department of Transportation for the construction, reconstruction, 101183
or maintenance of public access roads, including support features, 101184
to and within state facilities owned or operated by the Department 101185
of Natural Resources, ~~as requested by the Director of Natural~~ 101186
~~Resources.~~ 101187

Notwithstanding section 5511.06 of the Revised Code, of the 101188
foregoing appropriation item 772-421, Highway Construction - 101189
State, \$2,228,000 in each fiscal year of the fiscal year 2006-2007 101190
biennium shall be used by the Department of Transportation for the 101191
construction, reconstruction, or maintenance of park drives or 101192
park roads within the boundaries of metropolitan parks. 101193

Included in the foregoing appropriation item 772-421, Highway 101194
Construction - State, the department may perform related road work 101195
on behalf of the Ohio Expositions Commission at the state 101196
fairgrounds, including reconstruction or maintenance of public 101197
access roads and support features, to and within fairground 101198
facilities as requested by the commission and approved by the 101199
Director of Transportation. 101200

LIQUIDATION OF UNFORESEEN LIABILITIES 101201

Any appropriation made to the Department of Transportation, 101202

Highway Operating Fund, not otherwise restricted by law, is 101203
available to liquidate unforeseen liabilities arising from 101204
contractual agreements of prior years when the prior year 101205
encumbrance is insufficient. 101206

Sec. 203.03.10. PREVENTIVE MAINTENANCE 101207

The Department of Transportation shall contract with an 101208
independent party to ~~issue a yearly report~~ conduct a study and 101209
issue a report on the effectiveness and progress of preventive 101210
maintenance projects ~~that meet warranty guidelines. The~~ 101211
Thereafter, the Department shall issue a yearly report on or 101212
before the first day of December for three consecutive years 101213
~~beginning in fiscal year 2005.~~ 101214

~~The Department shall provide in its annual report data on~~ 101215
actual and planned pavement preventive maintenance activities. The 101216
data shall include the following: (1) the total number of lane 101217
miles receiving preventive maintenance treatment, by treatment 101218
type and highway system category; (2) the total number of lane 101219
miles programmed to receive treatment; (3) the actual costs of the 101220
pavement preventive maintenance activities per lane mile, by 101221
treatment type and highway system category; (4) the total number 101222
of lane miles rehabilitated or reconstructed; and (5) the actual 101223
cost per lane mile of rehabilitated or reconstructed highway, by 101224
highway system category. 101225

Sec. 203.06.06. ENFORCEMENT 101226

State Highway Safety Fund Group 101227
036 764-033 Minor Capital Projects \$ 1,250,000 \$ 1,250,000 101228
036 764-321 Operating Expense - \$ 229,293,561 \$ 237,364,988 101229
Highway Patrol
036 764-605 Motor Carrier \$ 2,643,022 \$ 2,670,911 101230
Enforcement Expenses

5AY 764-688	Traffic Safety	\$	3,082,962	\$	1,999,437	101231
	Operating					
83C 764-630	Contraband,	\$	622,894	\$	622,894	101232
	Forfeiture, Other					
83F 764-657	Law Enforcement	\$	7,324,524	\$	7,544,260	101233
	Automated Data System					
83G 764-633	OMVI Fines	\$	820,927	\$	820,927	101234
831 764-610	Patrol - Federal	\$	2,430,950	\$	2,455,484	101235
831 764-659	Transportation	\$	4,880,671	\$	5,027,091	101236
	Enforcement - Federal					
837 764-602	Turnpike Policing	\$	9,942,621	\$	10,240,900	101237
838 764-606	Patrol Reimbursement	\$	222,108	\$	222,108	101238
840 764-607	State Fair Security	\$	1,496,283	\$	1,496,283	101239
840 764-617	Security and	\$	8,145,192	\$	8,145,192	101240
	Investigations					
840 764-626	State Fairgrounds	\$	788,375	\$	788,375	101241
	Police Force					
841 764-603	Salvage and Exchange -	\$	1,305,954	\$	1,339,399	101242
	Highway Patrol					
TOTAL HSF State Highway Safety						101243
Fund Group		\$	274,250,044	\$	281,988,249	101244
General Services Fund Group						101245
4S2 764-660	MARCS Maintenance	\$	252,432	\$	262,186	101246
TOTAL GSF General Services						101247
Fund Group		\$	252,432	\$	262,186	101248
<u>Federal Special Revenue Fund Group</u>						101249
<u>3BF 764-692</u>	<u>Federal Contraband,</u>	<u>\$</u>	<u>1,942,040</u>	<u>\$</u>	<u>1,942,040</u>	101250
	<u>Forfeiture, and Other</u>					
<u>TOTAL FED Federal Special Revenue</u>		<u>\$</u>	<u>1,942,040</u>	<u>\$</u>	<u>1,942,040</u>	101251
<u>Fund Group</u>						
TOTAL ALL BUDGET FUND GROUPS -						101252
Enforcement		\$	274,502,476	\$	282,250,435	101253

	<u>276,444,516</u>	<u>284,192,475</u>	
<u>CASH TRANSFER TO HIGHWAY PATROL FEDERAL CONTRABAND,</u>			101254
<u>FORFEITURE, AND OTHER FUND (FUND 3BF)</u>			101255
<u>On July 1, 2005, or as soon thereafter as possible,</u>			101256
<u>notwithstanding any other provision of law to the contrary, the</u>			101257
<u>Director of Budget and Management shall transfer \$1,942,040 in</u>			101258
<u>cash from the Highway Patrol State Contraband, Forfeiture, and</u>			101259
<u>Other Fund (Fund 83C) in the State Highway Safety Fund Group to</u>			101260
<u>the Highway Patrol Federal Contraband, Forfeiture, and Other Fund</u>			101261
<u>(Fund 3BF) in the Federal Special Revenue Fund Group.</u>			101262
COLLECTIVE BARGAINING INCREASES			101263
Notwithstanding division (D) of section 127.14 and division			101264
(B) of section 131.35 of the Revised Code, except for the General			101265
Revenue Fund, the Controlling Board may, upon the request of			101266
either the Director of Budget and Management, or the Department of			101267
Public Safety with the approval of the Director of Budget and			101268
Management, increase appropriations for any fund, as necessary for			101269
the Department of Public Safety, to assist in paying the costs of			101270
increases in employee compensation that have occurred pursuant to			101271
collective bargaining agreements under Chapter 4117. of the			101272
Revised Code and, for exempt employees, under section 124.152 of			101273
the Revised Code.			101274
Sec. 203.06.12. INVESTIGATIVE UNIT			101275
State Highway Safety Fund Group			101276
831 767-610 Liquor Enforcement - \$	514,184	\$ 514,184	101277
Federal			
831 769-610 Food Stamp Trafficking \$	992,920	\$ 1,032,135	101278
Enforcement - Federal			
TOTAL HSF State Highway Safety			101279
Fund Group	\$ 1,507,104	\$ 1,546,319	101280

Liquor Control Fund Group				101281
043 767-321 Liquor Enforcement -	\$	10,120,365	\$ 10,423,976	101282
Operations				
TOTAL LCF Liquor Control Fund				101283
Group	\$	10,120,365	\$ 10,423,976	101284
State Special Revenue Fund Group				101285
<u>5CM 767-691 Equitable Share</u>	<u>\$</u>	<u>642,175</u>	<u>\$ 642,175</u>	101286
<u>Account</u>				
622 767-615 Investigative	\$	404,111	\$ 404,111	101287
Contraband and				
Forfeiture				
850 767-628 Investigative Unit	\$	120,000	\$ 120,000	101288
Salvage				
TOTAL SSR State Special Revenue				101289
Fund Group	\$	524,111	\$ 524,111	101290
		<u>1,166,286</u>	<u>1,166,286</u>	
TOTAL ALL BUDGET FUND GROUPS -				101291
Special Enforcement	\$	12,151,580	\$ 12,494,406	101292
		<u>12,793,755</u>	<u>13,136,581</u>	
<u>CASH TRANSFER TO INVESTIGATIVE UNIT FEDERAL EQUITABLE SHARE</u>				101293
<u>ACCOUNT FUND (FUND 5CM)</u>				101294
<u>On July 1, 2005, or as soon thereafter as possible,</u>				101295
<u>notwithstanding any other provision of law to the contrary, the</u>				101296
<u>Director of Budget and Management shall transfer \$642,175 in cash</u>				101297
<u>from the Investigative, Contraband, and Forfeiture Fund (Fund 622)</u>				101298
<u>in the State Special Revenue Fund Group to the Investigative Unit</u>				101299
<u>Federal Equitable Share Account Fund (Fund 5CM) in the State</u>				101300
<u>Special Revenue Fund Group.</u>				101301
LEASE RENTAL PAYMENTS FOR CAP-076, INVESTIGATIVE UNIT MARCS				101302
EQUIPMENT				101303
The Director of Public Safety, using intrastate transfer				101304

vouchers, shall make cash transfers to the State Highway Safety Fund (Fund 036) from other funds to reimburse the State Highway Safety Fund for the share of lease rental payments to the Ohio Building Authority that are associated with appropriation item CAP-076, Investigative Unit MARCS Equipment. 101305
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101309

Sec. 203.06.15. EMERGENCY MANAGEMENT

Federal Special Revenue Fund Group 101310
101311

3N5 763-644 U.S. DOE Agreement \$ 275,000 \$ 275,000 101312

329 763-645 Federal Mitigation \$ ~~303,504~~ \$ ~~303,504~~ 101313
Program 8,937,624 8,937,624

337 763-609 Federal Disaster \$ 27,269,140 \$ 27,280,000 101314
Relief

339 763-647 Emergency Management \$ 129,622,000 \$ 129,622,000 101315
Assistance and
Training

TOTAL FED Federal Special 101316

Revenue Fund Group \$ ~~157,469,644~~ \$ ~~157,480,504~~ 101317
166,103,764 166,114,624

State Special Revenue Fund Group 101318

4V3 763-662 EMA Service and \$ 696,446 \$ 696,446 101319
Reimbursement

657 763-652 Utility Radiological \$ 1,260,000 \$ 1,260,000 101320
Safety

681 763-653 SARA Title III HAZMAT \$ 271,510 \$ 271,510 101321
Planning

TOTAL SSR State Special Revenue 101322

Fund Group \$ 2,227,956 \$ 2,227,956 101323

TOTAL ALL BUDGET FUND GROUPS - 101324

Emergency Management \$ ~~159,697,600~~ \$ ~~159,708,460~~ 101325
168,331,720 168,342,580

FEDERAL MITIGATION PROGRAM 101326

The fund created by the Controlling Board known as the 101327
Disaster Relief Services Plan and Grant Administration Fund is now 101328
the Federal Mitigation Program Fund, and shall be used to plan and 101329
mitigate against future disaster costs. 101330

The appropriation item 763-645, heretofore known as 101331
Individual/Family Grant - Fed, is hereafter known as Federal 101332
Mitigation Program, and shall be used to plan and mitigate against 101333
future disaster costs. 101334

STATE DISASTER RELIEF 101335

The appropriation item 763-601, State Disaster Relief, may 101336
accept transfers of cash and appropriations from Controlling Board 101337
appropriation items to reimburse eligible local governments and 101338
private nonprofit organizations for costs related to disasters 101339
that have been declared by local governments or the Governor. The 101340
Ohio Emergency Management Agency shall publish and make available 101341
an application packet outlining eligible items and application 101342
procedures for entities requesting state disaster relief. 101343

Individuals may be eligible for reimbursement of costs 101344
related to disasters that have been declared by the Governor and 101345
the Small Business Administration. The funding in appropriation 101346
item 763-601, State Disaster Relief, shall be used in accordance 101347
with the principles of the federal Individual and Family Grant 101348
Program, which provides grants to households that have been 101349
affected by a disaster to replace basic living items. The Ohio 101350
Emergency Management Agency shall publish and make available an 101351
application procedure for individuals requesting assistance under 101352
the state Individual Assistance Program. 101353

SARA TITLE III HAZMAT PLANNING 101354

The SARA Title III HAZMAT Planning Fund (Fund 681) is 101355
entitled to receive grant funds from the Emergency Response 101356
Commission to implement the Emergency Management Agency's 101357

responsibilities under Chapter 3750. of the Revised Code.				101358
Sec. 203.06.24. REVENUE DISTRIBUTION				101359
Holding Account Redistribution Fund Group				101360
R24 762-619 Unidentified Public	\$	1,885,000	\$ 1,885,000	101361
Safety Receipts				
R52 762-623 Security Deposits	\$	250,000	\$ 250,000	101362
TOTAL 090 Holding Account				101363
Redistribution Fund Group	\$	2,135,000	\$ 2,135,000	101364
TOTAL ALL BUDGET FUND GROUPS -				101365
Revenue Distribution	\$	2,135,000	\$ 2,135,000	101366
TRANSFER OF CASH BALANCE FROM FUND R27, HIGHWAY PATROL FEE				101367
REFUND FUND				101368
On July 1, 2005, or as soon as possible thereafter, the				101369
Director of Budget and Management shall transfer the cash balance				101370
in the Highway Patrol Fee Refund Fund (Fund R27) created in former				101371
section 4501.12 of the Revised Code to the Unidentified Public				101372
Safety Receipts Fund (Fund R24).				101373
TOTAL Department of Public Safety				101374
TOTAL HSF State Highway Safety				101375
Fund Group	\$	459,009,425	\$ 464,841,856	101376
TOTAL SSR State Special Revenue				101377
Fund Group	\$	2,991,969	\$ 2,991,969	101378
		<u>3,634,144</u>	<u>3,634,144</u>	
TOTAL LCF Liquor Control				101379
Fund Group	\$	10,120,365	\$ 10,423,976	101380
TOTAL GSF General Services				101381
Fund Group	\$	752,432	\$ 762,186	101382
TOTAL FED Federal <u>Special</u> Revenue				101383
Special Fund Group	\$	157,469,644	\$ 157,480,504	101384
		<u>168,045,804</u>	<u>168,056,664</u>	
TOTAL AGY Agency Fund Group	\$	100,000	\$ 100,000	101385

TOTAL 090 Holding Account			101386
Redistribution			
Fund Group	\$ 2,135,000	\$ 2,135,000	101387
TOTAL ALL BUDGET FUND GROUPS	\$ 632,578,835	\$ 638,735,491	101388
	<u>643,797,170</u>	<u>649,953,826</u>	

Section 401.12. That existing Sections 203.03, 203.03.09, 101390
 203.03.10, 203.06.06, 203.06.12, 203.06.15, and 203.06.24 of Am. 101391
 Sub. H.B. 68 of the 126th General Assembly are hereby repealed. 101392

Section 401.13. Notwithstanding section 5511.05 of the 101393
 Revised Code, the Director of Transportation shall confer with the 101394
 Director of Natural Resources in fiscal years 2006 and 2007 101395
 concerning the establishment, construction, reconstruction, 101396
 improvement, repair, and maintenance of all roads and bridges 101397
 within the boundaries of all state parks, including all such parks 101398
 and properties under the control and custody of the Department of 101399
 Natural Resources. After conferring with the Director of Natural 101400
 Resources, the Director of Transportation shall establish, 101401
 construct, reconstruct, improve, repair, and maintain all such 101402
 roads and bridges. \$5,000,000 shall be expended to establish, 101403
 construct, reconstruct, improve, repair, and maintain all such 101404
 roads and bridges in each fiscal year. 101405

Section 403.01. That Section 14 of Sub. H.B. 434 of the 125th 101406
 General Assembly be amended to read as follows: 101407

Sec. 14. ~~NET SCHOOLNET COMMISSION~~ ETC ETECH OHIO 101408

Tobacco Master Settlement Agreement Fund Group 101409

S87 ~~228~~ Education Technology \$ 9,277,865 \$ 6,274,109 101410

935-602 Trust Fund

TOTAL TSF Tobacco Master 101411
 Settlement Agreement Fund 101412

Group	\$	9,277,865	\$	6,274,109	101413
TOTAL ALL BUDGET FUND GROUPS	\$	9,277,865	\$	6,274,109	101414

SCHOOLNET PLUS 101415

~~The Ohio SchoolNet Commission shall distribute SchoolNet Plus Grants to qualifying school districts in fiscal year 2005 to establish and equip at least one interactive computer workstation for each five students enrolled in the seventh grade as reported by school districts pursuant to division (A) of section 3317.03 of the Revised Code.~~ 101416
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Upon completion of the SchoolNet Plus Grant Program for the seventh grade, ~~the Ohio SchoolNet Commission~~ eTech Ohio shall distribute SchoolNet Plus Grants to qualifying school districts in fiscal year 2006 to establish and equip at least one interactive computer workstation for each five children enrolled in the eighth grade as reported by school districts pursuant to division (A) of section 3317.03 of the Revised Code. 101422
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Districts in the first two quartiles of wealth shall receive up to \$275 per pupil for students in the targeted grade to purchase classroom computers. Districts in the third and fourth quartiles shall receive up to \$105 per pupil in the targeted grade. If a district has met the state's goal of one computer to every five students in the targeted grade, the district may use the funds provided through SchoolNet Plus to purchase computers for successive grades or to fulfill educational technology needs in other grades as specified in the district's technology plan. 101429
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Section 403.02. That existing Section 14 of Sub. H.B. 434 of the 125th General Assembly is hereby repealed. 101438
101439

Section 403.05. That Section 4 of Am. Sub. H.B. 516 of the 125th General Assembly be amended to read as follows: 101440
101441

Sec. 4. The following agencies shall be retained pursuant to		101442
division (D) of section 101.83 of the Revised Code and shall		101443
expire on December 31, 2010:		101444
	REVISED CODE	101445
	OR	
	UNCODIFIED	101446
AGENCY NAME	SECTION	101447
Administrator, Interstate Compact on Mental Health	5119.50	101448
Administrator, Interstate Compact on	5103.20	101449
Placement of Children		101450
Advisory Board of Governor's Office of Faith-Based	107.12	101451
and Community Initiatives		
Advisory Boards to the EPA for Air Pollution	121.13	101452
Advisory Boards to the EPA for Water Pollution	121.13	101453
Advisory Committee of the State Veterinary Medical	4741.03(D)(3)	101454
Licensing Board		
Advisory Committee on Livestock Exhibitions	901.71	101455
Advisory Council on Amusement Ride Safety	1711.51	101456
Advisory Board of Directors for Prison Labor	5145.162	101457
Advisory Council for Each Wild, Scenic, or	1517.18	101458
Recreational River Area		
Advisory Councils or Boards for State Departments	107.18 or	101459
	121.13	
Advisory Group to the Ohio Water Resources Council	1521.19(C)	101460
Alzheimer's Disease Task Force	173.04(F)	101461
AMBER Alert Advisory Committee	5502.521	101462
Apprenticeship Council	4139.02	101463
Armory Board of Control	5911.09	101464
Automated Title Processing Board	4505.09(C)(1)	101465
Banking Commission	1123.01	101466
Board of Directors of the Ohio Health Reinsurance	3924.08	101467
Program		

Board of Voting Machine Examiners	3506.05(B)	101468
Board of Tax Appeals	5703.02	101469
Brain Injury Advisory Committee	3304.231	101470
Capitol Square Review and Advisory Board	105.41	101471
Child Support Guideline Advisory Council	3119.024	101472
Children's Trust Fund Board	3109.15	101473
Citizens Advisory Committee (BMV)	4501.025	101474
Citizen's Advisory Councils (Dept. of Mental Retardation and Developmental Disabilities)	5123.092	101475
Clean Ohio Trail Advisory Board	1519.06	101476
Coastal Resources Advisory Council	1506.12	101477
Commission on African-American Males	4112.12	101478
Commission on Hispanic-Latino Affairs	121.31	101479
Commission on Minority Health	3701.78	101480
Committee on Prescriptive Governance	4723.49	101481
Commodity Advisory Commission	926.32	101482
Community Mental Retardation and Developmental Disabilities Trust Fund Advisory Council	5123.353	101483
Community Oversight Council	3311.77	101484
Compassionate Care Task Force	Section 3, H.B. 474, 124th GA	101485
Consumer Advisory Committee to the Rehabilitation Services Commission	3304.24	101486
Continuing Education Committee (for Sheriffs)	109.80	101487
Controlling Board	127.12	101488
Coordinating Committee, Agricultural Commodity Marketing Programs	924.14	101489
Council on Alcohol and Drug Addiction Services	3793.09	101490
Council on Unreclaimed Strip Mined Lands	1513.29	101491
Council to Advise on the Establishment and Implementation of the Birth Defects Information System	3705.34	101492

County Sheriffs' Standard Car-Marking and Uniform Commission	311.25	101493
Credit Union Council	1733.329	101494
Criminal Sentencing Advisory Committee	181.22	101495
Day-Care Advisory Council	5104.08	101496
Dentist Loan Repayment Advisory Board	3702.92	101497
Development Financing Advisory Council	122.40	101498
Education Commission of the States (Interstate Compact for Education)	3301.48	101499
Electrical Safety Inspector Advisory Committee	3783.08	101500
Emergency Response Commission	3750.02	101501
Engineering Experiment Station Advisory Committee	3335.27	101502
Environmental Education Council	3745.21	101503
Environmental Review Appeals Commission	3745.02	101504
EPA Advisory Boards or Councils	121.13	101505
Farmland Preservation Advisory Board	901.23	101506
Financial Planning & Supervision Commission for Municipal Corporation, County, or Township	118.05	101507
Financial Planning & Supervision Commission for School District	3316.05	101508
Forestry Advisory Council	1503.40	101509
Governance Authority for a State University or College	3345.75	101510
Governor's Advisory Council on Physical Fitness, Wellness, & Sports	3701.77	101511
Governor's Council on People with Disabilities	3303.41	101512
Governor's Residence Advisory Commission	107.40	101513
Great Lakes Commission (Great Lakes Basin Compact)	6161.01	101514
Gubernatorial Transition Committee	107.29	101515
Head Start Partnership Study Council	Section 41.35, H.B. 95, 125th GA	101516
Hemophilia Advisory Subcommittee	3701.0210	101517

Housing Trust Fund Advisory Committee	175.25	101518
Industrial Commission Nominating Council	4121.04	101519
Industrial Technology and Enterprise Advisory Council	122.29	101520
Infant Hearing Screening Subcommittee	3701.507	101521
Insurance Agent Education Advisory Council	3905.483	101522
Interagency Council on Hispanic/Latino Affairs	121.32(J)	101523
Interstate Mining Commission (Interstate Mining Compact)	1514.30	101524
Interstate Rail Passenger Advisory Council (Interstate High Speed Intercity Rail Passenger Network Compact)	4981.35	101525
Joint Council on MR/DD	101.37	101526
Joint Select Committee on Volume Cap	133.021	101527
Labor-Management Government Advisory Council	4121.70	101528
Legal Rights Service Commission	5123.60	101529
Legislative Task Force on Redistricting, Reapportionment, and Demographic Research	103.51	101530
Maternal and Child Health Council	3701.025	101531
Medically Handicapped Children's Medical Advisory Council	3701.025	101532
Midwest Interstate Passenger Rail Compact Commission (Ohio members)	4981.361	101533
Military Activation Task Force	5902.15	101534
Milk Sanitation Board	917.03	101535
Mine Subsidence Insurance Governing Board	3929.51	101536
Minority Development Financing Board	122.72	101537
Multi-Agency Radio Communications Systems Steering Committee	Sec. 21, H.B. 790, 120th GA	101538
Multidisciplinary Council	3746.03	101539
Muskingum River Advisory Council	1501.25	101540
National Museum of Afro-American History and Culture Planning Committee	149.303	101541

Nursing Facility Reimbursement Study Council	5111.34	101542
Ohio Advisory Council for the Aging	173.03	101543
Ohio Aerospace & Defense Advisory Council	122.98	101544
Ohio Arts Council	3379.02	101545
Ohio Business Gateway Steering Committee	5703.57	101546
Ohio Cemetery Dispute Resolution Commission	4767.05	101547
Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils	4112.04(B)	101548
Ohio Commercial Insurance Joint Underwriting Association Board Of Governors	3930.03	101549
Ohio Commercial Market Assistance Plan Executive Committee	3930.02	101550
Ohio Commission on Dispute Resolution and Conflict Management	179.02	101551
Ohio Commission to Reform Medicaid	Section 59.29, H.B. 95, 125th GA	101552
Ohio Community Service Council	121.40	101553
Ohio Council for Interstate Adult Offender Supervision	5149.22	101554
Ohio Cultural Facilities Commission	3383.02	101555
Ohio Developmental Disabilities Council	5123.35	101556
Ohio Educational Telecommunications Network Commission	3353.02	101557
Ohio Ethics Commission	102.05	101558
Ohio Expositions Commission	991.02	101559
Ohio Family and Children First Cabinet Council	121.37	101560
Ohio Geology Advisory Council	1505.11	101561
Ohio Grape Industries Committee	924.51	101562
Ohio Hepatitis C Advisory Commission	3701.92	101563
Ohio Historic Site Preservation Advisory Board	149.301	101564
Ohio Historical Society Board of Trustees	149.30	101565
Ohio Judicial Conference	105.91	101566

Ohio Lake Erie Commission	1506.21	101567
Ohio Medical Malpractice Commission	Section 4, S.B. 281, 124th GA and Section 3, S.B. 86, 125th GA	101568
Ohio Medical Quality Foundation	3701.89	101569
Ohio Parks and Recreation Council	1541.40	101570
Ohio Peace Officer Training Commission	109.71	101571
Ohio Public Defender Commission	120.01	101572
Ohio Public Library Information Network Board	Sec. 69, H.B. 117, 121st GA, as amended by H.B. 284, 121st GA	101573
Ohio Public Works Commission	164.02	101574
Ohio Quarter Horse Development Commission	3769.086	101575
Ohio SchoolNet Commission	3301.80	101576
Ohio Small Government Capital Improvements Commission	164.02	101577
Ohio Soil and Water Conservation Commission	1515.02	101578
Ohio Standardbred Development Commission	3769.085	101579
Ohio Steel Industry Advisory Council	122.97	101580
Ohio Teacher Education and Licensure Advisory Council	3319.28(D)	101581
Ohio Thoroughbred Racing Advisory Committee	3769.084	101582
Ohio Tuition Trust Authority	3334.03	101583
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10	101584
Ohio Vendors Representative Committee	3304.34	101585
Ohio War Orphans Scholarship Board	5910.02	101586
Ohio Water Advisory Council	1521.031	101587

Ohio Water Resources Council	1521.19	101588
Ohioana Library Association, Martha Kinney Cooper Memorial	3375.62	101589
Oil and Gas Commission	1509.35	101590
Operating Committee, Agricultural Commodity Marketing Programs	924.07	101591
Organized Crime Investigations Commission	177.01	101592
Parole Board	5149.10	101593
Pharmacy and Therapeutics Committee of the Dept. of Job and Family Services	5111.81	101594
Physician Loan Repayment Advisory Board	3702.81	101595
Power Siting Board	4906.02	101596
Prequalification Review Board	5525.07	101597
Private Water Systems Advisory Council	3701.346	101598
Public Employment Risk Reduction Advisory Commission	4167.02	101599
Public Health Council	3701.33	101600
Public Utilities Commission Nominating Council	4901.021	101601
Public Utility Property Tax Study Committee	5727.85	101602
Radiation Advisory Council	3748.20	101603
Reclamation Commission	1513.05	101604
Recreation and Resources Commission	1501.04	101605
Recycling and Litter Prevention Advisory Council	1502.04	101606
Rehabilitation Services Commission Consumer Advisory Committee	3304.24	101607
Release Authority of Department of Youth Services	5139.50	101608
Savings & Loans Associations & Savings Banks Board	1181.16	101609
Schools and Ministerial Lands Divestiture Committee	501.041	101610
Second Chance Trust Fund Advisory Committee	2108.17	101611
Self-Insuring Employers Evaluation Board	4123.352	101612
Services Committee of the Workers' Compensation System	4121.06	101613

Small Business Stationary Source Technical and Environmental Compliance Assistance Council	3704.19	101614
Solid Waste Management Advisory Council	3734.51	101615
State Agency Coordinating Group	1521.19	101616
State Board of Deposit	135.02	101617
State Board of Emergency Medical Services	4765.04	101618
Subcommittees		
State Council of Uniform State Laws	105.21	101619
State Committee for the Purchase of Products and Services Provided by Persons with Severe Disabilities	4115.32	101620
State Criminal Sentencing Commission	181.21	101621
State Employment Relations Board	4117.02	101622
State Fire Commission	3737.81	101623
State Racing Commission	3769.02	101624
State Victims Assistance Advisory Committee	109.91	101625
Student Tuition Recovery Authority	3332.081	101626
Tax Credit Authority	122.17	101627
Technical Advisory Committee to Assist the Director of the Ohio Coal Development Office	1551.35	101628
Technical Advisory Council on Oil and Gas	1509.38	101629
Transportation Review Advisory Council	5512.07	101630
Unemployment Compensation Review Commission	4141.06	101631
Unemployment Compensation Advisory Council	4141.08	101632
Utility Radiological Safety Board	4937.02	101633
Vehicle Management Commission	125.833	101634
Veterans Advisory Committee	5902.02(K)	101635
Volunteer Fire Fighters' Dependents Fund Boards (Private and Public)	146.02	101636
Water and Sewer Commission	1525.11(C)	101637
Waterways Safety Council	1547.73	101638
Wildlife Council	1531.03	101639
Workers' Compensation System Oversight Commission	4121.12	101640

Workers' Compensation Oversight Commission 4121.123 101641
Nominating Committee

Section 403.06. That existing Section 4 of Am. Sub. H.B. 516 101642
of the 125th General Assembly is hereby repealed. 101643

Section 403.10.01. That Sections 3.01, 3.04, and 26.01 of Am. 101644
Sub. S.B. 189 of the 125th General Assembly be amended to read as 101645
follows: 101646

Reappropriations

Sec. 3.01. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 101647
CAP-773 Governor's Residence Restoration \$ 4,705 101648
CAP-786 Rural Areas Community Improvements \$ 365,000 101649
CAP-804 Day Care Centers \$ 6,472 101650
CAP-817 Urban Areas Community Improvements \$ 1,058,900 101651
Total Department of Administrative Services \$ 1,435,077 101652

RURAL AREAS COMMUNITY IMPROVEMENTS 101653

From the foregoing appropriation item CAP-786, Rural Areas 101654
Community Improvements, grants shall be made for the following 101655
projects: \$20,000 for the Smith Field Memorial Foundation; 101656
\$200,000 for the Champaign YMCA; \$100,000 for the Mentor Fire & 101657
Police Headquarters Relocation; \$20,000 for the Red Mill Creek 101658
Water Retention Basin; and \$25,000 for the Lawrence County Water 101659
Projects. 101660

The amount reappropriated for the foregoing appropriation 101661
item CAP-786, Rural Areas Community Improvements, is the 101662
unencumbered and unallotted balance as of June 30, 2004, in 101663
appropriation item CAP-786, Rural Areas Community Improvements, 101664
minus \$75,000. 101665

URBAN AREAS COMMUNITY IMPROVEMENTS 101666

From the foregoing appropriation item CAP-817, Urban Areas 101667

Community Improvements, grants shall be made for the following	101668
projects: \$100,000 for the Maumee Youth Center; \$25,000 for the	101669
Columbus Civic Arena Development Planning; \$50,000 for the Brown	101670
Senior Center Renovations; \$100,000 for Project AHEAD Facility	101671
Improvements; \$75,000 for the J. Frank-Troy Senior Citizens	101672
Center; \$15,000 for the Victorian Village Society; \$50,000 for the	101673
Beech Acres Family Center; \$23,900 for the Canton Jewish Women's	101674
Center; \$450,000 for the Gateway Social Services Building; \$50,000	101675
for the Loew Field Improvements; \$20,000 for the Harvard Community	101676
Services Center Renovation & Expansion; \$20,000 for the Collinwood	101677
Community Service Center Repair & Renovation; and \$80,000 for	101678
Bowman Park - City of Toledo.	101679

Reappropriations

Sec. 3.04. DNR DEPARTMENT OF NATURAL RESOURCES		101680
CAP-245 Millcreek Valley Conservancy District	\$ 230,503	101681
CAP-702 Upgrade Underground Fuel Tanks	\$ 296,963	101682
CAP-703 Cap Abandoned Water Wells	\$ 357,481	101683
CAP-823 Cost Sharing-Pollution Abatement	\$ 33,614	101684
CAP-847 Assistance to Local Governments for Conservation Works of Improvement	\$ 25,000	101685
CAP-848 Hazardous Dam Repair	\$ 91,521	101686
CAP-875 Ohio River Access	\$ 100,000	101687
CAP-929 Hazardous Waste/Asbestos Abatement	\$ 286,154	101688
CAP-931 Wastewater/Water Systems Upgrades	\$ 32,205	101689
CAP-932 Wetlands/Waterfront Development and Acquisition	\$ 32,460	101690
CAP-942 Local Parks Projects	\$ 80,225	101691
CAP-969 Frost-Parker Wetlands Preserve	\$ 4,760	101692
CAP-999 Geographic Information Management System	\$ 1,085	101693
Total Department of Natural Resources	\$ 1,571,971	101694
TOTAL GRF General Revenue Fund	\$ 3,462,769	101695

LOCAL PARKS PROJECTS			101696
From the foregoing appropriation item CAP-942, Local Parks			101697
Projects, \$75,000 shall be granted for the Liberty Township			101698
Playground. <u>The amount reappropriated for the foregoing</u>			101699
<u>appropriation item CAP-942, Local Parks Projects, is the</u>			101700
<u>unencumbered and unallotted balance as of June 30, 2004, in</u>			101701
<u>appropriation item CAP-942, Local Parks Projects, plus \$75,000.</u>			101702
		Reappropriations	
Sec. 26.01. OEB OHIO EDUCATIONAL TELECOMMUNICATIONS NETWORK			101703
COMMISSION ETC ETECH OHIO			101704
CAP-001 Educational Television and Radio	\$	1,650,617	101705
Equipment		<u>3,378,684</u>	
CAP-002 Educational Broadcasting Fiber Optic	\$	51,748	101706
Network			
Total Ohio Educational Telecommunications Network	\$	1,702,365	101707
Commission eTech Ohio		<u>3,430,432</u>	
EDUCATIONAL TELEVISION AND RADIO EQUIPMENT			101708
The foregoing appropriation item CAP-001, Educational			101709
Television and Radio Equipment, shall be used to provide			101710
broadcasting, transmission, and production equipment to Ohio			101711
public radio and television stations, radio reading services, and			101712
the Ohio Educational Telecommunications Network Commission eTech			101713
Ohio.			101714
EDUCATIONAL BROADCASTING FIBER OPTIC NETWORK			101715
The foregoing appropriation item CAP-002, Educational			101716
Broadcasting Fiber Optic Network, shall be used to link the Ohio			101717
public radio and television stations, radio reading services, and			101718
the Ohio Educational Broadcasting Network eTech Ohio for the			101719
reception and transmission of digital communications through fiber			101720
optic cable or other technology.			101721

Section 403.10.02. That existing Sections 3.01, 3.04, and 101722
 26.01 of Am. Sub. S.B. 189 of the 125th General Assembly is hereby 101723
 repealed. 101724

Section 403.09. That Section 22 of Am. Sub. S.B. 189 of the 101725
 125th General Assembly, as amended by Am. Sub. H.B. 16 of the 101726
 126th General Assembly, be amended to read as follows: 101727

Sec. 22. All items set forth in this section are hereby 101728
 appropriated out of any moneys in the state treasury to the credit 101729
 of the Cultural and Sports Facilities Building Fund (Fund 030) 101730
 that are not otherwise appropriated: 101731

Reappropriations

AFC CULTURAL FACILITIES COMMISSION 101732

CAP-003	Center of Science and Industry - Toledo	\$	12,268	101733
CAP-004	Valentine Theatre	\$	1,111	101734
CAP-005	Center of Science and Industry - Columbus	\$	181,636	101735
CAP-010	Sandusky State Theatre Improvements	\$	1,000,000	101736
CAP-017	Zion Center of the National Afro-American Museum	\$	488,232	101737
CAP-021	Ohio Historical Center - Archives and Library Shelving	\$	2,395	101738
CAP-033	Woodward Opera House Renovation	\$	1,050,000	101739
CAP-037	Canton Palace Theatre Renovations	\$	1,066,126	101740
CAP-038	Center Exhibit Replacement	\$	750,000	101741
CAP-042	Statewide Site Exhibit/Renovation & Construction	\$	625,000	101742
CAP-043	Statewide Site Repairs	\$	454,000	101743
CAP-046	Cincinnati Museum Center Improvements	\$	500,000	101744
CAP-052	Akron Art Museum	\$	6,634,666	101745
CAP-053	Powers Auditorium Improvements	\$	200,000	101746
CAP-055	Waco Museum & Aviation Learning Center	\$	500,000	101747

CAP-057	Comprehensive Master Plan	\$	180,000	101748
CAP-058	Cedar Bog Nature Preserve Education Center	\$	766,200	101749
CAP-061	Statewide Arts Facilities Planning	\$	35,931	101750
CAP-063	Robins Theatre Renovations	\$	1,000,000	101751
CAP-064	Bramley Historic House	\$	75,000	101752
CAP-066	Delaware County Cultural Arts Center	\$	40,000	101753
CAP-068	Perry County Historical Society	\$	100,000	101754
CAP-069	Cleveland Institute of Art	\$	750,000	101755
CAP-071	Cleveland Institute of Music	\$	750,000	101756
CAP-072	West Side Arts Consortium	\$	138,000	101757
CAP-074	Stan Hywet Hall & Gardens	\$	250,000	101758
CAP-075	McKinley Museum Improvements	\$	125,000	101759
CAP-076	Spring Hill Historic Home	\$	125,000	101760
CAP-077	Western Reserve Ballet Improvements	\$	100,000	101761
CAP-078	Midland Theatre	\$	175,000	101762
CAP-079	Lorain Palace Civic Theatre	\$	200,000	101763
CAP-080	Great Lakes Historical Society	\$	150,000	101764
CAP-734	Hayes Presidential Center	\$	75,000	101765
CAP-745	Historic Sites and Museums	\$	750,000	101766
CAP-753	Buffington Island State Memorial	\$	91,500	101767
CAP-770	Serpent Mound State Memorial	\$	295,000	101768
CAP-784	Ohio Historical Center Rehabilitation	\$	673,700	101769
CAP-786	Piqua/Ft Picakawillany Acquisition and Improvements	\$	136,000	101770
CAP-789	Neil Armstrong Air and Space Museum Improvements	\$	103,516	101771
CAP-791	Harrison Tomb and Site Renovations	\$	149,500	101772
CAP-796	Moundbuilders State Memorial	\$	530,000	101773
CAP-806	Grant Boyhood Home Improvements	\$	68,333	101774
CAP-809	Cincinnati Ballet Facility Improvements	\$	450,000	101775
CAP-810	Toledo Museum of Art Improvements	\$	2,000,000	101776
CAP-814	Crawford Museum of Transportation &	\$	2,500,000	101777

	Industry			
CAP-820	Historical Center Ohio Village Buildings	\$	502,000	101778
CAP-821	Lorain County Historical Society	\$	300,000	101779
CAP-822	Madison County Historic Schoolhouse	\$	40,000	101780
CAP-823	Marion Palace Theatre	\$	825,000	101781
CAP-824	McConnellsville Opera House	\$	75,000	101782
CAP-825	Secrest Auditorium	\$	75,000	101783
CAP-826	Renaissance Theatre	\$	50,000	101784
CAP-827	Trumpet in the Land	\$	100,000	101785
CAP-828	Becky Thatcher Showboat	\$	30,000	101786
CAP-829	Mid Ohio Valley Players	\$	50,000 <u>80,000</u>	101787
CAP-830	The Anchorage	\$	50,000	101788
CAP-831	Wayne County Historical Society	\$	300,000	101789
CAP-833	Promont House Museum	\$	200,000	101790
CAP-836	Fairfield Outdoor Theatre	\$	100,000	101791
CAP-837	Lake County Historical Society	\$	250,000	101792
CAP-839	Hancock Historical Society	\$	75,000	101793
CAP-840	Riversouth Development	\$	1,000,000	101794
CAP-841	Ft. Piqua Hotel	\$	200,000	101795
CAP-843	Marina District/Ice Arena Development	\$	4,000,000	101796
Total Cultural Facilities Commission		\$	34,470,114	101797
			<u>34,370,114</u>	101798
TOTAL CULTURAL and Sports Facilities Building Fund		\$	34,470,114	101799
			<u>34,370,114</u>	101800
COSI COLUMBUS - LOCAL ADMINISTRATION OF CAPITAL PROJECT				101801
CONTRACTS				101802
Notwithstanding division (A) of section 3383.07 of the				101803
Revised Code, the Ohio Cultural Facilities Commission, with				101804
respect to the foregoing appropriation item CAP-005, Center of				101805
Science and Industry - Columbus, may administer all or part of				101806
capital facilities project contracts involving exhibit fabrication				101807
and installation as determined by the Department of Administrative				101808

Services, the Center of Science and Industry - Columbus, and the 101809
Ohio Cultural Facilities Commission in review of the project 101810
plans. The Ohio Cultural Facilities Commission shall enter into a 101811
contract with the Center of Science and Industry - Columbus to 101812
administer the exhibit fabrication and installation contracts and 101813
such contracts are not subject to Chapter 123. or 153. of the 101814
Revised Code. 101815

SPORTS FACILITIES IMPROVEMENTS - AKRON 101816

The amount reappropriated to the Cultural and Sports 101817
Facilities Building Fund (Fund 030), CAP-024, Sports Facilities 101818
Improvements - Akron, is the unallotted and unencumbered balance 101819
in the Sports Facilities Building Fund (Fund 024), CAP-024, Sports 101820
Facilities Improvements - Akron. 101821

REDS HALL OF FAME 101822

The amount reappropriated to the Cultural and Sports 101823
Facilities Building Fund (Fund 030), CAP-025, Reds Hall of Fame, 101824
is the unallotted and unencumbered balance in the Sports 101825
Facilities Building Fund (Fund 024), CAP-025, Reds Hall of Fame. 101826

AKRON ART MUSEUM 101827

The amount reappropriated for the foregoing appropriation 101828
item CAP-052, Akron Art Museum, is the unencumbered and unallotted 101829
balance as of June 30, 2004, in appropriation item CAP-052, Akron 101830
Art Museum, plus \$1,634,666. 101831

RIVERSOUTH DEVELOPMENT 101832

The amount reappropriated for the foregoing appropriation 101833
item CAP-840, Riversouth Development, is the unencumbered and 101834
unallotted balance as of June 30, 2004, in appropriation item 101835
CAP-840, Riversouth Development, minus \$9,000,000. 101836

MARINA DISTRICT/ICE ARENA DEVELOPMENT 101837

The amount reappropriated to the Cultural and Sports 101838

Facilities Building Fund (Fund 030), CAP-843, Marina District/Ice 101839
Arena Development, is the unallotted and unencumbered balance in 101840
the Sports Facilities Building Fund (Fund 024), CAP-073, Marina 101841
District/Ice Arena Development. 101842

Section 403.10. That existing Section 22 of Am. Sub. S.B. 189 101843
of the 125th General Assembly, as amended by Am. Sub. H.B. 16 of 101844
the 126th General Assembly, is hereby repealed. 101845

Section 403.11. That Section 3 of Am. Sub. H.B. 621 of the 101846
122nd General Assembly, as most recently amended by Am. Sub. H.B. 101847
95 of the 125th General Assembly, be amended to read as follows: 101848

Sec. 3. That sections 166.031, 901.80, 901.81, 901.82, and 101849
901.83 of the Revised Code are hereby repealed, effective October 101850
15, ~~2005~~ 2007. 101851

Section 403.12. That existing Section 3 of Am. Sub. H.B. 621 101852
of the 122nd General Assembly, as most recently amended by Am. 101853
Sub. H.B. 95 of the 125th General Assembly, is hereby repealed. 101854

Section 403.17. That Section 153 of Am. Sub. H.B. 117 of the 101855
121st General Assembly, as most recently amended by Am. Sub. H.B. 101856
95 of the 125th General Assembly, be amended to read as follows: 101857

Sec. 153. (A) Sections 5112.01, 5112.03, 5112.04, 5112.05, 101858
5112.06, 5112.07, 5112.08, 5112.09, 5112.10, 5112.11, 5112.18, 101859
5112.19, 5112.21, and 5112.99 of the Revised Code are hereby 101860
repealed, effective October 16, ~~2005~~ 2007. 101861

(B) Any money remaining in the Legislative Budget Services 101862
Fund on October 16, ~~2005~~ 2007, the date that section 5112.19 of 101863
the Revised Code is repealed by division (A) of this section, 101864
shall be used solely for the purposes stated in then former 101865

section 5112.19 of the Revised Code. When all money in the 101866
Legislative Budget Services Fund has been spent after then former 101867
section 5112.19 of the Revised Code is repealed under division (A) 101868
of this section, the fund shall cease to exist. 101869

Section 403.18. That existing Section 153 of Am. Sub. H.B. 101870
117 of the 121st General Assembly, as most recently amended by Am. 101871
Sub. H.B. 95 of the 125th General Assembly, is hereby repealed. 101872

Section 403.23. That Section 5 of Am. Sub. S.B. 50 of the 101873
121st General Assembly, as most recently amended by Am. Sub. H.B. 101874
95 of the 125th General Assembly, be amended to read as follows: 101875

Sec. 5. Sections 3 and 4 of Am. Sub. S.B. 50 of the 121st 101876
General Assembly shall take effect July 1, ~~2005~~ 2007. 101877

Section 403.24. That existing Section 5 of Am. Sub. S.B. 50 101878
of the 121st General Assembly, as most recently amended by Am. 101879
Sub. H.B. 95 of the 125th General Assembly is hereby repealed. 101880

***Section 490.03.** That Section 59.19 of Am. Sub. H.B. 95 of 101881
the 125th General Assembly is hereby repealed. 101882

***Section 490.04.** Section 89.17 of Am. Sub. H.B. 95 of the 101883
125th General Assembly is hereby repealed. 101884

Section 490.06. That Section 147 of Am. Sub. H.B. 95 of the 101885
125th General Assembly is hereby repealed. 101886

Section 502.01. Nothing in this act shall affect the term of 101887
any member of the workers' compensation oversight commission 101888
serving on the effective date of this act. 101889

The Treasurer of State shall appoint a person to serve as an 101890

investment expert member of the Workers' Compensation Oversight
Commission and the President of the Senate and the Speaker of the
House of Representatives jointly shall appoint a person to serve
as an investment expert member of the Oversight Commission not
later than ninety days after the effective date of this section,
and those persons shall take office not later than ninety days
after the effective date of this section. The Treasurer and the
President and Speaker shall appoint those members to a term ending
September 1, 2008. Each investment expert member shall have the
following qualifications:

(A) Be a resident of this state;

(B) Within the three years immediately preceding the
appointment, not have been employed by the bureau of workers'
compensation or by any person, partnership, or corporation that
has provided to the bureau services of a financial or investment
nature, including the management, analysis, supervision, or
investment of assets;

(C) Have direct experience in the management, analysis,
supervision, or investment of assets.

The investment expert members of the oversight commission
shall vote only on investment matters.

***Section 502.02.** Within thirty days after the effective date
of section 4121.12 of the Revised Code as amended by this act, the
workers' compensation oversight commission shall adopt new
objectives, criteria, and policies for the investment program of
the bureau of workers' compensation that complies with the
requirements of section 4121.12 of the Revised Code as amended by
this act.

***Section 502.03.** Within thirty days after the effective date
of this section, the Workers' Compensation Oversight Commission

shall submit both of the following lists to the Governor, the 101921
President of the Senate, and the Speaker of the House of 101922
Representatives: 101923

(A) A list of all of the classes of investments in which 101924
assets of funds are invested at the time the act takes effect and 101925
in which assets of funds have been invested in the twelve months 101926
immediately preceding the effective date of this act; 101927

(B) A list of all investments that are prohibited by this act 101928
in which the Administrator of Workers' Compensation has invested, 101929
and the value of each investment. 101930

The Oversight Commission shall submit to the Governor, the 101931
President of the Senate, and the Speaker of the House of 101932
Representatives, within thirty days after the effective date of 101933
this section, a plan to divest itself, within six months after the 101934
effective date of this section, of any investments that are 101935
prohibited by section 4121.12 of the Revised Code, as amended by 101936
this act. 101937

Section 502.03.01. In addition to the Inspector General's 101938
powers and duties specified in sections 121.41 to 121.50 of the 101939
Revised Code and notwithstanding division (F) of section 121.42 of 101940
the Revised Code, as part of the Inspector General's investigation 101941
of the investments of the assets of the funds specified in 101942
Chapters 4121., 4123., 4127., and 4131. of the Revised Code that 101943
the Administrator of Workers' Compensation has the authority to 101944
invest, the Inspector General shall have a fiduciary review of 101945
those investments conducted by an independent firm. The Inspector 101946
General shall award a contract to an independent firm in the same 101947
manner as the Inspector General awards contracts to special 101948
investigators. The Inspector General shall submit a copy of the 101949
fiduciary review that the Inspector General receives to the 101950

Governor, the Attorney General, the Auditor of State, and the 101951
General Assembly. 101952

***Section 502.04.** Nothing in this act shall be construed to 101953
limit the Ohio Ethics Commission's authority, responsibility, and 101954
powers under Chapter 102. of the Revised Code as it existed 101955
immediately prior to the effective date of this section as applied 101956
to members of the Workers' Compensation Oversight Commission and 101957
employees of the Bureau of Workers' Compensation. Any authority, 101958
power, or responsibilities of the Ohio Ethics Commission expressly 101959
created by this act are in addition to any authority, power, or 101960
responsibilities of the Commission in effect immediately prior to 101961
the effective date of this section. 101962

Section 503.03. As used in this section, "state agency" means 101963
the administrative departments identified in section 121.02 of the 101964
Revised Code and the bureau of workers' compensation. 101965

During 2005, the Auditor of State shall examine the 101966
compliance of each state agency with the requirements of section 101967
131.02 of the Revised Code. The examination shall inquire into the 101968
following matters: 101969

(A) The practices and procedures used by the agency to 101970
collect claims before the claims are certified to the Attorney 101971
General as required by section 131.02 of the Revised Code; 101972

(B) The number of individuals employed by the agency or 101973
engaged under contract with the agency in 2003 and 2004 whose only 101974
or whose primary duty is to collect amounts owed to the agency; 101975

(C) For claims certified to the Attorney General under 101976
section 131.02 of the Revised Code in 2003 and 2004, the average 101977
number of days elapsing between the last day for timely payment of 101978
the claims and the day the agency certified the claim to the 101979

Attorney General. 101980

For the purposes of the examination required by this section, 101981
the Auditor of State may request a state agency to provide reports 101982
to the Auditor of State on the matters described under divisions 101983
(A), (B), and (C) of this section. State agencies shall provide 101984
such reports to the Auditor of State within 60 days after the 101985
request, but the Auditor of State may extend the time for 101986
providing the report for good cause for up to sixty days. 101987

Not later than March 31, 2006, the Auditor of State shall 101988
submit a written report of the Auditor of State's findings under 101989
this section to the Governor, the Speaker of the House of 101990
Representatives, the President of the Senate, and the Legislative 101991
Service Commission. 101992

Section 503.06. (A) There is hereby created the Task Force on 101993
Law Library Associations, consisting of thirteen members. The 101994
Speaker and Minority Leader of the House of Representatives shall 101995
each appoint one member of the House of Representatives to the 101996
Task Force. The President and Minority Leader of the Senate shall 101997
each appoint one member of the Senate to the Task Force. The Ohio 101998
Judicial Conference shall appoint three members to the Task Force, 101999
two of whom shall be judges who are members of the Conference and 102000
one of whom shall be a law librarian associated with a law library 102001
association. The County Commissioners Association of Ohio shall 102002
appoint three members to the Task Force. The Ohio State Bar 102003
Association shall appoint three members to the Task Force, two of 102004
whom shall be attorneys licensed to practice law in this state and 102005
one of whom shall be a law librarian associated with a law library 102006
association. Appointments to the Task Force shall be made by 102007
September 1, 2005. Vacancies on the Task Force shall be filled in 102008
the manner provided for original appointments. 102009

(B)(1) The Task Force shall do each of the following: 102010

(a) Gather information on and study the current state of the law library associations in this state covered by sections 3375.48 to 3375.56 of the Revised Code, with particular emphasis on the structure, funding, and administration of their law libraries, and on the effect of technology on, and access to, their law libraries;

(b) Make recommendations on the structure, funding, and administration of these law libraries presently and over the next five calendar years;

(c) Make recommendations as to how to ensure that these law libraries remain open and may be made available to members of the public.

(2) The Task Force shall submit a report of its findings and recommendations to the Speaker and Minority Leader of the House of Representatives, the President and Minority Leader of the Senate, and the Chief Justice of the Supreme Court by October 31, 2006. Upon submission of its report, the Task Force shall cease to exist.

(C) Sections 101.82 to 101.87 of the Revised Code do not apply to the Task Force.

Section 503.09. (A) There is hereby created the Correctional Faith-Based Initiatives Task Force consisting of the following seventeen members:

(1) One member of the House of Representatives appointed by the Speaker of the House of Representatives;

(2) One member of the House of Representatives appointed by the Speaker of the House of Representatives after considering the recommendation of the leader of the minority party of the House of Representatives;

(3) One member of the Senate appointed by the President of

the Senate;	102041
(4) One member of the Senate appointed by the President of the Senate after considering the recommendation of the Minority Leader of the Senate;	102042 102043 102044
(5) Two members appointed by the Governor;	102045
(6) The Director of Rehabilitation and Correction or the director's designee;	102046 102047
(7) Three members appointed by the Director of Rehabilitation and Correction who have expertise or experience in faith-based programs in the correctional setting;	102048 102049 102050
(8) The Director of Job and Family Services or the director's designee;	102051 102052
(9) The Director of Youth Services or the director's designee;	102053 102054
(10) One member appointed by the Director of Youth Services who has expertise or experience in the juvenile court system;	102055 102056
(11) The Director of Alcohol and Drug Addiction Services or the director's designee;	102057 102058
(12) The Director of Mental Health or the director's designee;	102059 102060
(13) The Executive Director of the Division of Criminal Justice Services or the executive director's designee;	102061 102062
(14) One member appointed by the executive assistant in charge of the Governor's Office of Faith-Based and Community Initiatives.	102063 102064 102065
(B) The Director of Rehabilitation and Correction, or the director's designee, and the member of the House of Representatives appointed by the Speaker of the House of Representatives shall be co-chairs of the task force. The task	102066 102067 102068 102069

force shall meet at least once each month. The Department of 102070
Rehabilitation and Correction shall provide the task force with a 102071
meeting room and secretarial assistance. 102072

(C) The task force shall study seamless faith-based solutions 102073
to problems in the correctional system, focusing on diversion 102074
programs, programs and services in the prison system and for 102075
families of incarcerated individuals, and the faith-based and 102076
nonprofit organizations that provide the programs and services. 102077
The task force shall examine existing faith-based programs in 102078
prisons in Ohio and other states and shall consider the 102079
feasibility of replicating programs from other states and 102080
developing model faith-based penal institutions, faith-based units 102081
within penal institutions, and faith-based programs to reduce 102082
recidivism of offenders after their release from prison, improve 102083
prison management, and deal with juveniles who have been held over 102084
to or are in the adult penal system or who have parents who are 102085
incarcerated. 102086

(D) On or before the first anniversary of the effective date 102087
of this section, the task force shall provide a written report and 102088
recommendations to the Governor, the Speaker of the House of 102089
Representatives, and the President of the Senate. Upon submitting 102090
the report and recommendations, the task force shall cease to 102091
exist. 102092

Section 503.12. (A) There is hereby created the Local 102093
Government and Library Revenue Distribution Task Force consisting 102094
of the following members: 102095

(1) Five members of the House of Representatives to be 102096
appointed by the Speaker of the House of Representatives, at least 102097
two of whom shall be from the minority party; 102098

(2) Five members of the Senate to be appointed by the 102099

President of the Senate, at least two of whom shall be from the	102100
minority party;	102101
(3) One nonvoting member to be appointed by the Ohio Library	102102
Council;	102103
(4) One nonvoting member to be appointed by the County	102104
Commissioners' Association of Ohio;	102105
(5) One nonvoting member to be appointed by the Ohio	102106
Municipal League;	102107
(6) One nonvoting member to be appointed by the Ohio Township	102108
Association;	102109
(7) One nonvoting member to be appointed by the Ohio Parks	102110
and Recreation Association.	102111
All appointments shall be made within thirty days after the	102112
effective date of this section. Vacancies on the Task Force shall	102113
be filled in the same manner as the original appointments. The	102114
Task Force shall designate one of the members to serve as	102115
chairperson. The initial meeting to organize the Task Force shall	102116
be called by the Tax Commissioner.	102117
(B) The Task Force shall study potential sources of state	102118
funding for the Local Government Fund, the Library and Local	102119
Government Support Fund, and the Local Government Revenue	102120
Assistance Fund that have the capacity to allow for growth in	102121
funding levels and to provide stability in funding levels. In	102122
addition, the Task Force shall consider changes to the codified	102123
funding formulae for the Local Government Fund, the Library and	102124
Local Government Support Fund, and the Local Government Revenue	102125
Assistance Fund that reflect the reform to Ohio tax code.	102126
(C) The Task Force shall receive staff assistance from the	102127
Tax Commissioner and may request assistance from the Legislative	102128
Service Commission. The Task Force shall also seek the input and	102129

testimony of interested parties. 102130

(D) Not later than December 1, 2006, the Task Force shall 102131
submit a report to the Governor and to the General Assembly 102132
setting forth its recommendations for sources of funding for the 102133
funds specified in division (B) of this section, together with 102134
suggested legislation to implement the recommendations. 102135

(E) The Task Force shall cease to exist upon issuing its 102136
report. 102137

Section 503.15. (A) Notwithstanding any other provision of 102138
law to the contrary, the appointment and removal provisions of the 102139
resolutions and ordinances governing the board of trustees of any 102140
regional transit authority consisting of a county having a 102141
population of at least five hundred thousand, according to the 102142
2000 federal census, and two municipal corporations, are void on 102143
the effective date of this act. The appointment and removal of the 102144
board of trustees of such regional transit authority shall comply 102145
with section 306.331 of the Revised Code. 102146

(B) Within the first five days after the effective date of 102147
this act, the county and municipal corporations specified in 102148
section 306.331 of the Revised Code shall appoint a new board of 102149
trustees for the regional transit authority in accordance with 102150
section 306.331 of the Revised Code. 102151

(C) Notwithstanding any other provision of law to the 102152
contrary, on the fifth day after the effective date of this act, 102153
the board of trustees of such regional transit authority, as 102154
constituted on the effective date of this act, is dissolved and 102155
the board appointed in accordance with section 306.331 of the 102156
Revised Code shall meet and organize. 102157

(D) This act shall not be construed as affecting the validity 102158
of any action of such regional transit authority taken prior to 102159

the effective date of this act.	102160
Section 503.18. OCCUPATIONAL THERAPY, PHYSICAL THERAPY, AND	102161
ATHLETIC TRAINERS BOARD MEMBER APPOINTMENT	102162
The term of the licensed occupational therapy assistant, as	102163
established in section 4755.03 of the Revised Code as amended by	102164
this act, shall commence at the time of the next appointment to	102165
the Occupational Therapy, Physical Therapy, and Athletic Trainers	102166
Board.	102167
Section 506.03. (A) The Governor is hereby authorized to	102168
execute a deed in the name of the state conveying to	102169
Hocking.Athens.Perry Community Action and its successors and	102170
assigns all of the state's right, title, and interest in the	102171
following described real estate:	102172
Situate in the Village of Glouster, Trimble Township, Athens	102173
County, Ohio, and being a part of a tract as described in Volume	102174
384, Page 47 of the Deed Records of Athens County, and being more	102175
particularly described as follows:	102176
Beginning at an iron pin set at the northeast corner of Lot	102177
848 of the Wassall Fire Clay Company's Addition to the Village of	102178
Glouster; thence along the south line of a 10.00 foot alley South	102179
85° 54' 29" East 219.30 feet to an iron pin set, thence along the	102180
west line of a 4.27 acre tract (ORV 4-442) South 2° 25' 37" East,	102181
528.53 feet to an iron pin found; thence along the west line of a	102182
44.21 acre tract (ORV 172-611) South 24° 08' 53" West, 412.51 feet	102183
to an iron pin found; thence North 81° 51' 07" West 594.65 feet to	102184
a point on the east right of way line of the former Toledo and	102185
Ohio Central Railroad (passing an iron pin found at 586.43 feet);	102186
thence along said line North 1° 39' 06" West, 734.24 feet to an	102187
iron pin found; thence along the south line of Lot 860 in said	102188
Village South 85° 54' 11" East, 188.77 feet to an iron pin set;	102189

thence along the east line of Lots 860 and 859 North 4° 05' 20" 102190
East, 100.00 feet to an iron pin set (an iron pin found for 102191
reference bears South 70° 30' 21" East, 1.01 feet); thence along 102192
the south line of Lots 857 and 848 South 85° 54' 29" East, 340.04 102193
feet to an iron pin found; thence along the east line of Lot 848 102194
North 4° 05' 30" East, 40.00 feet to the point of beginning and 102195
containing 14.046 acres. 102196

Subject to all Easements and Rights of Way of Record. 102197

Bearings used are to an assumed meridian and are for angular 102198
determination only. 102199

Surveyed October 1996 by Kenneth E. Highland, Ohio PLS 102200
#S-7581. 102201

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED TWO TRACTS: 102202

Tract 1-0.020 acre: Situate in the Village of Glouster, 102203
Trimble Township, Athens County, Ohio, and being a part of a tract 102204
as previously described in Volume 384, Page 47 of the Deed Records 102205
of Athens County and being more particularly described as follows: 102206
Commencing at an iron pin set at the southeast corner of Lot 860 102207
of the Wassall Fire Clay Company's Addition to the Village of 102208
Glouster; thence along the south line of said lot North 85° 54' 102209
11" West, 88.77 feet to an iron pin set at the point of beginning 102210
of this tract; thence leaving said line and along a new line South 102211
4° 05' 49" West, 15.00 feet to a point (passing an iron pin set at 102212
10.00 feet); thence along a new line parallel to the south line of 102213
the previously mentioned lot line North 85° 54' 11" West, 60.00 102214
feet to an iron pin set; thence North 4° 05' 49" East, 15.00 feet 102215
to an iron pin set on grantors most westerly north line (passing 102216
an iron pin set at 5.00 feet); thence along said line South 85° 102217
54' 11" East, 60.00 feet to the point of beginning and containing 102218
0.020 acre. Subject to all easements and rights of way of record. 102219
Bearings used are to an assumed meridian and are for angular 102220

determination only. Surveyed August 1997 by Kenneth E. Highland, 102221
Ohio PLS #S-7581. 102222

Deed Reference:Volume 263, Page 540 and Volume 299, Page 185, 102223
Athens County Official Records. 102224

Tract 2-0.013 acre: Situate in the Village of Glouster, 102225
Trimble Township, Athens County, Ohio, and being a part of a tract 102226
as previously described in Volume 384, Page 47 of the Deed Records 102227
of Athens County and being more particularly described as follows: 102228
Commencing at an iron pin set at the southwest corner of Lot 857 102229
of the Wassall Fire Clay Company's Addition to the Village of 102230
Glouster; thence along the south line of said lot South 85° 54' 102231
29" East, 90.00 feet to an iron pin set at the point of beginning 102232
of this tract; thence continuing along said line South 85° 54' 29" 102233
East, 60.00 feet to an iron pin set at the southeast corner of 102234
said lot; thence along a new line South 4° 05' 31" West 10.00 feet 102235
to an iron pin set; thence along a line parallel to the south line 102236
of Lot 857 North 85° 54' 29" West, 60.00 feet to an iron pin set; 102237
thence along a new line North 4° 05' 31" East, 10.00 feet to the 102238
point of beginning and containing 0.013 acre. Subject to all 102239
easements and rights of way of record. Bearings used are to an 102240
assumed meridian and are for angular determination only. Surveyed 102241
August 1997 by Kenneth E. Highland, Ohio PLS #S-7581; revised June 102242
2000. 102243

Deed Reference:Volume 299, Page 704; Volume 263, Page 544; 102244
and Volume 299, Page 183, Athens County Official Records. 102245

DEED REFERENCE:VOLUME _____, PAGE _____; VOLUME 298, PAGE 102246
2439; AND VOLUME 258, PAGE 79, ATHENS COUNTY OFFICIAL RECORDS. 102247

(B) Consideration for the conveyance of the real estate 102248
described in division (A) of this section is the purchase price of 102249
one dollar. 102250

(C) Upon payment of the purchase price, the Auditor of State, 102251

with the assistance of the Attorney General, shall prepare a deed 102252
to the real estate described in division (A) of this section. The 102253
deed shall state the consideration. The deed shall be executed by 102254
the Governor in the name of the state, countersigned by the 102255
Secretary of State, sealed with the Great Seal of the State, 102256
presented in the Office of the Auditor of State for recording, and 102257
delivered to Hocking.Athens.Perry Community Action. 102258
Hocking.Athens.Perry Community Action shall present the deed for 102259
recording in the Office of the Athens County Recorder. 102260

(D) Hocking.Athens.Perry Community Action shall pay the costs 102261
of the conveyance of the real estate described in division (A) of 102262
this section. 102263

(E) This section expires one year after its effective date. 102264

Section 509.03. (A)(1) The Clerk of the Medina Municipal 102265
Court shall be elected by the qualified electors of the territory 102266
of the court in the manner that is provided for the election of 102267
the judge of that court in section 1901.07 of the Revised Code at 102268
the first general election that occurs not less than six months 102269
after the effective date of this section. 102270

(2) Notwithstanding division (A)(1)(a) of section 1901.31 of 102271
the Revised Code, the term of the Clerk of the Medina Municipal 102272
Court elected under division (A)(1) of this section shall commence 102273
on the first day of January following the clerk's election and 102274
continue until the clerk's successor is elected and qualified. The 102275
clerk's successor shall be elected pursuant to the schedule for 102276
the election of the judge of that court in sections 1901.07 and 102277
1901.08 of the Revised Code. 102278

(B) The Clerk of the Medina Municipal Court shall continue in 102279
office until the clerk elected pursuant to division (A) of this 102280
section takes office. If the office of Clerk of the Medina 102281

Municipal Court becomes vacant prior to the date that the clerk
elected pursuant to division (A) of this section takes office, the
judges of the court shall appoint a clerk to serve until the clerk
elected pursuant to division (A) of this section takes office.

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Section 512.03. The Motor Vehicle Inspection and Maintenance
Fund that is created in section 3704.14 of the Revised Code, as
reenacted by this act, is a continuation of the Motor Vehicle
Inspection and Maintenance Fund that was created in section
3704.14 of the Revised Code, as repealed by this act. Money
credited to the Fund under former section 3704.14 of the Revised
Code shall be used for the purposes specified in new section
3704.14 of the Revised Code, as enacted by this act.

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"Section 513.03. (A) Notwithstanding any provision of law to
the contrary and during the period beginning July 1, 2005, and
ending December 31, 2005, the Director of Environmental Protection
or a board of health as defined in section 3714.01 of the Revised
Code shall not issue a license to open a new construction and
demolition debris facility under Chapter 3714. of the Revised Code
and rules adopted under it. Except as otherwise provided in this
division, the moratorium established by this division applies both
with respect to an application for a license to open a new
construction and demolition debris facility that is submitted on
or after the effective date of this section and to an application
for such a license that has been submitted to the Director or a
board of health prior to the effective date of this section, but
concerning which a license for a facility has not been issued as
of that effective date.

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The board of county commissioners of a county may request the
Director or a board of health to continue to process an
application for a license to open a new construction and

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demolition debris facility in that county that has been submitted 102312
to the Director or board of health prior to the effective date of 102313
this section. After receiving such a request from a board of 102314
county commissioners, the Director or board of health may then 102315
issue a license for the new construction and demolition debris 102316
facility notwithstanding the moratorium established by this 102317
division. 102318

The moratorium established by this division does not apply to 102319
a license for a new construction and demolition debris facility if 102320
the new facility will be located adjacent or contiguous to a 102321
previously licensed construction and demolition debris facility. 102322
The moratorium also does not apply to an expansion of or other 102323
modification to an existing licensed construction and demolition 102324
debris facility. 102325

(B)(1) There is hereby created the Construction and 102326
Demolition Debris Facility Study Committee composed of the 102327
following thirteen members: 102328

(a) Three members of the House of Representatives appointed 102329
by the Speaker of the House of Representatives; 102330

(b) Three members of the Senate appointed by the President of 102331
the Senate; 102332

(c) The Director of Environmental Protection or the 102333
Director's designee; 102334

(d) One member representing health districts in the state 102335
appointed by the Governor; 102336

(e) Three members representing the construction and 102337
demolition debris industry in the state appointed by the Governor, 102338
one of whom shall be the owner of both a construction and 102339
demolition debris facility and a solid waste disposal facility; 102340

(f) Two members representing environmental consulting 102341

organizations or firms in the state appointed by the Governor. 102342

Appointments shall be made to the Committee not later than 102343
fifteen days after the effective date of this section. Members of 102344
the Committee shall not receive compensation for their service on 102345
the Committee and shall not receive reimbursement for expenses 102346
incurred related to that service. 102347

(2) The Committee shall study the laws of this state 102348
governing construction and demolition debris facilities and the 102349
rules adopted under those laws and shall make recommendations to 102350
the General Assembly regarding changes to those laws including, 102351
but not limited to, recommendations concerning the following 102352
topics: 102353

(a) The establishment of a code of ethics for owners and 102354
operators of construction and demolition debris facilities; 102355

(b) The establishment of best management practices; 102356

(c) Licensing requirements; 102357

(d) Testing and monitoring requirements and protocols; 102358

(e) Siting and setback criteria for construction and 102359
demolition debris facilities; 102360

(f) State and local oversight and regulatory authority; 102361

(g) Fees; 102362

(h) The regulation of construction and demolition debris from 102363
sources inside and outside the state; 102364

(i) The closure process for construction and demolition 102365
debris facilities. 102366

(3) The Committee shall submit a report of its study and any 102367
recommendations that it has developed to the General Assembly not 102368
later than September 30, 2005. The Committee shall cease to exist 102369
on the date on which it submits its report. 102370

The General Assembly shall enact legislation based on the 102371
recommendations of the Committee as soon as is practicable. 102372

Section 514.03. (A) As used in this section: 102373

(1) "Automatic tabulating equipment," "direct recording 102374
electronic voting machine," "marking device," and "voting 102375
machines" have the same meanings as in section 3506.01 of the 102376
Revised Code. 102377

(2) "Help America Vote Act of 2002" means the "Help America 102378
Vote Act of 2002," Pub. L. No. 107-252, 116 Stat. 1666. 102379

(B) A county that is scheduled to acquire voting machines, 102380
marking devices, or automatic tabulating equipment with funds made 102381
available pursuant to the Help America Vote Act of 2002 and that 102382
selects direct recording electronic voting machines as the primary 102383
voting system to be used in the county and not only for 102384
accessibility for individuals with disabilities as required under 102385
the Help America Vote Act of 2002 and section 3506.19 of the 102386
Revised Code, only may acquire direct recording electronic voting 102387
machines with funds made available pursuant to the Help America 102388
Vote Act of 2002 if the county acquires sufficient direct 102389
recording electronic voting machines to meet the minimum number of 102390
direct recording electronic voting machines required to be 102391
established by the Secretary of State under division (C) of this 102392
section. 102393

(C) The Secretary of State shall establish, for each county, 102394
a minimum number of direct recording electronic voting machines 102395
that the county shall be required to acquire to be eligible to 102396
acquire direct recording electronic voting machines as the primary 102397
voting system in the county with funds made available pursuant to 102398
the Help America Vote Act of 2002. The minimum number for each 102399
county shall be calculated as follows: 102400

(1) The total number of registered voters in the county on January 1, 2005, shall be multiplied by the statewide percentage of voters who were purged from the official lists of registered voters during the 2001 calendar year.

(2) The number resulting from the calculation in division (C)(1) of this section shall be subtracted from the total number of registered voters in the county on January 1, 2005.

(3) The number resulting from the calculation in division (C)(2) of this section shall be divided by one hundred seventy-five.

(4) Any fraction resulting from the calculation in division (C)(3) of this section shall be rounded up to the next whole number.

Section 515.03. (A) On or before December 31, 2005, a transportation improvement district and any two or more governmental agencies may enter into an agreement providing for the joint financing of any street, highway, interchange, or other transportation project. Any such agreement shall be approved by resolution or ordinance passed by the legislative authority of each of the parties to such agreement, which resolution or ordinance shall authorize the execution thereof by a designated official or officials of each of such parties, and such agreement, when so approved and executed, shall be in full force and effect.

(B)(1) Subject to division (B)(2) of this section, any party to such an agreement may issue and, notwithstanding any other provision of the Revised Code, a district may purchase directly from the party as an investment, securities to evidence the obligations of that party to the district pursuant to the agreement for its portion of the cost of the project pursuant to Chapter 133. or other applicable provisions of the Revised Code.

(2) More than half of the property necessary for any project 102431
undertaken pursuant to an agreement under this section for which a 102432
district is purchasing securities under division (B)(1) of this 102433
section shall be located within the territory of the 102434
transportation improvement district. 102435

(C) Any term used in this section has the same meaning as 102436
defined in section 5540.01 of the Revised Code, as amended by this 102437
act, unless the context clearly requires another meaning. 102438

Section 553.01. (A) As used in this section: 102439

(1) "Qualifying delinquent taxes" means any tax levied under 102440
Chapter 5733., 5739., 5741., 5747., or 5748. of the Revised Code, 102441
including the taxes levied under sections 5733.41 and 5747.41 of 102442
the Revised Code and taxes required to be withheld under Chapters 102443
5747. and 5748. of the Revised Code, which were due and payable 102444
from any person as of May 1, 2005, were unreported or 102445
underreported, and remain unpaid. 102446

(2) "Qualifying delinquent personal property taxes" means a 102447
tax for which a return is filed under section 5711.02 of the 102448
Revised Code. 102449

(3) "Qualifying delinquent taxes" and "qualifying delinquent 102450
personal property taxes" do not include any tax for which a notice 102451
of assessment or audit has been issued, for which a bill has been 102452
issued, which relates to a tax period that ends after the 102453
effective date of this section, or for which an audit has been 102454
conducted or is currently being conducted. 102455

(B) The Tax Commissioner shall establish and administer a tax 102456
amnesty program with respect to qualifying delinquent taxes and 102457
qualifying delinquent personal property taxes. The program shall 102458
commence on January 1, 2006, and shall conclude on February 15, 102459
2006. The Tax Commissioner shall issue forms and instructions and 102460

take other actions necessary to implement the program. The Tax
Commissioner shall publicize the program so as to maximize public
awareness and participation in the program.

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(C)(1) During the program, if a person pays the full amount
of qualifying delinquent taxes owed by that person and one-half of
any interest that has accrued as a result of the person failing to
pay those taxes in a timely fashion, the Tax Commissioner shall
waive or abate all applicable penalties and one-half of any
interest that accrued on the qualifying delinquent taxes.

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(2) During the program, if a person who owes qualifying
delinquent personal property taxes files a return with the Tax
Commissioner, in the form and manner prescribed by the Tax
Commissioner, listing all taxable property that was required to be
listed on the return required to be filed under section 5711.02 of
the Revised Code, the Tax Commissioner shall issue a preliminary
assessment certificate to the appropriate county auditor. Upon
receiving a preliminary assessment certificate issued by the Tax
Commissioner pursuant to this division, the county auditor shall
compute the amount of qualifying delinquent personal property
taxes owed by the person and shall add to that amount one-half of
the interest prescribed under sections 5711.32 and 5719.041 of the
Revised Code. The county treasurer shall collect the amount of tax
and interest computed by the county auditor under this division by
preparing and mailing a tax bill to the person as prescribed in
section 5711.32 of the Revised Code. If the person pays the full
amount of tax and interest thereon on or before the date shown on
the tax bill all applicable penalties and one-half of any interest
that accrued on the qualifying delinquent personal property taxes
shall be waived.

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(3) No payment required under division (G) of section 321.24
of the Revised Code shall be made with respect to any person who
pays qualifying delinquent personal property taxes under division

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(C)(2) of this section. 102493

(4) Notwithstanding any contrary provision of the Revised Code, the Tax Commissioner shall not furnish to the county auditor any information pertaining to the exemption from taxation under division (C)(3) of section 5709.01 of the Revised Code insofar as that information pertains to any person who pays qualifying delinquent personal property taxes under division (C)(2) of this section. 102494
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(D) The Tax Commissioner may require a person participating in the program to file returns or reports, including amended returns and reports, in connection with the person's payment of qualifying delinquent taxes or qualifying delinquent personal property taxes. 102501
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(E) A person who participates in the program and pays in full any outstanding qualifying delinquent tax or qualifying delinquent personal property tax and the interest payable on such tax in accordance with this section shall not be subject to any criminal prosecution or any civil action with respect to that tax, and no assessment shall thereafter be issued against that person with respect to that tax. 102506
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(F) Taxes and interest collected under the program shall be credited to the General Revenue Fund, except that: 102513
102514

(1) Qualifying delinquent personal property taxes and interest payable thereon shall be credited to the appropriate county undivided income tax fund, and the county auditor shall distribute the amount thereof among the various taxing districts in the county as if it had been levied, collected, and settled, as personal property taxes; 102515
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(2) Qualifying delinquent taxes levied under section 5739.021, 5739.023, or 5739.026 of the Revised Code shall be distributed to the appropriate counties and transit authorities in 102521
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accordance with section 5739.21 of the Revised Code during the 102524
next distribution required under that section; 102525

(3) Qualifying delinquent taxes levied under section 102526
5741.021, 5741.022, or 5741.023 of the Revised Code shall be 102527
distributed to the appropriate counties and transit authorities in 102528
accordance with section 5741.03 of the Revised Code during the 102529
next distribution required under that section; and 102530

(4) Qualifying delinquent taxes levied under Chapter 5748. of 102531
the Revised Code shall be credited to the school district income 102532
tax fund and then paid to the appropriate school district during 102533
the next payment required under division (D) of section 5747.03 of 102534
the Revised Code. 102535

Section 553.02. Section 553.01 of this act is hereby 102536
repealed, effective February 16, 2006. The repeal of Section 102537
553.01 of this act does not affect, after the effective date of 102538
the repeal, the rights, remedies, or actions authorized under that 102539
section. 102540

Section 553.02.01. Notwithstanding section 5735.142 of the 102541
Revised Code, a city, exempted village, joint vocational, or local 102542
school district or educational service center that failed to file 102543
or failed to file in a timely manner an application for a refund 102544
of that portion of the motor vehicle fuel tax imposed by section 102545
5735.29 of the Revised Code that became effective on July 1, 2003, 102546
as permitted by section 5735.142 of the Revised Code, that the 102547
school district or educational service center paid through the 102548
purchase of motor fuel on or after that date may file such a 102549
refund application with the Tax Commissioner during the sixty-day 102550
period next following the effective date of this section. The Tax 102551
Commissioner shall process a refund application received under 102552
this section in accordance with section 5735.142 of the Revised 102553

Code, treating such an application as if it had been timely filed 102554
with the Tax Commissioner in accordance with that section. 102555

Section 553.02.03. (A) The amendment by this act of section 102556
5709.07 of the Revised Code first applies with respect to tax year 102557
2005. 102558

(B) Notwithstanding that buildings and lands described in 102559
division (D) of section 5709.07 of the Revised Code, as amended by 102560
this act, may qualify for an exemption from real property taxation 102561
under a provision of another section of the Revised Code that 102562
specifically applies to such buildings and lands, the buildings 102563
and lands are nevertheless entitled to the exemption allowed under 102564
division (A)(4) of section 5709.07 of the Revised Code, as amended 102565
by this act. 102566

Section 553.02.06. Notwithstanding section 5709.40, 5709.41, 102567
5709.73, or 5709.78 of the Revised Code to the contrary, 102568
exemptions from taxation granted pursuant to an ordinance or 102569
resolution adopted under any of those sections on or after July 1, 102570
2005, and on or before December 31, 2005, shall commence with the 102571
tax year specified in the ordinance or resolution. 102572

Section 557.03. A credit is hereby allowed against the 102573
additional estate tax imposed by section 5731.18 of the Revised 102574
Code on the estate of a decedent who dies on or after January 1, 102575
2002, but before the effective date of that section as amended by 102576
this act. The credit shall equal that portion of the additional 102577
estate tax imposed by section 5731.18 of the Revised Code that is 102578
over and above the additional estate tax that would have been 102579
imposed if the tax levied by division (A) of that section had been 102580
an amount equal to the maximum credit allowable by section 2011 of 102581
the Internal Revenue Code that was in effect and applicable on the 102582

date of such decedent's death for any taxes paid to any state. 102583

Section 557.04. Notwithstanding division (A)(3) of section 102584
5733.09 or section 5733.98 of the Revised Code, the credit allowed 102585
under section 5733.56 of the Revised Code to telephone companies 102586
for providing programs to aid the communicatively impaired shall 102587
be allowed in tax year 2005 so that there is full recovery of the 102588
tax credit under that section for that tax year. 102589

Section 557.06. (A) As used in this section, "net additional 102590
tax" means, in the case of a wholesale dealer, the net additional 102591
amount of tax resulting from the amendment by this act of section 102592
5743.02 of the Revised Code, less the discount allowed under 102593
section 5743.05 of the Revised Code as a commission for affixing 102594
and canceling stamps or meter impressions, that is due on all 102595
packages of Ohio stamped cigarettes and on all unaffixed Ohio 102596
cigarette tax stamps that the wholesale dealer has on hand as of 102597
the beginning of business on July 1, 2005, and, in the case of a 102598
retail dealer, means the net additional amount of tax resulting 102599
from the amendment by this act of section 5743.02 of the Revised 102600
Code that is due on all packages of Ohio stamped cigarettes and on 102601
all unaffixed Ohio cigarette tax stamps that the retail dealer has 102602
on hand as of the beginning of business on July 1, 2005. 102603

(B) In addition to the return required under section 5743.03 102604
of the Revised Code, each wholesale dealer and each retail dealer 102605
shall make and file a return on forms prescribed by the tax 102606
commissioner showing the net additional tax due and any other 102607
information that the commissioner considers necessary to apply 102608
sections 5743.01 to 5743.20 of the Revised Code in the 102609
administration of the net additional tax. On or before September 102610
30, 2005, each wholesale dealer and each retail dealer shall 102611
deliver the return to the treasurer of state, together with 102612

remittance of the net additional tax shown on the return to be 102613
due. A wholesale dealer or retail dealer may claim a credit equal 102614
to five per cent of the net additional tax shown on the return to 102615
be due if the wholesale dealer or retail dealer delivers the 102616
return required under this section to the treasurer of state on or 102617
before August 15, 2005, together with remittance of the net 102618
additional tax due after allowing for the five per cent credit. 102619
The treasurer of state shall stamp or otherwise mark on the return 102620
the date on which the return and remittance were received by the 102621
treasurer of state and also shall show on the return by stamp or 102622
otherwise the amount of the tax payment remitted with the return. 102623
Upon receipt, the treasurer of state shall immediately transmit 102624
all returns filed under this section to the commissioner. 102625

(C) Any wholesale or retail dealer who fails to file a return 102626
or remit net additional tax as required under this section shall 102627
forfeit and pay into the state treasury a late charge equal to 102628
fifty dollars or ten per cent of the net additional tax due, 102629
whichever is greater. If the net additional tax, or any portion 102630
thereof, whether determined by the commissioner or the wholesale 102631
or retail dealer, is not paid on or before the date prescribed for 102632
payment under this section, interest shall accrue on the unpaid 102633
amount at the rate per annum required by section 5703.47 of the 102634
Revised Code from the date prescribed for payment of the net 102635
additional tax to the date of payment or to the date the 102636
commissioner issues an assessment under section 5743.081 or 102637
5743.082 of the Revised Code, whichever occurs first. Interest 102638
shall be paid and collected in the same manner as the net 102639
additional tax. 102640

(D) Unpaid or unreported net additional taxes, late charges, 102641
and interest may be collected by assessment in the manner 102642
prescribed under sections 5743.081 and 5743.082 of the Revised 102643
Code. 102644

(E) All amounts collected under this section shall be 102645
considered revenue arising from the tax imposed by section 5743.02 102646
of the Revised Code. 102647

Section 557.09. (A) This section applies only to the 102648
semiannual period from July 1, 2005, to December 31, 2005. 102649

Notwithstanding any provision of Chapter 5751. of the Revised 102650
Code as enacted by this act, for purposes of making the first 102651
payment of the tax imposed under that chapter, a tax return for 102652
both calendar year and calendar quarter taxpayers for that 102653
semiannual period shall be filed not later than February 10, 2006. 102654
The tax imposed by this section is a semiannual privilege tax 102655
measured for the semiannual period commencing July 1, 2005, that 102656
is the six-month tax period during which the tax is measured on 102657
receipts during that period. The semiannual tax payment for all 102658
taxpayers for that semiannual period shall be seventy-five dollars 102659
for the first five hundred thousand dollars in taxable gross 102660
receipts during that semiannual period. In addition, a tax is 102661
imposed on all taxable gross receipts for that semiannual period 102662
in excess of five hundred thousand dollars. Such tax shall equal 102663
the product of six-tenths of one mill per dollar (the result of 102664
rounding twenty-three per cent of two and six-tenths mills) times 102665
the remaining amount of taxable gross receipts after subtracting 102666
five hundred thousand dollars in taxable gross receipts. 102667

(B) Only persons excluded pursuant to divisions (E)(2) to 102668
(10) of section 5751.01 of the Revised Code, as enacted by this 102669
act, and persons with less than one hundred fifty thousand dollars 102670
in taxable gross receipts during calendar year 2005 are not 102671
subject to this section. 102672

(C) The tax commissioner shall take the necessary steps to 102673
implement this section and use money in the commercial tax 102674
administrative fund to promote awareness of the tax imposed under 102675

this section and under Chapter 5751. of the Revised Code as 102676
enacted by this act by means of advertising and other reasonable 102677
means. 102678

Section 557.09.03. It is the intent of the General Assembly 102679
that section 5751.033 of the Revised Code, as enacted by this act, 102680
be applied in a manner that is consistent with and identical to 102681
the situsing provisions that apply to the corporation franchise 102682
tax. That section shall be interpreted and applied by the Tax 102683
Commissioner in a manner that is consistent with the body of case 102684
law addressing the situsing of sales for purposes of the sales 102685
factor as determined under Chapter 5733. of the Revised Code, and 102686
in a manner that is consistent with the Tax Commissioner's prior 102687
treatment of the corporation franchise tax sales factor situsing 102688
law for taxpayers under that chapter. 102689

Section 557.09.06. (A) Notwithstanding any provision of 102690
Chapter 5751. of the Revised Code as enacted by this act, "gross 102691
receipts," as defined in section 5751.01 of the Revised Code, 102692
excludes all of the following receipts if they are received prior 102693
to July 1, 2007: 102694

(1) Receipts from the sale of fuel by a refinery to a 102695
terminal that is intended to be used as motor fuel; 102696

(2) Receipts from the sale of motor fuel from a terminal to a 102697
motor fuel dealer, excluding motor fuel that is not subject to 102698
taxation under Chapter 5735. of the Revised Code; 102699

(3) Receipts from the sale of motor fuel upon which the tax 102700
under Chapter 5735. of the Revised Code has been imposed. 102701

For the purposes of this division, "motor fuel," "motor fuel 102702
dealer, and "terminal" have the same meanings as used in section 102703
5735.01 of the Revised Code. 102704

(B) For the purposes of division (A) of this section, the
imposition of tax on motor fuel for the illegal use of that fuel
shall not be considered motor fuel subject to the tax under
Chapter 5735. of the Revised Code.

(C) The Tax Commissioner may promulgate rules to administer
this section, including prescribing the method to determine which
fuel is intended to be used as motor fuel.

Between July 1, 2005, and March 1, 2007, the Tax Commissioner
shall accept recommendations and comments on the taxation of
receipts from the sale or other transfer of motor fuel under
Chapter 5751. of the Revised Code, including from persons required
to report and pay the tax under Chapter 5735. of the Revised Code,
and shall prepare a report summarizing those recommendations and
comments and presenting any recommendations of the Tax
Commissioner. The Tax Commissioner and shall submit the report to
the President of the Senate, the Speaker of the House of
Representatives, and the leader of the minority caucus in each
house on or before March 1, 2007.

Section 557.09.07. Notwithstanding anything in Chapter 5735.
of the Revised Code as amended by this act, the discount or
shrinkage allowance provided for in sections 5735.06 and 5735.141
of the Revised Code for the period July 1, 2005, through June 30,
2007, shall be based on divisions (A) and (B) of this section:

(A) For the discount under section 5735.06 of the Revised
Code:

(1) For July 2005 through June 2006, if the monthly report is
timely filed and the tax is timely paid, 2.5 per cent of the total
number of gallons of motor fuel received by the motor fuel dealer
within the state during the preceding calendar month less the
total number of gallons deducted under divisions (B)(1)(a) and (b)

of section 5735.06 of the Revised Code, less 0.83 per cent of the 102735
total number of gallons of motor fuel that were sold to a retail 102736
dealer during the preceding calendar month. 102737

(2) For July 2006 through June 2007, if the monthly report is 102738
timely filed and the tax is timely paid, 1.95 per cent of the 102739
total number of gallons of motor fuel received by the motor fuel 102740
dealer within the state during the preceding calendar month less 102741
the total number of gallons deducted under divisions (B)(1)(a) and 102742
(b) of section 5735.06 of the Revised Code, less 0.65 per cent of 102743
the total number of gallons of motor fuel that were sold to a 102744
retail dealer during the preceding calendar month. 102745

(B) For the refund provided retail dealers under section 102746
5735.141 of the Revised Code: 102747

(1) For the semiannual periods ending December 31, 2005, and 102748
June 30, 2006, the refund shall be 0.83 per cent of the Ohio motor 102749
fuel taxes paid on fuel purchased during those semiannual periods. 102750

(2) For the semiannual periods ending December 31, 2006, and 102751
June 30, 2007, the refund shall be 0.65 per cent of the Ohio motor 102752
fuel taxes paid on fuel purchased during those semiannual periods. 102753

The Tax Commissioner may adopt rules to administer this 102754
section. 102755

Section 557.09.09. Notwithstanding any provision of Chapter 102756
5751. of the Revised Code as enacted by this act, for purposes of 102757
Chapter 5751. of the Revised Code, "gross receipts" excludes 102758
amounts received from the sale of tangible personal property that 102759
is delivered into or shipped from a qualified foreign trade zone 102760
area that includes a qualified intermodal facility. 102761

As used in this section: 102762

(A) "Qualified foreign trade zone area" means a warehouse or 102763
other place of delivery or shipment that is: 102764

(1) Located within one mile of the nearest boundary of an international airport; and

(2) Located, in whole or in part, within a foreign trade zone as defined in division (A)(2) of section 5709.44 of the Revised Code.

(B) "Qualified intermodal facility" means a transshipment station that is capable of receiving and shipping freight through rail transportation, highway transportation, and air transportation. A transshipment station is "capable of receiving and shipping freight" after the commencement of the construction of each of the rail, highway, and air transportation components of the facility.

Section 557.10. In lieu of the certification and crediting of money to the Recycling and Litter Prevention Fund in fiscal year 2006 that would be required under section 5733.122 of the Revised Code if that section were not repealed by this act, the Director of Budget and Management, during fiscal year 2006, shall transfer \$1,500,000 from the General Revenue Fund to the Recycling and Litter Prevention Fund according to a schedule to be determined by the Director.

Section 557.11. For tax years 2007 and thereafter, telephone, telegraph, and interexchange telecommunications companies, as defined in section 5727.01 of the Revised Code, shall list taxable property at the percentage of true value required in Chapter 5711. of the Revised Code. For purposes of assigning taxable valuation to each taxing district for those years, the Tax Commissioner shall continue to use the apportionment provisions of Chapter 5727. of the Revised Code. However, such property shall be listed by the county auditor and certified to the county treasurer for collection under the provisions applicable to the general list of

taxable property and not upon the tax list and duplicate of real 102795
and public utility personal property. 102796

Section 557.12. ADJUSTMENT TO LOCAL GOVERNMENT DISTRIBUTIONS 102797

(A) On or before the seventh day of each month of the period 102798
July 2005 through June 2007, the Tax Commissioner shall determine 102799
and certify to the Director of Budget and Management the amount to 102800
be credited, by tax, during that month to the Local Government 102801
Fund, to the Library and Local Government Support Fund, and to the 102802
Local Government Revenue Assistance Fund, respectively, under 102803
divisions (B) to (G) of this section. 102804

(B) Notwithstanding sections 5727.45, 5727.84, 5733.12, 102805
5739.21, 5741.03, and 5747.03 of the Revised Code to the contrary, 102806
for each month in the period July 1, 2005, through June 30, 2007, 102807
from the utility excise, kilowatt-hour, corporation franchise, 102808
sales and use, and personal income taxes collected: 102809

(1) An amount shall first be credited to the Local Government 102810
Fund equal to the amount credited to that fund from that tax 102811
according to the schedule in divisions (C), (D), (E), and (F) of 102812
this section; 102813

(2) An amount shall next be credited to the Local Government 102814
Revenue Assistance Fund equal to the amount credited to that fund 102815
from that tax according to the schedule in divisions (C), (D), 102816
(E), and (F) of this section; 102817

(3) An amount shall next be credited to the Library and Local 102818
Government Support Fund equal to the amount credited to that fund 102819
from that tax according to the schedule in division (G) of this 102820
section. 102821

To the extent the amounts credited under divisions (B) 102822
through (G) of this section exceed the amounts that otherwise 102823
would have been credited under sections 5727.45, 5727.84, 5733.12, 102824

5739.21, 5741.03, and 5747.03 of the Revised Code, the amounts
credited to the general revenue fund shall be reduced. To the
extent the amounts credited under divisions (B) through (G) of
this section are less than the amounts that otherwise would have
been credited under sections 5727.45, 5727.84, 5733.12, 5739.21,
5741.03, and 5747.03 of the Revised Code, the amounts credited to
the general revenue fund shall be increased. After the appropriate
amounts are credited to funds under division (B) of this section,
additional adjustments may be required in June 2006 and June 2007
pursuant to division (I) of this section.

(C) Pursuant to divisions (B)(1) and (2) of this section, the
amounts shall be credited from the corporation franchise, sales
and use, and personal income taxes to each respective fund as
follows:

(1) In July 2005, one hundred per cent of the amount credited
in July 2004; in July 2006, one hundred per cent of the amount
credited in July 2005;

(2) In August 2005, one hundred per cent of the amount
credited in August 2004; in August 2006, one hundred per cent of
the amount credited in August 2005;

(3) In September 2005, one hundred per cent of the amount
credited in September 2004; in September 2006, one hundred per
cent of the amount credited in September 2005;

(4) In October 2005, one hundred per cent of the amount
credited in October 2004; in October 2006, one hundred per cent of
the amount credited in October 2005;

(5) In November 2005, one hundred per cent of the amount
credited in November 2004; in November 2006, one hundred per cent
of the amount credited in November 2005;

(6) In December 2005, one hundred per cent of the amount

credited in December 2004; in December 2006, one hundred per cent 102855
of the amount credited in December 2005; 102856

(7) In January 2006, one hundred per cent of the amount 102857
credited in January 2005; in January 2007, one hundred per cent of 102858
the amount credited in January 2006; 102859

(8) In February 2006, one hundred per cent of the amount 102860
credited in February 2005; in February 2007, one hundred per cent 102861
of the amount credited in February 2006; 102862

(9) In March 2006, one hundred per cent of the amount 102863
credited in March 2005; in March 2007, one hundred per cent of the 102864
amount credited in March 2006; 102865

(10) In April 2006, one hundred per cent of the amount 102866
credited in April 2005; in April 2007, one hundred per cent of the 102867
amount credited in April 2006; 102868

(11) In May 2006, one hundred per cent of the amount credited 102869
in May 2005; in May 2007, one hundred per cent of the amount 102870
credited in May 2006; 102871

(12) In June 2006, one hundred per cent of the amount 102872
credited in June 2005; in June 2007, one hundred per cent of the 102873
amount credited in June 2006. 102874

(D) Pursuant to divisions (B)(1) and (2) of this section, 102875
from the public utility excise tax, amounts shall be credited to 102876
the Local Government Fund and the Local Government Revenue 102877
Assistance Fund as follows: 102878

(1) In July 2005 and July 2006, no amount shall be credited 102879
to the Local Government Fund and no amount shall be credited to 102880
the Local Government Revenue Assistance Fund; 102881

(2) In August 2005 and August 2006, no amount shall be 102882
credited to the Local Government Fund or to the Local Government 102883
Revenue Assistance Fund; 102884

(3) In September 2005 and September 2006, no amount shall be 102885
credited to the Local Government Fund or to the Local Government 102886
Revenue Assistance Fund; 102887

(4) In October 2005 and October 2006, thirty per cent of 102888
\$7,870,426.16 shall be credited to the Local Government Fund and 102889
thirty per cent of \$1,124,346.59 shall be credited to the Local 102890
Government Revenue Assistance Fund; 102891

(5) In November 2005 and November 2006, thirty per cent of 102892
\$1,045,731.11 shall be credited to the Local Government Fund and 102893
thirty per cent of \$149,390.15 shall be credited to the Local 102894
Government Revenue Assistance Fund; 102895

(6) In December 2005 and December 2006, thirty per cent of 102896
\$1,210,041.67 shall be credited to the Local Government Fund and 102897
thirty per cent of \$172,863.13 shall be credited to the Local 102898
Government Revenue Assistance Fund; 102899

(7) In January 2006 and January 2007, no amount shall be 102900
credited to the Local Government Fund or to the Local Government 102901
Revenue Assistance Fund; 102902

(8) In February 2006 and February 2007, thirty per cent of 102903
\$1,515,069.22 shall be credited to the Local Government Fund and 102904
thirty per cent of \$216,438.43 shall be credited to the Local 102905
Government Revenue Assistance Fund; 102906

(9) In March 2006 and March 2007, thirty per cent of 102907
\$7,859,958.57 shall be credited to the Local Government Fund and 102908
thirty per cent of \$1,122,851.24 shall be credited to the Local 102909
Government Revenue Assistance Fund; 102910

(10) In April 2006 and April 2007, no amount shall be 102911
credited to the Local Government Fund or to the Local Government 102912
Revenue Assistance Fund; 102913

(11) In May 2006 and May 2007, thirty per cent of 102914

\$3,300,718.22 shall be credited to the Local Government Fund and 102915
thirty per cent of \$471,531.17 shall be credited to the Local 102916
Government Revenue Assistance Fund; 102917

(12) In June 2006 and June 2007, thirty per cent of 102918
\$9,344,500.89 shall be credited to the Local Government Fund and 102919
thirty per cent of \$1,334,928.70 shall be credited to the Local 102920
Government Revenue Assistance Fund. 102921

(E) Pursuant to divisions (B)(1) and (2) of this section, 102922
from the kilowatt-hour tax, amounts shall be credited to the Local 102923
Government Fund and the Local Government Revenue Assistance Fund 102924
as follows: 102925

(1) In July 2005 and July 2006, no amount shall be credited 102926
to the Local Government Fund and no amount shall be credited to 102927
the Local Government Revenue Assistance Fund; 102928

(2) In August 2005 and August 2006, no amount shall be 102929
credited to the Local Government Fund or to the Local Government 102930
Revenue Assistance Fund; 102931

(3) In September 2005, and September 2006, no amount shall be 102932
credited to the Local Government Fund or to the Local Government 102933
Revenue Assistance Fund; 102934

(4) In October 2005 and October 2006, seventy per cent of 102935
\$7,870,426.16 shall be credited to the Local Government Fund and 102936
seventy per cent of \$1,124,346.59 shall be credited to the Local 102937
Government Revenue Assistance Fund; 102938

(5) In November 2005 and November 2006, seventy per cent of 102939
\$1,045,731.11 shall be credited to the Local Government Fund and 102940
seventy per cent of \$149,390.15 shall be credited to the Local 102941
Government Revenue Assistance Fund; 102942

(6) In December 2005 and December 2006, seventy per cent of 102943
\$1,210,041.67 shall be credited to the Local Government Fund and 102944

seventy per cent of \$172,863.13 shall be credited to the Local
Government Revenue Assistance Fund; 102945
102946

(7) In January 2006 and January 2007, no amount shall be 102947
credited to the Local Government Fund or to the Local Government 102948
Revenue Assistance Fund; 102949

(8) In February 2006 and February 2007, seventy per cent of 102950
\$1,515,069.22 shall be credited to the Local Government Fund and 102951
seventy per cent of \$216,438.43 shall be credited to the Local 102952
Government Revenue Assistance Fund; 102953

(9) In March 2006 and March 2007, seventy per cent of 102954
\$7,859,958.57 shall be credited to the Local Government Fund and 102955
seventy per cent of \$1,122,851.24 shall be credited to the Local 102956
Government Revenue Assistance Fund; 102957

(10) In April 2006 and April 2007, no amount shall be 102958
credited to the Local Government Fund or to the Local Government 102959
Revenue Assistance Fund; 102960

(11) In May 2006 and May 2007, seventy per cent of 102961
\$3,300,718.22 shall be credited to the Local Government Fund and 102962
seventy per cent of \$471,531.17 shall be credited to the Local 102963
Government Revenue Assistance Fund; 102964

(12) In June 2006 and June 2007, seventy per cent of 102965
\$9,344,500.89 shall be credited to the Local Government Fund and 102966
seventy per cent of \$1,334,928.70 shall be credited to the Local 102967
Government Revenue Assistance Fund. 102968

(F) Notwithstanding the amounts required to be credited 102969
pursuant to division (C) of this section, the amount credited in 102970
June 2006 and June 2007 to the Local Government Fund and the Local 102971
Government Revenue Assistance Fund from the personal income tax 102972
shall be net of a reduction that may be required by division (I) 102973
of this section. 102974

(G) Pursuant to division (B)(3) of this section, amounts	102975
shall be credited from the personal income tax to the Library and	102976
Local Government Support Fund as follows:	102977
(1) In July 2005, one hundred per cent of the amount credited	102978
in July 2004; in July 2006, one hundred per cent of the amount	102979
credited in July 2005;	102980
(2) In August 2005, one hundred per cent of the amount	102981
credited in August 2004; in August 2006, one hundred per cent of	102982
the amount credited in August 2005;	102983
(3) In September 2005, one hundred per cent of the amount	102984
credited in September 2004; in September 2006, one hundred per	102985
cent of the amount credited in September 2005;	102986
(4) In October 2005, one hundred per cent of the amount	102987
credited in October 2004; in October 2006, one hundred per cent of	102988
the amount credited in October 2005;	102989
(5) In November 2005, one hundred per cent of the amount	102990
credited in November 2004; in November 2006, one hundred per cent	102991
of the amount credited in November 2005;	102992
(6) In December 2005, one hundred per cent of the amount	102993
credited in December 2004; in December 2006, one hundred per cent	102994
of the amount credited in December 2005;	102995
(7) In January 2006, one hundred per cent of the amount	102996
credited in January 2005; in January 2007, one hundred per cent of	102997
the amount credited in January 2006;	102998
(8) In February 2006, one hundred per cent of the amount	102999
credited in February 2005; in February 2007, one hundred per cent	103000
of the amount credited in February 2006;	103001
(9) In March 2006, one hundred per cent of the amount	103002
credited in March 2005; in March 2007, one hundred per cent of the	103003
amount credited in March 2006;	103004

(10) In April 2006, one hundred per cent of the amount 103005
credited in April 2005; in April 2007, one hundred per cent of the 103006
amount credited in April 2006; 103007

(11) In May 2006, one hundred per cent of the amount credited 103008
in May 2005; in May 2007, one hundred per cent of the amount 103009
credited in May 2006; 103010

(12) In June 2006, one hundred per cent of the amount 103011
credited in June 2005, less any reduction that may be required by 103012
division (I) of this section; in June 2007, one hundred per cent 103013
of the amount credited in June 2006, less any reduction that may 103014
be required by division (I) of this section. 103015

(H) The total amount credited to the Local Government Fund, 103016
the Local Government Revenue Assistance Fund, and the Library and 103017
Local Government Support Fund in each month during the period July 103018
2005 through June 2007 shall be distributed by the tenth day of 103019
the immediately succeeding month in the following manner: 103020

(1) Each county undivided local government fund shall receive 103021
a distribution from the Local Government Fund based on its 103022
proportionate share of the total amount received from the fund in 103023
such respective month for the period August 1, 2004, through July 103024
31, 2005. 103025

(2) Each municipal corporation receiving a direct 103026
distribution from the Local Government Fund shall receive a 103027
distribution based on its proportionate share of the total amount 103028
received from the fund in such respective month for the period 103029
August 1, 2004, through July 31, 2005. 103030

(3) Each county undivided local government revenue assistance 103031
fund shall receive a distribution from the Local Government 103032
Revenue Assistance Fund based on its proportionate share of the 103033
total amount received from the fund in such respective month for 103034
the period August 1, 2004, through July 31, 2005. 103035

(4) Each county undivided library and local government support fund shall receive a distribution from the Library and Local Government Support Fund based on its proportionate share of the total amount received from the fund in such respective month for the period August 1, 2004, through July 31, 2005.

(I) The Tax Commissioner shall do each of the following:

(1) By June 7, 2006, the Commissioner shall subtract the amount calculated in division (I)(1)(b) of this section from the amount calculated in division (I)(1)(a) of this section. If the amount in division (I)(1)(a) of this section is greater than the amount in division (I)(1)(b) of this section, then such difference shall be subtracted from the total amount of income tax revenue credited to the Local Government Fund, the Local Government Revenue Assistance Fund, and the Library and Local Government Support Fund in June 2006. An amount shall be subtracted from income tax revenue credited to the Local Government Fund, the Local Government Revenue Assistance Fund, or the Library and Local Government Support Fund only if, and according to the proportion by which, such fund contributed to the result that the amount in division (I)(1)(a) of this section exceeds the amount in division (I)(1)(b) of this section.

(a) The sum of all money credited to the Local Government Fund, the Local Government Revenue Assistance Fund, and the Library and Local Government Support Fund from July 2005 through May 2006. The sum computed in division (I)(1)(a) of this section shall exclude any dealer in intangibles tax revenues credited to the Local Government Fund.

(b) The sum of all money that would have been credited to the Local Government Fund, the Local Government Revenue Assistance Fund, and the Library and Local Government Support Fund from July 2005 through May 2006, if sections 5727.45, 5727.84, 5733.12,

5739.21, 5741.03, and 5747.03 of the Revised Code were in effect 103067
during this period. 103068

(2) By June 7, 2007, the Commissioner shall subtract the 103069
amount calculated in division (I)(2)(b) of this section from the 103070
amount calculated in division (I)(2)(a) of this section. If the 103071
amount in division (I)(2)(a) of this section is greater than the 103072
amount in division (I)(2)(b) of this section, then such difference 103073
shall be subtracted from the total amount of income tax revenue 103074
credited to the Local Government Fund, the Local Government 103075
Revenue Assistance Fund, and the Library and Local Government 103076
Support Fund in June 2007. An amount shall be subtracted from 103077
income tax revenue credited to the Local Government Fund, the 103078
Local Government Revenue Assistance Fund, or the Library and Local 103079
Government Support Fund only if, and according to the proportion 103080
by which, such fund contributed to the result that the amount in 103081
division (I)(2)(a) of this section exceeds the amount in division 103082
(I)(2)(b) of this section. 103083

(a) The sum of all money credited to the Local Government 103084
Fund, the Local Government Revenue Assistance Fund, and the 103085
Library and Local Government Support Fund from June 2006 through 103086
May 2007. The sum computed in division (I)(2)(a) of this section 103087
shall exclude any dealer in intangibles tax revenues credited to 103088
the Local Government Fund and shall be prior to any reduction 103089
required by division (I)(1) of this section. 103090

(b) The sum of all money that would have been credited to the 103091
Local Government Fund, the Local Government Revenue Assistance 103092
Fund, and the Library and Local Government Support Fund from June 103093
2006 through May 2007, if sections 5727.45, 5727.84, 5733.12, 103094
5739.21, 5741.03, and 5747.03 of the Revised Code were in effect 103095
during this period. 103096

(3) On the advice of the Tax Commissioner, during any month 103097

other than June 2006 or June 2007 of the period July 1, 2005, 103098
through July 31, 2007, the Director of Budget and Management may 103099
reduce the amounts that are to be otherwise credited to the Local 103100
Government Fund, Local Government Revenue Assistance Fund, or 103101
Library and Local Government Support Fund in order to accomplish 103102
more effectively the purposes of the adjustments in divisions 103103
(I)(1) and (2) of this section. If the respective calculations 103104
made in June 2006 and June 2007 pursuant to divisions (I)(1) and 103105
(2) of this section indicate that excess reductions had been made 103106
during the previous months, such excess amounts shall be credited, 103107
as appropriate, to the Local Government Fund, Local Government 103108
Revenue Assistance Fund, and Library and Local Government Support 103109
Fund. 103110

(J) For the 2005, 2006, and 2007 distribution years, the Tax 103111
Commissioner is not required to issue the certifications otherwise 103112
required by sections 5747.47, 5747.501, 5747.51, and 5747.61 of 103113
the Revised Code, but shall provide to each county auditor by the 103114
twentieth day of July 2005, July 2006, and July 2007 an estimate 103115
of the amounts to be received by the county in the ensuing year 103116
from the Local Government Fund, Local Government Revenue 103117
Assistance Fund, and Library and Local Government Support Fund 103118
pursuant to this section and any pertinent section of the Revised 103119
Code. At the discretion of the Tax Commissioner, the Tax 103120
Commissioner may report to each county auditor additional revised 103121
estimates of the 2005, 2006, or 2007 distributions at any time 103122
during the period July 1, 2005, through July 31, 2007. 103123

(K) During the period July 1, 2005, through July 31, 2007, 103124
the Director of Budget and Management shall issue such directives 103125
to state agencies that are necessary to ensure that the 103126
appropriate amounts are distributed to the Local Government Fund, 103127
to the Local Government Revenue Assistance Fund, and to the 103128
Library and Local Government Support Fund. 103129

(L) No subdivision shall receive a proportionate share from 103130
the county undivided local government fund or county undivided 103131
local government revenue assistance fund during the period July 1, 103132
2005, through June 30, 2007, that is less than the proportionate 103133
share the subdivision received from that fund during the period 103134
July 1, 2004, through June 30, 2005, unless the subdivision 103135
consents to receive the lesser proportionate share. 103136

Section 557.12.01. (A) Each county and each city with a 103137
population of one hundred thousand or more persons shall submit to 103138
the Auditor of State a report on or before October 1, 2005, that 103139
describes efforts on the part of the county or city to reduce 103140
costs by consolidating services and engaging in regional 103141
cooperation, specifies cost savings resulting from consolidation 103142
of services and regional cooperation, and describes the county's 103143
or city's future plans with respect to consolidating services and 103144
engaging in regional cooperation as described in division (B) of 103145
this section. 103146

(B) The report described in division (A) of this section 103147
shall describe future plans with respect to consolidating 103148
services, including, but not limited to, consolidating fire, law 103149
enforcement, water, sewer, and solid waste services provided by 103150
the county or city. The report shall describe any efforts already 103151
undertaken by the county or city to analyze how these future 103152
consolidation efforts would impact costs and affect existing 103153
collective bargaining agreements. If no such analyses have been 103154
undertaken at the time the report is filed, the report shall set 103155
forth a timeline for completing the analyses. 103156

The report also shall describe future plans with respect to 103157
cooperating with one or more neighboring political subdivisions in 103158
the financing of operations that serve all of the subdivisions. 103159
The report shall describe the county's or city's future plans, if 103160

any, to cooperate with other political subdivisions in the 103161
consolidation of purchasing or construction functions. 103162

(C) The report described in division (A) of this section 103163
shall be used by the Auditor of State for informational purposes 103164
only. The Auditor of State shall have no authority to approve or 103165
disapprove any plan described in a report. 103166

Section 557.13.03. The Tax Commissioner shall review the 103167
calculations of the multipliers used in the determination of oil 103168
and gas valuations, in light of the amendment by this act to 103169
section 5715.01 of the Revised Code, and the enactment by this act 103170
of section 5709.112 of the Revised Code. The review shall be 103171
conducted in sufficient time to be used in the Commissioner's 103172
annual entry adopting the multipliers for tax year 2006, to ensure 103173
that oil and gas properties are uniformly assessed as provided by 103174
law and this act. 103175

Section 557.13.06. Prior to adopting the rule defining 103176
"primarily," as required by division (B)(2) of section 5725.01 of 103177
the Revised Code, the Tax Commissioner shall seek the input of 103178
current dealers in intangibles. 103179

Section 557.13.09. (A) There is hereby created the Joint 103180
Legislative Tax Reform Impact Study Committee. The Committee shall 103181
consist of the following members of the General Assembly: the 103182
chairperson of the Senate's standing committee with primary 103183
responsibility for tax legislation, the chairperson of the House 103184
of Representatives' standing committee with primary responsibility 103185
for tax legislation, four members of the House of Representatives 103186
appointed by the Speaker of the House of Representatives, and four 103187
members of the Senate appointed by the President of the Senate. 103188
Not more than two members appointed by the Speaker and not more 103189
than two members appointed by the President may be of the same 103190

political party. The appointments shall be made not later than 103191
July 31, 2005. The chairpersons of the standing committees with 103192
primary responsibility for tax legislation shall serve as 103193
co-chairpersons of the Committee. The Department of Taxation shall 103194
cooperate with the Committee and, on request, shall provide any 103195
information and assistance that is required by the Committee to 103196
carry out its duties. 103197

(B) The Committee shall study the effects on school districts 103198
and other local taxing units of phasing-out the tangible personal 103199
property tax under this act, and any other matter related to that 103200
phase-out that it considers of significance. As part of the study, 103201
the Committee shall do all of the following: 103202

(1) Estimate the total taxes lost by school districts and 103203
local taxing units as a result of the phase-out; 103204

(2) Estimate the capacity of the commercial activity tax 103205
levied under Chapter 5751. of the Revised Code, as enacted by this 103206
act, to replace lost tangible personal property tax revenues and 103207
to fund the General Revenue Fund; 103208

(3) Estimate the cost for delivery of services by school 103209
districts and other local taxing units and the emerging service 103210
demands for those services arising from demographic and economic 103211
changes to the districts and units; 103212

(4) Identify alternatives for effectively balancing state and 103213
local tax revenues available to school districts and other taxing 103214
units and their responsibilities for delivery of services; 103215

(5) Examine how the commercial activity tax treats for-profit 103216
corporations as compared to nonprofit corporations; 103217

(6) Review the impact of the commercial activity tax on the 103218
various business sectors; 103219

(7) Estimate the revenue impact of reclassifying rental real 103220

property having more than three units as residential/agricultural 103221
real property instead of as nonresidential/agricultural real 103222
property under section 5713.041 of the Revised Code. 103223

(C) At the call of the co-chairpersons, the Committee shall 103224
hold not less than four meetings. The co-chairpersons shall 103225
determine the time, place, and agenda for each meeting of the 103226
Committee. Not later than January 31, 2006, the Committee shall 103227
issue a report of its findings and shall make recommendations to 103228
the President of the Senate and the Speaker of the House of 103229
Representatives, at which time the Committee shall cease to exist. 103230

Section 557.15. The amendment by this act of sections 319.302 103231
and 323.152 of the Revised Code first applies in tax year 2005. 103232

Section 557.17. The amendments to sections 5709.40, 5709.73, 103233
5709.77, and 5709.78 of the Revised Code by this act do not apply, 103234
but those sections as they were in effect prior January 1, 2006, 103235
do apply, to any project, as defined in section 5709.40 of the 103236
Revised Code, if the project meets either of the following 103237
requirements: 103238

(A) A project agreement has been completed on or before 103239
December 31, 2005, for the project. 103240

(B) Bonds have been issued on or before December 31, 2005, 103241
for the project. 103242

Section 557.19. Sections 5713.01 and 5727.12 of the Revised 103243
Code, as amended by this act, first apply to tax year 2006. 103244

Section 557.24. The amendment by this act of sections 103245
5731.01, 5731.05, 5731.131, 5731.14, 5731.18, and 5731.181 of the 103246
Revised Code, and the repeal by this act of section 5731.20 of the 103247
Revised Code, applies to estates of decedents dying on or after 103248

the effective date of those sections as amended by this act.	103249
Section 557.27. The amendment by this act of section 5733.40	103250
of the Revised Code applies to taxable years ending on or after	103251
the effective date of this act.	103252
Section 557.30. Except as otherwise provided in division	103253
(A)(18) of section 5747.01 and division (A) of section 5747.02 of	103254
the Revised Code, the amendment by this act of sections 5747.01	103255
and 5747.02 of the Revised Code applies to taxable years ending on	103256
or after the effective date of this section.	103257
Section 557.33. The amendment by this act of section 5747.05	103258
of the Revised Code applies to taxable years ending on or after	103259
the effective date of this section.	103260
Section 559.03. (A) Sections 9.23, 9.231, 9.232, 9.233,	103261
9.234, 9.235, 9.236, 9.237, 9.238, and 9.239 of the Revised Code,	103262
as enacted by this act, apply only to disbursements of money that	103263
occur on or after January 1, 2006.	103264
(B) Section 9.241 of the Revised Code, as enacted by this	103265
act, applies only to contracts that are entered into or awarded on	103266
or after the effective date of that section.	103267
Section 560.03. There is hereby created the Ohio Military	103268
Reserve Homeland Security Study Commission to evaluate the role	103269
and effectiveness of the Ohio Military Reserve. The Commission	103270
shall consist of seven members: the Chairperson of the House	103271
Commerce and Labor Committee, who shall serve as chairperson of	103272
the Commission, two members of the House of Representatives whom	103273
the Speaker of the House of Representatives shall appoint, two	103274
members of the Senate whom the President of the Senate shall	103275

appoint, the Adjutant General or a representative the Adjutant 103276
General designates, and the Director of Public Safety or a 103277
representative the Director designates. The chairperson shall call 103278
the meetings of the Commission. The Commission shall report its 103279
findings to the General Assembly before January 1, 2006. 103280

Section 563.03. It is the intention of the General Assembly 103281
that the amendments made by this act to sections 3319.081 and 103282
3319.17 of the Revised Code, and the enactment by this act of 103283
section 3319.172 of the Revised Code, shall not affect collective 103284
bargaining agreements between public employers and public 103285
employees entered into prior to the effective date of this 103286
section. 103287

Section 569.03. (A) As used in this section, "appointing 103288
authority" has the same meaning as in section 124.01 of the 103289
Revised Code, and "exempt employee" has the same meaning as in 103290
section 124.152 of the Revised Code. 103291

(B) Notwithstanding section 124.181 of the Revised Code both 103292
of the following apply: 103293

(1) In cases where no vacancy exists, an appointing authority 103294
may, with the written consent of an exempt employee, assign duties 103295
of a higher classification for a period of time not to exceed two 103296
years to that exempt employee, and that exempt employee shall 103297
receive compensation at a rate commensurate with the duties of the 103298
higher classification. 103299

(2) If necessary, employees exempt from collective bargaining 103300
who are assigned to duties within their agency to maintain 103301
operations during the Ohio Administrative Knowledge System (OAKS) 103302
implementation may agree to a temporary assignment that exceeds 103303
the two-year limit. 103304

Section 569.06. (A) As used in this section, "exempt employee" has the same meaning as in section 124.152 of the Revised Code.

(B) Notwithstanding any provision to the contrary in Chapter 124. of the Revised Code, for the period beginning on July 1, 2005, and ending on June 30, 2007, the Director of Job and Family Services shall have the authority to do the following:

(1) Establish, change, and abolish positions of employment in the Department of Job and Family Services that are in the classified civil service;

(2) Assign, reassign, classify, reclassify, transfer, reduce, promote, and demote exempt employees of the Department who are in the classified civil service, including, but not limited to, assigning or reassigning an employee to a bargaining unit classification if the Director determines that the classification is the proper classification for that employee.

(C) All actions taken by the Director under division (B) of this section relative to exempt employees of the Department who are in the classified civil service and are subject to section 900.603 of Title 5 of the Code of Federal Regulations, 5 C.F.R. 900.603, as amended, shall be consistent with the requirements of that section.

(D) If an exempt employee of the Department who is in the classified civil service and paid in accordance with salary schedule E-1 of section 124.152 of the Revised Code is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower job classification by the Director under division (B) of this section, the Director, or in the case of a transfer of the employee outside the Department, the Director of Administrative Services, shall assign the employee

to the appropriate job classification and place the exempt 103335
employee in pay step X. The employee shall not receive an increase 103336
in compensation until the maximum rate of pay for that 103337
classification exceeds the employee's compensation. 103338

(E) Actions taken by the Director under division (B) of this 103339
section shall not be subject to appeal to the State Personnel 103340
Board of Review. 103341

Section 569.12. As used in this section, "municipal public 103342
safety director" has the same meaning as in section 145.01 of the 103343
Revised Code, as amended by this act. 103344

Not later than November 1, 2005, each municipal public safety 103345
director who is a member of the Public Employees Retirement System 103346
shall indicate to the retirement system, on a form supplied by the 103347
retirement system, a choice of whether to receive benefits under 103348
division (A) of section 145.33 of the Revised Code or under 103349
division (B) of that section. 103350

Section 606.03. If any item of law that constitutes the whole 103351
or part of a codified or uncodified section of law contained in 103352
this act, or if any application of any item of law that 103353
constitutes the whole or part of a codified or uncodified section 103354
of law contained in this act, is held invalid, the invalidity does 103355
not affect other items of law or applications of items of law that 103356
can be given effect without the invalid item of law or 103357
application. To this end, the items of law of which the codified 103358
and uncodified sections contained in this act are composed, and 103359
their applications, are independent and severable. 103360

Section 609.03. An item of law, other than an amending, 103361
enacting, or repealing clause, that composes the whole or part of 103362
an uncodified section contained in this act has no effect after 103363

June 30, 2007, unless its context clearly indicates otherwise. 103364

Section 611.03. DELAYED IMPLEMENTATION OF CENTRALIZED PUBLIC 103365
SCHOOL EMPLOYEES' HEALTH CARE BENEFITS SYSTEM 103366

Notwithstanding the amendments made to sections 9.833, 9.90, 103367
3311.19, 3313.12, 3313.202, 3313.33, 4117.03, and 4117.08 of the 103368
Revised Code by this act and the enactment of section 9.901 of the 103369
Revised Code by this act, the following amendments to a section or 103370
enactment of provisions shall not take effect unless and until the 103371
General Assembly, by subsequent enactment of law, confirms those 103372
amendments and provisions, orders their implementation, and makes 103373
such other specifications pertaining to that implementation as is 103374
then necessary: 103375

(A) All amendments to sections 9.833, 9.90, 3311.19, 3313.12, 103376
3313.202, 3313.33, 4117.03, and 4117.08 of the Revised Code. 103377

(B) The following provisions of section 9.901 of the Revised 103378
Code as enacted: 103379

(1) Division (A)(1); 103380

(2) The provision that authorizes the soliciting of bids in 103381
division (A)(3); 103382

(3) Division (F), except for the provision that creates the 103383
school employees health care fund in the state treasury; 103384

(4) Division (I)(1); 103385

(5) Division (I)(5); 103386

(6) Division (J), except for the provision that authorizes 103387
the School Employees Health Care Board to contract with the 103388
Department of Administrative Services for central services and 103389
reimburse the Department for such services; 103390

(7) Division (K); 103391

(8) Division (L); and 103392

(9) Division (M). 103393

(C) The provision in Section 203.12.02 of this act that 103394
extends the duties of the executive director and assistant to the 103395
School Employees Health Care Board to the Public School Employee 103396
Health Insurance Program being proposed for establishment and the 103397
provision requiring the reimbursement of the General Revenue Fund 103398
of \$2,700,000 by the School Employees Health Care Fund pending a 103399
future determination of the sufficiency of premium payments. 103400

Section 612.03. Except as otherwise specifically provided in 103401
this act, the codified sections of law amended or enacted in this 103402
act, and the items of law of which the codified sections of law 103403
amended or enacted in this act are composed, are subject to the 103404
referendum. Therefore, under Ohio Constitution, Article II, 103405
Section 1c and section 1.471 of the Revised Code, the codified 103406
sections of law amended or enacted by this act, and the items of 103407
law of which the codified sections of law as amended or enacted by 103408
this act are composed, take effect on the ninety-first day after 103409
this act is filed with the Secretary of State. If, however, a 103410
referendum petition is filed against any such codified section of 103411
law as amended or enacted by this act, or against any item of law 103412
of which any such codified section of law as amended or enacted by 103413
this act is composed, the codified section of law as amended or 103414
enacted, or item of law, unless rejected at the referendum, takes 103415
effect at the earliest time permitted by law. 103416

Section 612.06. Except as otherwise specifically provided in 103417
this act, the repeal by this act of a codified section of law is 103418
subject to the referendum. Therefore, under Ohio Constitution, 103419
Article II, Section 1c and section 1.471 of the Revised Code, the 103420
repeal by this act of a codified section of law takes effect on 103421

the ninety-first day after this act is filed with the Secretary of 103422
State. If, however, a referendum petition is filed against any 103423
such repeal, the repeal, unless rejected at the referendum, takes 103424
effect at the earliest time permitted by law. 103425

Section 612.09. The sections of law amended, enacted, or 103426
repealed by this act that are listed in this section are subject 103427
to the referendum. Therefore, under Ohio Constitution, Article II, 103428
Section 1c and section 1.471 of the Revised Code, the sections, 103429
and the items of law of which they are composed, take effect as 103430
specified in this section. If, however, a referendum petition is 103431
filed against any such section as amended, enacted, or repealed, 103432
or against any item of law of which any such section as amended or 103433
enacted is composed, the section as amended, enacted, or repealed 103434
goes into effect at the earliest time permitted by law that is on 103435
or after the effective date specified in this section. 103436

Sections 9.24, 120.52, 120.53, 131.23, 317.08, 317.36, 103437
323.01, 329.051, 340.03, 340.16, 1901.26, 1907.24, 2303.201, 103438
2305.234, 2744.05, 3111.04, 3119.54, 3121.12, 3121.50, 3702.74, 103439
4123.27, 4705.09, 4731.65, 4731.71, 4736.11, 5101.181, 5101.241, 103440
5101.26, 5101.31, 5101.36, 5107.26, 5110.01, 5110.05, 5111.021 103441
(5111.022), 5111.022 (5111.023), 5111.023 (5111.0115), 5111.025, 103442
5111.062, 5111.10, 5111.85, 5111.851, 5111.852, 5111.853, 103443
5111.854, 5111.855, 5111.856, 5111.89, 5111.891, 5111.892, 103444
5111.893, 5111.914, 5111.97 (5111.86), 5112.03, 5112.08, 5112.17, 103445
5115.10, 5115.11, 5115.12, 5115.13, 5115.14, 5115.20, 5115.22, 103446
5115.23, and 5119.61 of the Revised Code take effect October 1, 103447
2005. 103448

Sections 1711.531, 4753.03, 4753.06, 4753.071, 4753.08, 103449
4753.09, 5107.05, 5107.30, 5107.301, 5121.01 (5121.02), 5121.02 103450
(5121.03), 5121.03 (5121.01), 5121.04, 5121.05, 5121.06, 5121.061, 103451
5121.07, 5121.08, 5121.09, 5121.10, 5121.11, 5121.12, 5121.21, 103452

5121.30, 5121.31, 5121.32, 5121.33, 5121.34, 5121.35, 5121.36, 103453
5121.37, 5121.38, 5121.40, 5121.41, 5121.42, 5121.43, 5121.44, 103454
5121.45, 5121.46, 5121.47, 5121.48, 5121.49, 5121.50, 5121.51, 103455
5121.52, 5121.53, 5121.54, 5121.55, 5121.56, 5122.03, 5122.31, and 103456
5123.701 of the Revised Code take effect January 1, 2006. 103457

Sections 3301.0710 and 3301.0714 of the Revised Code take 103458
effect July 1, 2006. 103459

Section 612.12. Sections 101.391, 108.05, 109.57, 109.91, 103460
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125.831, 125.832, 126.25, 131.02, 133.09, 141.011, 141.04, 147.05, 103464
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(5502.61), 181.52 (5502.62), 181.54 (5502.64), 181.55 (5502.65), 103466
181.56 (5502.66), 307.86, 339.72, 339.88, 731.14, 731.141, 742.59, 103467
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3314.28, 3316.043, 3317.013, 3317.016, 3317.017, 3317.02, 103478
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3317.16, 3317.20, 3317.201, 3317.21 (3318.47), 3317.22 (3318.48), 103482
3317.23 (3318.49), 3318.33, 3319.06, 3323.091, 3323.14, 3323.16, 103483

3323.19, 3325.11, 3325.12, 3325.16, 3325.17, 3333.28, 3333.36, 103484
3334.02, 3334.19, 3365.01, 3365.02, 3365.04, 3365.041, 3365.05, 103485
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5104.32, 5110.352, 5111.019, 5111.061, 5111.082, 5111.11, 103496
5111.111, 5111.112 (5111.113), 5111.113 (5111.114), 5111.16, 103497
5111.161, 5111.162, 5111.17, 5111.176, 5111.19, 5111.191, 5111.98, 103498
5112.30, 5112.341, 5120.09, 5120.51, 5139.01, 5502.01, 5540.01, 103499
5540.09, 5731.39, and 6109.21 of the Revised Code as amended or 103500
enacted by this act, and the items of law of which such sections 103501
as amended or enacted by this act are composed, are not subject to 103502
the referendum. Therefore, under Ohio Constitution, Article II, 103503
Section 1d and section 1.471 of the Revised Code, such sections as 103504
amended or enacted by this act, and the items of law of which such 103505
sections as amended or enacted by this act are composed, go into 103506
immediate effect when this act becomes law. 103507

Section 612.12.01. The enactment by this act of new section 103508
4723.63 of the Revised Code, and the items of which it is 103509
composed, are not subject to the referendum. Therefore, under Ohio 103510
Constitution, Article II, Section 1d and section 1.471 of the 103511
Revised Code, the new section, and the items of which it is 103512
composed, go into immediate effect when this act becomes law. 103513

Section 612.12.03. New sections 3317.012, 5111.02, and 103514
5111.112 of the Revised Code as enacted by this act, and the items 103515
of law of which such sections as enacted by this act are composed, 103516
are not subject to the referendum. Therefore, under Ohio 103517
Constitution, Article II, Section 1d and section 1.471 of the 103518
Revised Code, such sections as enacted by this act, and the items 103519
of law of which such sections as enacted by this act are composed, 103520
go into immediate effect when this act becomes law. 103521

Section 612.15. The repeal by this act of sections 181.53, 103522
339.77, 742.36, 3301.31, 3301.33, 3301.34, 3301.35, 3301.36, 103523
3301.37, 3301.38, 3301.85, 3301.87, 3317.012, 3317.0212, and 103524
3317.0213 of the Revised Code is not subject to the referendum. 103525
Therefore, under Ohio Constitution, Article II, Section 1d and 103526
section 1.471 of the Revised Code, the repeals go into immediate 103527
effect when this act becomes law. 103528

Section 612.18. The sections of law amended, enacted, or 103529
repealed by this act that are listed in this section are not 103530
subject to the referendum. Therefore, under Ohio Constitution, 103531
Article II, Section 1d and section 1.471 of the Revised Code, the 103532
sections as amended, enacted, or repealed, and the items of law of 103533
which such sections as amended or enacted by this act are 103534
composed, go into effect as specified in this section. 103535

Sections 9.981, 125.05, 133.08, 133.081, 140.01, 154.11, 103536
183.28, 3301.80, 3314.074, 3317.06, 3317.50, 3317.51, 3319.22, 103537
3319.235, 3323.021, 3353.01, 3353.02, 3353.03, 3353.04, 3353.06, 103538
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3721.56, 3721.561, 3721.58, 3722.01, 3722.02, 4117.24, 4503.103, 103541
5111.041, 5111.042, 5111.20, 5111.21, 5111.22, 5111.221, 5111.222, 103542
5111.223, 5111.23, 5111.231 (5111.232), 5111.235, 5111.24, 103543

5111.241, 5111.242, 5111.243, 5111.244, 5111.25, 5111.251,	103544
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5111.262, 5111.263, 5111.264, 5111.265, 5111.266, 5111.27,	103546
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5111.34, 5111.65, 5111.651, 5111.66, 5111.661, 5111.67, 5111.671,	103548
5111.672, 5111.673, 5111.674, 5111.675, 5111.676, 5111.677,	103549
5111.68, 5111.681, 5111.682, 5111.683, 5111.684, 5111.685,	103550
5111.686, 5111.687, 5111.688, 5111.871, 5112.31, 5123.01,	103551
5123.041, 5123.045, 5123.046, 5123.047, 5123.048, 5123.049,	103552
5123.0412, 5123.16, 5123.34, 5123.41, 5123.71, 5123.76, 5126.01,	103553
5126.035, 5126.042, 5126.054, 5126.055, 5126.056, 5126.057,	103554
5126.12, 5552.01, and 5705.091 of the Revised Code take effect	103555
July 1, 2005.	103556
New sections 3353.02, 3353.03, 3704.14, 5111.231, 5111.24,	103557
5111.257, 5111.34, and 5123.048 of the Revised Code take effect	103558
July 1, 2005.	103559
The amendment by this act of sections 5709.40, 5709.73,	103560
5709.77, and 5709.78 of the Revised Code takes effect January 1,	103561
2006.	103562
Section 612.21. The amendment or enactment by this act of	103563
sections 122.17, 122.171, 122.172, 122.173, 122.18, 150.07,	103564
150.10, 319.302, 323.152, 325.31, 351.01, 351.021, 351.06,	103565
351.141, 351.16, 718.09, 718.10, 1548.06, 2921.13, 2927.023,	103566
4301.43, 4505.06, 5101.184, 5101.98, 5703.052, 5703.053, 5703.057,	103567
5703.47, 5703.50, 5703.70, 5707.031, 5709.07, 5709.112, 5709.12,	103568
5709.121, 5711.01, 5711.16, 5711.21, 5711.22, 5711.28, 5713.01,	103569
5715.01, 5715.24, 5719.041, 5725.19, 5725.32, 5727.01, 5727.02,	103570
5727.031, 5727.06, 5727.08, 5727.10, 5727.11, 5727.111, 5727.12,	103571
5727.23, 5727.241, 5728.01, 5728.02, 5728.03, 5728.04, 5728.06,	103572
5728.08, 5729.032, 5729.08, 5731.01, 5731.05, 5731.131, 5731.14,	103573
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5733.351, 5733.352, 5733.40, 5733.41, 5733.49, 5733.98, 5737.03, 103575
5739.025, 5739.034, 5739.035, 5739.08, 5739.10, 5743.01, 5743.03, 103576
5743.031, 5743.05, 5743.071, 5743.072, 5743.08, 5743.10, 5743.111, 103577
5743.112, 5743.14, 5743.15, 5743.16, 5743.18, 5743.19, 5743.20, 103578
5743.331, 5743.71, 5747.012, 5747.02, 5747.05, 5747.056, 5747.08, 103579
5747.113, 5747.212, 5747.331, 5747.80, 5747.98, 5748.01, 5748.02, 103580
5748.03, 5748.04, 5748.08,, 5751.01, 5751.011, 5751.012, 5751.013, 103581
5751.02, 5751.03, 5751.031, 5751.032, 5751.033, 5751.04, 5751.05, 103582
5751.051, 5751.06, 5751.07, 5751.08, 5751.081, 5751.09, 5751.10, 103583
5751.11, 5751.12, 5751.20, 5751.21, 5751.22, 5751.23, 5751.31, 103584
5751.50, 5751.51, 5751.52, 5751.53, 5751.98, and 5751.99 of the 103585
Revised Code provides for or is essential to implementation of a 103586
tax levy. Therefore, under Ohio Constitution, Article II, Section 1d, 103587
the amendments and enactments, and the items of which they are 103588
composed, are not subject to the referendum and go into immediate 103589
effect when this act becomes law. 103590

Section 612.24. The repeal by this act of section 5731.20 of 103591
the Revised Code provides for or is essential to implementation of 103592
a tax levy. Therefore, under Ohio Constitution, Article II, 103593
Section 1d, the repeal is not subject to the referendum and goes 103594
into immediate effect when this act becomes law. 103595

Section 612.27. The amendment, enactment, or repeal by this 103596
act of the sections of law that are listed in this section 103597
provides for or is essential to implementation of a tax levy. 103598
Therefore, under Ohio Constitution, Article II, Section 1d, the 103599
amendments, enactments, and repeals, and the items of which any 103600
such amendment or enactment is composed, are not subject to the 103601
referendum and go into effect as specified in this section. 103602

Sections 5703.80, 5733.065, 5733.066, 5733.122, 5739.033, 103603
5739.12, 5743.02, 5743.32, and 5743.33 of the Revised Code take 103604

effect July 1, 2005. 103605

Sections 5739.012, 5739.03, 5739.16, and 5741.16 of the 103606
Revised Code take effect January 1, 2006. 103607

Section 612.30. (A) Except as otherwise provided in division 103608
(B) of this section, the amendments by this act to section 127.16 103609
of the Revised Code are not subject to the referendum. Therefore, 103610
under Ohio Constitution, Article II, Section 1d and section 1.471 103611
of the Revised Code, the amendments take effect July 1, 2005. 103612

(B) The amendment to division (D)(2) of section 127.16 of the 103613
Revised Code is subject to the referendum. Therefore, under Ohio 103614
Constitution, Article II, Section 1c and section 1.471 of the 103615
Revised Code, the amendment takes effect October 1, 2005. If, 103616
however, a referendum petition is filed against the amendment, the 103617
amendment, unless rejected at the referendum, takes effect at the 103618
earliest time permitted by law that is on or after the effective 103619
date specified in this division. 103620

Section 612.31. (A) Except as otherwise provided in division 103621
(B) of this section, the amendments by this act to section 307.695 103622
of the Revised Code are subject to the referendum. Therefore, 103623
under Ohio Constitution, Article II, Section 1c and section 1.471 103624
of the Revised Code, the amendments go into effect on the 103625
ninety-first day after this act is filed with the Secretary of 103626
State. If, however, a referendum petition is filed against the 103627
amendments, the amendments, unless rejected at the referendum, 103628
take effect at the earliest time permitted by law. 103629

(B) The amendments to section 307.695 of the Revised Code 103630
relating to community improvement corporations provide for or are 103631
essential to implementation of a tax levy. Therefore, under Ohio 103632
Constitution, Article II, Section 1d, the amendments take effect 103633
July 1, 2005. 103634

Section 612.33. (A) Except as otherwise provided in division 103635
(B) of this section, the amendments by this act to section 321.24 103636
of the Revised Code provides for or is essential to implementation 103637
of a tax levy. Therefore, under Ohio Constitution, Article II, 103638
Section 1d, the amendments are not subject to the referendum and 103639
go into immediate effect when this act becomes law. 103640

(B) The amendment to division (F) of section 321.24 of the 103641
Revised Code provides for or is essential to implementation of a 103642
tax levy. Therefore, under Ohio Constitution, Article II, Section 103643
1d, the amendment takes effect July 1, 2005. 103644

Section 612.36. (A) Except as otherwise provided in division 103645
(B) of this section, the amendments by this act to section 329.04 103646
of the Revised Code are not subject to the referendum. Therefore, 103647
under Ohio Constitution, Article II, Section 1d and section 1.471 103648
of the Revised Code, the amendments go into immediate effect. 103649

(B) The amendments to divisions (A)(3) to (9) of section 103650
329.04 of the Revised Code are subject to the referendum. 103651
Therefore, under Ohio Constitution, Article II, Section 1c and 103652
section 1.471 of the Revised Code, the amendments take effect 103653
October 1, 2005. If, however, a referendum petition is filed 103654
against the amendments, the amendments, unless rejected at the 103655
referendum, take effect at the earliest time permitted by law that 103656
is on or after the effective date specified in this division. 103657

Section 612.36.03. (A) Except as otherwise provided in 103658
division (B) of this section, the amendments to section 3301.0711 103659
of the Revised Code are subject to the referendum. Therefore, 103660
under Ohio Constitution, Article II, Section 1c and section 1.471 103661
of the Revised Code, the amendments take effect July 1, 2006. If, 103662
however, a referendum petition is filed against the amendments, 103663
the amendments, unless rejected at the referendum, take effect at 103664

the earliest time permitted by law that is on or after the 103665
effective date specified in this division. 103666

(B) The amendments to division (N) of section 3301.0711 of 103667
the Revised Code are not subject to the referendum. Therefore, 103668
under Ohio Constitution, Article II, Section 1d and section 1.471 103669
of the Revised Code, the amendments go into immediate effect. 103670

Section 612.37. (A) Except as otherwise provided in division 103671
(B) of this section, the amendments to section 3314.02 of the 103672
Revised Code are subject to the referendum. Therefore, under Ohio 103673
Constitution, Article II, Section 1c and section 1.471 of the 103674
Revised Code, the amendments go into effect on the ninety-first 103675
day after this act is filed with the Secretary of State. If, 103676
however, a referendum petition is filed against the amendments, 103677
the amendments, unless rejected at the referendum, take effect at 103678
the earliest time permitted by law. 103679

(B) The amendment striking the paragraph immediately 103680
following division (C)(1)(f)(iii) of section 3314.02 of the 103681
Revised Code is not subject to the referendum. Therefore, under 103682
Ohio Constitution, Article II, Section 1d and section 1.471 of the 103683
Revised Code, the amendment goes into immediate effect when this 103684
act becomes law. 103685

Section 612.38. (A) Except as otherwise provided in division 103686
(B) of this section, the amendments by this act to section 3314.03 103687
of the Revised Code are not subject to the referendum. Therefore, 103688
under Ohio Constitution, Article II, Section 1d and section 1.471 103689
of the Revised Code, the amendments go into immediate effect. 103690

(B) The amendment to division (A)(4) and the amendments 103691
adding divisions (A)(25) and (F) of section 3314.03 of the Revised 103692
Code are subject to the referendum. Therefore, under Ohio 103693
Constitution, Article II, Section 1c and section 1.471 of the 103694

Revised Code, the amendments take effect on the ninety-first day
after this act is filed with the Secretary of State. If, however,
a referendum petition is filed against the amendments, the
amendments, unless rejected at the referendum, take effect at the
earliest time permitted by law.

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Section 612.38.03. (A) Except as otherwise provided in
division (B) of this section, the amendments by this act to
section 3314.08 of the Revised Code are not subject to the
referendum. Therefore, under Ohio Constitution, Article II,
Section 1d and section 1.471 of the Revised Code, the amendments
go into immediate effect.

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(B) The amendments to division (N) of section 3314.08 of the
Revised Code are subject to the referendum. Therefore, under Ohio
Constitution, Article II, Section 1c and section 1.471 of the
Revised Code, the amendments take effect on the ninety-first day
after this act is filed with the Secretary of State. If, however,
a referendum petition is filed against the amendments, the
amendments, unless rejected at the referendum, take effect at the
earliest time permitted by law.

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Section 612.39. (A) Except as otherwise provided in division
(B) of this section, the amendments by this act to section
3317.024 of the Revised Code are not subject to the referendum.
Therefore, under Ohio Constitution, Article II, Section 1d and
section 1.471 of the Revised Code, the amendments go into
immediate effect.

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(B) The amendment to division (J) of section 3317.024 of the
Revised Code is subject to the referendum. Therefore, under Ohio
Constitution, Article II, Section 1c and section 1.471 of the
Revised Code, the amendment takes effect on the ninety-first day
after this act is filed with the Secretary of State. If, however,

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a referendum petition is filed against the amendment, the 103725
amendment, unless rejected at the referendum, takes effect at the 103726
earliest time permitted by law. 103727

Section 612.45. (A) Except as otherwise provided in division 103728
(B) of this section, the amendments by this act to section 3702.51 103729
of the Revised Code are not subject to the referendum. Therefore, 103730
under Ohio Constitution, Article II, Section 1d and section 1.471 103731
of the Revised Code, the amendments go into immediate effect. 103732

(B) The amendment to division (G)(10) of section 3702.51 of 103733
the Revised Code is not subject to the referendum. Therefore, 103734
under Ohio Constitution, Article II, Section 1d and section 1.471 103735
of the Revised Code, the amendments take effect July 1, 2005. 103736

Section 612.48. (A) Except as otherwise provided in division 103737
(B) of this section, the amendments to section 5101.35 of the 103738
Revised Code are subject to the referendum. Therefore, under Ohio 103739
Constitution, Article II, Section 1c and section 1.471 of the 103740
Revised Code, the amendments take effect on the ninety-first day 103741
after this act is filed with the Secretary of State. If, however, 103742
a referendum petition is filed against the amendments, the 103743
amendments, unless rejected at the referendum, take effect at the 103744
earliest time permitted by law. 103745

(B) The amendment by this act to division (A)(3) of section 103746
5101.35 of the Revised Code adding a reference to "5101.461" is 103747
not subject to the referendum. Therefore, under Ohio Constitution, 103748
Article II, Section 1d and section 1.471 of the Revised Code, the 103749
amendment goes into immediate effect. 103750

Section 612.54. (A) Except as otherwise provided in division 103751
(B) of this section, the amendments to section 5111.02 (5111.021) 103752
of the Revised Code are subject to the referendum. Therefore, 103753

under Ohio Constitution, Article II, Section 1c and section 1.471 103754
of the Revised Code, the amendments take effect October 1, 2005. 103755
If, however, a referendum petition is filed against the 103756
amendments, the amendments, unless rejected at the referendum, 103757
take effect at the earliest time permitted by law that is on or 103758
after the effective date specified in this division. 103759

(B) The amendment by this act to division (B) of section 103760
5111.02 (5111.021) of the Revised Code striking the last sentence 103761
of that division (B) is not subject to the referendum. Therefore, 103762
under Ohio Constitution, Article II, Section 1d and section 1.471 103763
of the Revised Code, the amendment takes effect July 1, 2005. 103764

Section 612.57. (A) Except as otherwise provided in division 103765
(B) of this section, the amendments to section 5111.06 of the 103766
Revised Code are subject to the referendum. Therefore, under Ohio 103767
Constitution, Article II, Section 1c and section 1.471 of the 103768
Revised Code, the amendments go into effect on October 1, 2005. 103769
If, however, a referendum petition is filed against the 103770
amendments, the amendments, unless rejected at the referendum, 103771
take effect at the earliest time permitted by law that is on or 103772
after the effective date specified in this division. 103773

(B) The amendment to division (A)(1) of section 5111.06 of 103774
the Revised Code that inserts a reference to section 5111.061 of 103775
the Revised Code is not subject to the referendum. Therefore, 103776
under Ohio Constitution, Article II, Section 1d and section 1.471 103777
of the Revised Code, the amendment goes into immediate effect when 103778
this act becomes law. 103779

Section 612.63. (A) Except as otherwise provided in division 103780
(B) of this section, the amendment renumbering section 5111.88 as 103781
section 5111.97 of the Revised Code is subject to the referendum. 103782
Therefore, under Ohio Constitution, Article II, Section 1c and 103783

section 1.471 of the Revised Code, the renumbering amendment takes 103784
effect October 1, 2005. If, however, a referendum petition is 103785
filed against the renumbering amendment, the renumbering 103786
amendment, unless rejected at the referendum, takes effect at the 103787
earliest time permitted by law that is on or after the effective 103788
date specified in this division. 103789

(B) The amendment to division (B)(2) of section 5111.88 103790
(5111.97) of the Revised Code striking "eighteen" and inserting 103791
"twelve" is not subject to the referendum. Therefore, under Ohio 103792
Constitution, Article II, Section 1d and section 1.471 of the 103793
Revised Code, the amendment goes into immediate effect when this 103794
act becomes law. 103795

Section 612.66. (A) Except as otherwise provided in division 103796
(B) of this section, the amendments to section 5727.84 of the 103797
Revised Code provide for or are essential to implementation of a 103798
tax levy. Therefore, under Ohio Constitution, Article II, Section 103799
1d, the amendments go into immediate effect when this act becomes 103800
law. 103801

(B) The amendments striking divisions (B)(6) and (7) and 103802
(C)(3) from section 5727.84 of the Revised Code are subject to the 103803
referendum. Therefore, under Ohio Constitution, Article II, 103804
Section 1c and section 1.471 of the Revised Code, the amendments 103805
take effect on the ninety-first day after this act is filed with 103806
the Secretary of State. If, however, a referendum petition is 103807
filed against the amendments, the amendments, unless rejected at 103808
the referendum, take effect at the earliest time permitted by law. 103809

Section 612.69. (A) Except as otherwise provided in division 103810
(B) of this section, the amendments to section 5727.85 of the 103811
Revised Code are not subject to the referendum. Therefore, under 103812
Ohio Constitution, Article II, Section 1d and section 1.471 of the 103813

Revised Code, the amendments go into immediate effect when this 103814
act becomes law. 103815

(B) The amendments to section 5727.85 of the Revised Code 103816
that insert new language into division (F), strike "February" and 103817
insert "May," strike divisions (G) and (H) and the two unlettered 103818
paragraphs following, insert new division (H), and add an internal 103819
cross-reference to division (F) of the section are subject to the 103820
referendum. Therefore, under Ohio Constitution, Article II, 103821
Section 1c and section 1.471 of the Revised Code, the amendments 103822
take effect on the ninety-first day after this act is filed with 103823
the Secretary of State. If, however, a referendum petition is 103824
filed against the amendments, the amendments, unless rejected at 103825
the referendum, take effect at the earliest time permitted by law. 103826

Section 612.69.03. The amendments by this act to section 103827
5739.01 of the Revised Code provide for or are essential to 103828
implementation of a tax levy. Therefore, under Ohio Constitution, 103829
Article II, Section 1d, the amendments are not subject to the 103830
referendum and go into immediate effect when this act becomes law. 103831
However, the amendment to divisions (HHH) and (III) of the section 103832
goes into effect July 1, 2005, and the amendments to division 103833
(H)(1)(a)(vi), adding a new division (H)(1)(b), and adding a new 103834
division (H)(1)(c)(iv) of the section go into effect January 1, 103835
2006. 103836

Section 612.69.06. The amendments by this act to section 103837
5739.02 of the Revised Code provide for or are essential to 103838
implementation of a tax levy. Therefore, under Ohio Constitution, 103839
Article II, Section 1d, the amendments are not subject to the 103840
referendum and go into immediate effect when this act becomes law. 103841
However, the amendment to division (B)(18) of the section and the 103842
amendment striking through division (B)(35) of the section go into 103843

effect July 1, 2005. 103844

Section 612.69.09. (A) Except as otherwise provided in 103845
division (B) of this section, the amendments by this act to 103846
section 5739.17 of the Revised Code are not subject to the 103847
referendum. Therefore, under Ohio Constitution, Article II, 103848
Section 1d and section 1.471 of the Revised Code, the amendments 103849
take effect on July 1, 2005. 103850

(B) The amendments to division (C) of section 5739.17 of the 103851
Revised Code provide for or are essential to implementation of a 103852
tax levy. Therefore, under Ohio Constitution, Article II, Section 103853
1d, the amendments are not subject to the referendum and go into 103854
immediate effect when this act becomes law. 103855

Section 612.69.12. The amendments by this act to section 103856
5741.02 of the Revised Code provide for or are essential to 103857
implementation of a tax levy. Therefore, under Ohio Constitution, 103858
Article II, Section 1d, the amendments are not subject to the 103859
referendum and go into immediate effect when this act becomes law. 103860
However, the amendment to division (E) of the section goes into 103861
effect January 1, 2006. 103862

Section 612.72. (A) Except as otherwise provided in division 103863
(B) of this section, the amendments by this act to section 5747.01 103864
of the Revised Code provides for or is essential to implementation 103865
of a tax levy. Therefore, under Ohio Constitution, Article II, 103866
Section 1d, the amendments are not subject to the referendum and 103867
go into immediate effect when this act becomes law. 103868

(B) The amendment to division (A)(10) of section 5747.01 of 103869
the Revised Code is subject to the referendum. Therefore, under 103870
Ohio Constitution, Article II, Section 1c and section 1.471 of the 103871
Revised Code, the amendment takes effect on the ninety-first day 103872

after this act is filed with the Secretary of State. If, however, 103873
a referendum petition is filed against the amendment, the 103874
amendment, unless rejected at the referendum, takes effect at the 103875
earliest time permitted by law. 103876

Section 615.03. Except as otherwise specifically provided in 103877
this act, the uncodified sections of law amended or enacted in 103878
this act, and the items of law of which the uncodified sections of 103879
law amended or enacted in this act are composed, are not subject 103880
to the referendum. Therefore, under Ohio Constitution, Article II, 103881
Section 1d and section 1.471 of the Revised Code, the uncodified 103882
sections of law amended or enacted in this act, and the items of 103883
law of which the uncodified sections of law amended or enacted in 103884
this act are composed, go into immediate effect when this act 103885
becomes law. 103886

Section 615.06. Uncodified sections of law amended or enacted 103887
in this act, and items of law contained within the uncodified 103888
sections of law amended or enacted in this act, that are marked 103889
with an asterisk are subject to the referendum. Therefore, under 103890
Ohio Constitution, Article II, Section 1c and section 1.471 of the 103891
Revised Code, the uncodified sections and items of law marked with 103892
an asterisk take effect on the ninety-first day after this act is 103893
filed with the Secretary of State. If, however, a referendum 103894
petition is filed against an uncodified section or item of law 103895
marked with an asterisk, the uncodified section or item of law 103896
marked with an asterisk, unless rejected at the referendum, takes 103897
effect at the earliest time permitted by law. 103898

If the amending and existing repeal clauses commanding the 103899
amendment of an uncodified section of law are both marked with 103900
asterisks, the uncodified section as amended is deemed also to 103901
have been marked with an asterisk. 103902

An asterisk marking an uncodified section or item of law has 103903
the form *. 103904

This section defines the meaning and form of, but is not 103905
itself to be considered marked with, an asterisk. 103906

Section 615.90. If the amendment or enactment in this act of 103907
a codified or uncodified section of law is subject to the 103908
referendum, the corresponding indications in the amending, 103909
enacting, or existing repeal clauses commanding the amendment or 103910
enactment also are subject to the referendum, along with the 103911
amendment or enactment. If the amendment or enactment by this act 103912
of a codified or uncodified section of law is not subject to the 103913
referendum, the corresponding indications in the amending, 103914
enacting, or existing repeal clauses commanding the amendment or 103915
enactment also are not subject to the referendum, the same as the 103916
amendment or enactment. 103917

Section 618.03. The amendment of sections 5112.03 and 5112.08 103918
of the Revised Code are not intended to supersede the earlier 103919
repeal, with delayed effective date, of those sections. 103920

Section 618.06. The General Assembly, applying the principle 103921
stated in division (B) of section 1.52 of the Revised Code that 103922
amendments are to be harmonized if reasonably capable of 103923
simultaneous operation, finds that the following sections, 103924
presented in this act as composites of the sections as amended by 103925
the acts indicated, are the resulting versions of the sections in 103926
effect prior to the effective date of the sections as presented in 103927
this act: 103928

Section 122.74 of the Revised Code as amended by both Am. 103929
Sub. H.B. 356 and Am. Sub. S.B. 310 of the 121st General Assembly. 103930

Section 307.37 of the Revised Code as amended by both Am. 103931
Sub. H.B. 175 and Sub. H.B. 231 of the 125th General Assembly. 103932

Section 307.86 of the Revised Code as amended by both Am. Sub. H.B. 11 and Sub. H.B. 230 of the 125th General Assembly.	103933 103934
Section 2921.13 of the Revised Code as amended by Am. Sub. H.B. 12, Am. Sub. H.B. 95, and Am. Sub. H.B. 311 of the 125th General Assembly.	103935 103936 103937
Section 3314.03 of the Revised Code as amended by both Am. Sub. H.B. 3 and Am. Sub. H.B. 95 of the 125th General Assembly.	103938 103939
Section 3317.023 of the Revised Code as amended by both Am. Sub. H.B. 3 and Am. Sub. H.B. 95 of the 125th General Assembly.	103940 103941
Section 3317.026 of the Revised Code as amended by both Sub. H.B. 129 and Sub. S.B. 200 of the 124th General Assembly.	103942 103943
Section 3704.035 of the Revised Code as amended by both Am. Sub. S.B. 18 and Am. Sub. S.B. 153 of the 120th General Assembly.	103944 103945
Section 4503.571 of the Revised Code as amended by both Am. Sub. S.B. 120 and Am. Sub. S.B. 232 of the 123rd General Assembly.	103946 103947
Section 4723.341 of the Revised Code as amended by both Sub. H.B. 511 and Am. Sub. S.B. 180 of the 123rd General Assembly.	103948 103949
Section 5739.01 of the Revised Code as amended by both Am. Sub. H.B. 95 and Am. Sub. S.B. 37 of the 125th General Assembly.	103950 103951
Section 5739.02 of the Revised Code as amended by both Am. Sub. H.B. 95 and Am. Sub. S.B. 37 of the 125th General Assembly.	103952 103953
Section 5741.02 of the Revised Code as amended by Am. Sub. H.B. 95, Am. Sub. S.B. 37, and Sub. S.B. 47 of the 125th General Assembly.	103954 103955 103956
Section 5743.03 of the Revised Code as amended by both Am. Sub. S.B. 242 and Am. Sub. S.B. 261 of the 124th General Assembly.	103957 103958
Section 6121.04 of the Revised Code as amended by both Sub. H.B. 601 and Am. Sub. H.B. 628 of the 123rd General Assembly.	103959 103960